The House met at 10 a.m.
The Reverend John Putka, S.M., Ph.D., Department of Political Science, University of Dayton, Dayton, Ohio, offered the following prayer:

Eternal God and Father of us all, in scripture we read that:

Unless the Lord build the house, They labor in vain who build it;
Unless the Lord guard the city, In vain do the watchmen keep vigil.

In vain do the watchmen keep vigil.

They labor in vain who build it;
Unless the Lord guard the city.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Ohio (Mr. BOEHNER). Other Members of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 195
Resolved, That at any time after the adoption of this resolution on the Speaker pro tempore, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General order of business shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

Sec. 1. The Committee on Rules, by a majority vote, may designate the chairman and ranking minority member of the Committee on Armed Services as the chairman and ranking minority member of the Committee on Armed Services.

Sec. 2. (a) There shall be no further amendment to the amendment in the nature of a substitute made in order as original bill for an amendment offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) No further amendment to the amendment in the nature of a substitute made in order as original bill shall be in order except amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

Sec. 3. Except as provided in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, amendments printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of further debate on any pending amendment).

Sec. 4. All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

Sec. 5. The first time after the legislative day of May 27, 1999, the Speaker declares the House resolved into the Committee of the Whole House on the state of the Union for further consideration of H.R. 1401 an additional period of general debate shall be in order, which shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

Sec. 6. It shall be in order at any time for the chairman of the Committee on Armed Services to offer his designation of amendments en bloc consisting of amendments printed in part C of the report of the Committee on

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be navigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1221. An act to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

The message also announced that pursuant to Public Law 105-275, the Chair, on behalf of the President pro tempore, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress—Janet L. Brown, of South Dakota; and Mickey Hart, of California.
The rule also waives all points of order against the amendment in the nature of a substitute, as modified.

The rule makes in order only those amendments printed in the Committee on Rules report and pro forma amendments printed in part B of the Committee on Armed Services, committee designated amendments, and ranking minority member of the Committee on Armed Services for the purpose of debate.

Amendments printed in part C of the Committee on Rules report may be offered en bloc. Except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, and shall be considered as read, and shall not be subject to a demand for division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule waives all points of order against amendments printed in the Committee on Rules report and those amendments en bloc described in section 3 of the resolution.

The rule provides for an additional 1 hour of general debate at the beginning of the second legislative day of consideration of H.R. 1401, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule authorizes the Chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of the amendments in part C of the Committee on Rules report or germane modifications thereto, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike, and in the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment, included in such amendments en bloc, may offer a statement in the CONGRESSIONAL RECORD immediately before the dispositions of the en bloc amendments.

The rule allows the Chairman of the Committee of the Whole to recognize, with or without in- structing Committee on Rules, H.R. 1401 is a good bill. It is a bill that will allow all of us to rest a little easier at night knowing that our national defense is stronger and that we have taken good care of our real troops.

We now know that China has stolen our nuclear technology, something the Soviet Union could not do during the entire Cold War.

We are providing for a national missile defense system so that we can stop a war from China if that day ever comes. We are boosting the military's budget for weapons and ammunition, and we are tightening security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Mr. Speaker, the Committee on Rules received 89 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could. The rule allows for a full and open debate on all the major sources of controversy, including publicly funded abortions and nuclear lab security. It allows for debate on a lot of smaller issues, too.

I ask my colleagues to strongly support this rule and to support the underlying bill so we can have this good discussion on the floor today. Now more than ever we must provide for our national security.

Mr. Speaker, I include the following letter for the RECORD:


Hon. J. DENNIS HASTERT, Speaker, U.S. House of Representatives, Washington, DC.

DEAR Mr. SPEAKER: In his recent letter, the President indicated that the Administration considers unacceptable Section 1006 of the House Armed Services Committee's FY 2000 Defense Authorization bill, which restricts FY 2000 funds available to the Defense Department to be used for supporting Kosovo military operations. Thus, the President indicated that Congress were to enact a Defense Authorization bill that included Section 1006, he would veto it. In an effort to resolve this issue, you asked for my thoughts regarding Administration's possible actions to ensure that our military forces in Kosovo receive adequate resources.
Throughout the debate on the recently passed emergency supplemental for Kosovo and other activities, the Administration was clear about its objectives for funding Department and Defense needs—that our forces involved in the Kosovo military operation are fully funded to conduct their mission and that the military readiness of all other U.S. forces are protected. We believe that the President’s supplemental request achieved these objectives. Consistent with current practice, the President must retain the flexibility to access funding sources to respond to immediate needs, much as he has done in the past. We, of course, will work with the President to ensure that any emergency requirements are fully funded, as well as to ensure that other priorities—such as military readiness and modernization—are protected. With regard to Kosovo funding requirements that may develop beyond the FY 1999 Emergency Supplemental Appropriation, to the extent that these requirements exceed an amount that could be managed within the normal reprogramming process without harming military readiness, we will submit either a budget amendment or a supplemental appropriations request.

Sincerely,

JACOB J. LEW, Director.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DIXON).

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to announce that on Thursday, June 10, the House Permanent Select Committee on Intelligence will hold a public meeting to examine the Chinese embassy bombing. Witnesses from the Permanent Select Committee on Intelligence, including the Director of Central Intelligence and from the Department of Defense are expected to attend.

It is the committee’s intention that this hearing will provide the American people with a clear understanding of why this tragic event occurred.

Mr. Speaker, on May 7, 1999, the Embassy of the People’s Republic of China in Belgrade was bombed by U.S. aircraft acting as part of the NATO operation in Yugoslavia. The embassy bombing was mis-identified as the Yugoslavian Federal Directorate of Supply and Procurement, the intended target.

That mistakes were made, is clear. We need to know why, and what can be done to lessen the chance that similar mistakes will be made in the future.

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Mr. Speaker, I am pleased to yield to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me. I want to confirm that the bipartisan House Permanent Select Committee on Intelligence is obviously well aware of our colleagues’ concerns on what went wrong in the bombing, and we are going to do our best to provide information to all Americans who are interested in the subject.

It was a bad mistake, it had serious consequences and we believe the public right to know in this matter needs to be brought forth in a timely way, and we believe this schedule will work.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3401, the Fiscal Year 2000 National Defense Authorization Act, and I will reluctantly support this rule.

The Republican majority on the Committee on Rules has recommended a rule to the House which denies Democratic Members the right to offer important policy amendments, and it is for that reason that some Members of the Democratic Caucus will not support this rule.

Mr. Speaker, the Committee on Rules reported this rule at 11 o’clock last night on a straight party line vote. I opposed this rule in committee because the Republican majority specifically excluded four major amendments that Democrats had considered top priority amendments. Two of those amendments were bipartisan amendment relating to matters of great importance to our national security.

It only seems logical that for matters of such a serious nature that the House afford the opportunity to consider a bipartisan response. This rule closes off that opportunity, and the debate in the House will suffer as a result.

Specifically, Mr. Speaker, this rule does not allow an amendment proposed by the gentleman from Washington (Mr. DICKS) or amendments proposed by the gentleman from North Carolina (Mr. S PRATT), but by the gentleman from South Carolina (Mr. G R A H A M), the gentleman from Texas (Mr. WILSON), the gentleman from Virginia (Mr. B L I L E Y), the chairman of the Committee on Commerce, which also has jurisdiction over the Department of Energy, His amendment was cosponsored by the gentleman from Michigan (Mr. D IN G E L L), the chairman of the Committee on Armed Services.

In addition, the chairman and Ranking Democrat of the Committee on Armed Services, were sponsors of the Dingell amendment.

The chairman of the Committee on Rules last night said it was not necessary to make the Dingell amendment and that Members of the Dingell amendment were included in an amendment which will be offered by the chairman of the Committee on Armed Services.

Mr. Speaker, there is a difference of opinion about how closely theSpence amendment tracks the intent of the Dingell amendment. In the interests of comity, I think it would have been preferable for the Committee on Rules to allow the Dicks amendment to be considered by the full House.

Finally, the Republican majority of the Committee on Rules excluded amendments proposed by the gentleman from New York (Ms. VELAZQUEZ) and the gentleman from Arizona (Mr. G O N Z A L E Z) and these amendments seek to extend a program which has established contract goals for minority and other disadvantaged businesses for the Department of Defense, yet the Republican majority on the Committee on Rules failed to make this important matter part of our discussion during the consideration of the bill.

Mr. Speaker, there will be a number of speakers who will follow me in this debate who oppose the rule, and I would certainly hope that the Republican leadership will listen very carefully to what they have to say. These are Members who have substantive expertise in the issues before us, and it is, quite frankly, demeaning to this body that they should have been excluded from the debate.

I would like to say, however, that the bill made in order by the rule is a good bill. Mr. Speaker, when we ask our men and women in uniform to shoulder such an important burden, it is vital that we make sure that they have the best training and the best
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equipment and that they be fully compensated for the work they do. It is our responsibility to make sure that all of those things happen. Mr. Speaker, I believe this bill goes a long way toward meeting that responsibility.

The bill provides a 1.5 percent pay raise effective next January and, more importantly, ensures that future pay raises for the military will keep pace with private sector pay increases. I cannot stress too much how important this provision is to the retention problem that we currently face with our active duty military.

The bill also renews retirement pay and bonus provisions, reforms the reenlistment program and creates several new special pay programs specifically designed to enhance retention. The Committee on Armed Services is to be commended for its excellent work in this area. I would also like to commend the committee for its inclusion of $250.1 million to procure 10 F-16C aircraft, as the President had requested, as well as the requested funds for the F-22 Raptor, the next-generation air dominance fighter. This bill contains $1.2 billion for research and development, $1.6 billion for six low-rate initial production aircraft, and $277.1 million for advance procurement of 10 LRIP aircraft in fiscal year 2000.

The bill also provides $987.4 million for 11, V-22s, one aircraft more than the President’s request. The Committee on Armed Services has acted wisely by adding this additional aircraft so that the Marine Corps will be able to quickly replace its aging fleet of CH-46 helicopters.

Mr. Speaker, H.R. 1401 is a good bill, a bill we can be proud of. But, Mr. Speaker, this rule does not reflect the bipartisan support of the bill it makes in order. I will oppose the previous vote on this rule. Certainly it should challenge all of us on the final passage of this bill, because much of this money will not be spent on the national defense, but to perpetuate war, which is a direct distraction from our national defense because it involves increasing our national security. It does not protect our national security.

It might be well to also note that this bill does not do much more for fiscal conservatives who asked for a certain amount for the defense of this country, but we have seen fit to raise him more than $8 billion, spend more money, more money that is so often not spent in our national defense. At the same time, we must also reemphasize that when we vote on this bill, and this rule allows it, more than $10 billion will be in excess of the budget agreement of 1997.

Mr. FROSCH. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKs).

Mr. DICKS. Mr. Speaker, we must defeat this rule today. We must defeat it because it lets down the American people. It strips the House from voting on vital changes to policies and procedures of the Department of Energy, procedures that have led directly to the loss of some of our Nation’s most valuable secrets.

Let me read to my colleagues a list of some of the national security protections the House will not be allowed to vote on today if this rule passes.

The House will not be allowed to vote to double penalties on the traitors who betray our Nation by divulging our secrets. The House will not be allowed to vote to ensure that seasoned FBI counterintelligence professionals are hired at the national labs to perform counterintelligence. The House will not be allowed to vote to ensure that never again are counterintelligence agents forced to stand by, unable to search the office or computer of a spy while our Nation’s secrets are being poured straight into the arms of potential adversaries.

The House will not be allowed to vote to give the Secretary of Energy the authority to expedite polygraphing of people with access to our most sensitive nuclear secrets, even if the Secretary believes that doing so is vital to protect our national security.

The House will not be allowed to vote to protect individuals who risked their own careers by bringing to light security lapses at DOE before important secrets are lost. The House will not be allowed to vote to require a comprehensive outside analysis of computer vulnerabilities at the national labs. And the House will not be allowed to require a study of the FBI and the NSA to find open ways into DOE’s classified system and close them.

Mr. Speaker, it is simply an outrage that the House has been denied a vote on these measures. But the most disappointing is the reason why this has been done. The flaw which kept the House from voting for any of these measures is that they were part of a bipartisan bill which was agreed to by both Republicans and Democrats; thoughtful national security experts, like the gentleman from Texas (Mr. THORNBERRY), the gentleman from South Carolina (Mr. GRAHAM), and the gentlewoman from New Mexico (Mrs. WILSON) joined with me and the gentleman from South Carolina (Mr. SPRATT), the gentlewoman from Arkansas (Mr. SLYNDER), and the gentlewoman from California (Mrs. TAUSCHER).

Combined, these Members have over 50 years of service on National Security Committees of the House, but we were denied because we chose to work together.

I also understand that an amendment offered by two Republican full committee chairmen (Mr. DINGELL, the longest serving and one of the most respected Members of this House, who warned everyone about problems at DOE when everything we have lost today could have still been saved, was denied a vote in the House) was omitted from this bill.

Today is a low day for the House, Mr. Speaker, unless we turn back this rule and start over.

The gentleman from California (Mr. CARPENTER) I want to get together on a bipartisan basis to bring to this House our best recommendations on what could be done to improve national security at these labs, and I am very
disappointed that the Republican leadership has chosen to take a partisan approach to implementing our report. We spent 9 months working on this. We did our very best to give the House our best work product and to have the first efforts to implement the recommendations turned down by the Committee on Rules is an insult to the people who served on this committee.

It was a bipartisan effort. Everyone on the committee was asked to join as cosponsors. I do not understand this. I am very distressed. I think that the people and the press will take note of the fact that within hours of our report being presented to the House, already partisan considerations in terms of implementing these recommendations are being put forward. It is an insult.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN asked and was given permission to revise and extend his remarks.

Mr. HANSEN. Mr. Speaker, I rise on this particular bill as a Member of the Committee on Armed Services. I am distraught and somewhat upset that there is so little money going into the military at a time when it is being cut back so dramatically.

Mr. Speaker, what I wanted to talk about today is a provision I put in the bill that the subcommittee chaired by the gentleman from Colorado (Mr. Hefley). In Utah, we have what is called the Utah Test and Training Range. It is a huge range, and probably one of the jewels as far as training ranges go. It has a place for the cruise missile, the tactical missile. The F-16 out of Hill is used there; the F-15 out of Nellis; the Navy uses out of Fallon, Nevada, it is used out of Mountaon Home. It is 0 to 58,000 feet of clear airspace. There is no other place like that in the world that the United States has.

We tried to protect that and have done our very best to do it. At the present time, the Governor of the State of Utah, Mike Leavitt, and the Secretary of the Interior, Mr. Babbitt, are working on trying to come up with some kind of wilderness issue along the west side of Utah. I have to compliment both the Secretary and the Governor for the good work they have done.

But it has been a while, bringing this to pass, we found ourselves in a situation that we had to protect the Utah Test and Training Range, and so in this bill that we have coming up there is an issue about protecting that range. I have now talked to both the Secretary, and the Governor and this language is no longer necessary with the bill that will come about eventually; and therefore, at the proper time, and working with leadership and working with the Parliamentary and others, we will strike this language.

I am not quite sure where that is, but I wanted to make people aware of that. There are a lot of folks, though, who have a total misunderstanding of how this system worked, who thought this was not done correctly. It was done correctly and in the open light of day, and this will be done at the proper time. I wanted to let the House know that that will be done, which will take care of the issue that is being raised which seems to be bothering some of the folks from the environmental community who, frankly, do not understand the procedure.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT). Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, you need to have served here in the 1990s when the Democrats had a majority, and by a wide margin, to understand how unfair, outrageous and insulting this rule is. We had restricted rules then. We had closed rules then. But when the defense authorization bill came to the floor in those days, we were spending big money and it was felt that this was a free market-place of ideas.

I have seen years in the past when we had hundreds of amendments, 200 or more amendments on the Committee on Rules, and half of them were made in order. We came to the floor on some occasions and it took us 2 to 3 weeks to get off the floor, but we had a free marketplace of ideas and a full and robust debate and robjij not have that full and robust debate today on a matter of utmost importance.

The gentleman from Washington (Mr. DICKS) has told us that together with me and other Members, bipartisan, we sat down and took the recommendations of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China and implemented them with respect to the Department of Energy and the national laboratories. We have made a series of serious substantive recommendations supported by Members who know best because they come from those areas where these facilities are located: the gentleman from New Mexico (Mrs. HEATHER WILSON), who has Los Alamos; the gentleman from South Carolina (Mr. GRAHAM), who has Savannah River; the gentleman from California (Mrs. TAUSCHER), who has Lawrence Livermore. They participated in the formulation of the amendment. A truly bipartisan effort. Is it made in order? No. Now, in years past it was unthought of for senior members of the committee, for ranking members of serious committees of the House, when they offered a substantive serious amendment, not a curve ball, not an undercut, and this is not that at all anyway, this is substantive legislation, to be stiff-armed like this by the Committee on Rules and the other side of the aisle. This rule says we have time to consider how we are going to buy modular firefighting equipment, but not this important bipartisan amendment.

This is a travesty. This is not the way to run the House of Representatives. We should defeat this rule and let everyone know that in the future, when efforts like this are made, they deserve at least a hearing in the well of the House.

Mr. SPRATT. But, if the gentleman will yield, there is no discussion about the amendment which we offered which we have worked on for 2 weeks and in which there has been broad bipartisan participation. This is an outrage. We should at least be able to talk about it in order on the House floor.

Mrs. MYRICK. Reclaiming my time, we had 89 amendments to consider in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.

Mr. WELDON of Pennsylvania. First of all, I thank the gentlewoman for yielding.

Mr. Speaker, just to respond to my good friend and someone for whom I have the highest respect, I do not know no Republican on the Cox committee that was consulted on the amendment. I was not. As the gentleman knows, I spend a lot of time on these issues in the Cox committee. I take my work on the Cox committee very seriously. There is no member of the Cox committee on our side of the aisle who is on that amendment because I was not aware of it.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPRATT. It is my understanding the gentleman from Washington (Mr. DICKS) talked to the gentleman from California (Mr. Cox) about it and that my staff talked to your staff about it.

Mr. WELDON of Pennsylvania. No. I am not a cosponsor of the amendment, did not know it was coming up, would have helped the gentleman in the Committee on Rules if I would have known. But I just found out from the gentleman from Texas (Mr. THORNBERY). He is on it.

I am just saying, I think we would have had a better chance for a truly bipartisan effort if the Republicans on
the Cox committee had been involved and engaged to help make this process before it.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Washington.

Mr. DICKS. We gave this to the chairman, and I talked to him about it two or three times as we were doing these appearances. Dis-mittedly, with all the attention there has been on getting this report out, we may not have done our finest job in getting this to everybody as quickly as possible, and I regret that, but the chairman was amendable and I asked him to cosponsor it.

Mr. SPRATT. I am told that our staff met with your staff last week and gave you a copy. We would have been happy to have you as a cosponsor.

Mr. DICKS. The chairman was busy, too, though.

Mr. WELDON of Pennsylvania. Re-claiming my time, I would be happy to work with my colleagues and friends because we have good ideas. As our friends know, there were 38 rec-ommendations in the Cox committee. In fact, I was somewhat appalled that the White House spun a public response to those 38 confidential recommenda-tions on February 1, before the Direc-tor of the CIA had even read the report, which he said 2 days later on February 3.

I think a constructive approach to solving the problems identified in the Cox committee is in order. I will pledge to work with both of my friends in that regard.

Mr. DICKS. We appreciate that.

Mr. WELDON of Pennsylvania. I just wanted to clarify that, that I would like to have been a part of that effort and will pledge to work with you in the future.

This rule, I ask that our Members support it. It is a good rule. There are some things I perhaps would have done differently, but it is a good rule in a very large bill.

I want to point to some specific things that are in here. We took the recommendations of Deputy Secretary John Hamre and his Chief Information Dominance Officer Art Money and we increased what they asked us for.

We see cyberterrorism and the use of information technology as a major weapon in the future of rogue nations. We increase the requests in those areas, so this Congress has been moving ahead of the request by the Pent-agon in that area. We, I think, re-vered what would have been one of the most destabilizing issues in working with the Russians that we have. The administration originally proposed defunding the only cooperative pro-gram we have with Russia on missile defense technology. That was the RAM program. That alarmed the Russians. We have heard a lot of the rhetoric about missile defense itself and steps that we are taking to back Russia into a corner.

It was in this bill that we Restore that funding with the cooperation of our colleague on the other side, Sen-ator Levin, who felt it was critically important that we reverse this decision by the administration.

This rule is worthy of our support. I ask our colleagues to vote “yes.”

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massa-chusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rule does not end the administration's original proposal to defund the only cooperative program to avoid open discussion and debate on the most important national security issues. Let us put aside the suggestion that time dictated that.

The gentlewoman from North Caro-lina said, well, there were 89 amend-ments submitted. The leadership that decided not to go forward with the de-bate on these significant issues gave us a presentation on a few days off in the off week that were scheduled for work. The original work schedule called for us to meet next week. Three days were canceled. So it was not time. It was a political decision.

We have 40 other cosponsors. Members who say, and some on this side, that one of the problems that is driving the military budget and causing strains in the budget like we just saw agony on this floor over the agriculture bill. Why? Because there is a general per-ception that the amount of money we have to work with does not equal the amount that people think is necessary to meet various programmatic needs. Clearly, as you increase military spending, you cause a problem there.

One argument has been, we have to increase military spending because the Clinton administration has exceeded its capacity by overcommitment. Now, that is a valid argument to be debated, but we will not be debating it here, be-cause that is too hard. That is one that might make people mad politically. That is too fundamental. We will de-bate the proceeds of the dairy farm at the Naval Academy and strength equipment and whether or not it is being bought right, and nonsecure tactical radios for the 82nd Airborne. Those will all be separately debated.

But should America continue to have 100,000 ground troops in Western Eu-rope on a permanent basis subsidizing the Europeans 50-some-odd years after the end of World War II? Nine of us, five Republicans and four Democrats, put together an amendment to say, let us cut that to 25,000, subject to the President's right to send more if there is an emergency, an absolutely unammeled right to say in an emer-gency, they go over, but as an ongoing, permanent situation, let us not con-tinue to have 100,000 American troops there.

Many of my Republican colleagues say, “Well, we don’t want ground troops going into Kosovo. We didn’t want ground troops in Bosnia.” I have agreed with that, but I am willing to vote that way. What we have are people who want the easy rhetorical out of denouncing something, but do not want to get caught voting for it because voting for it might someday have political consequences.

So this leadership refuses to allow the House to debate an amendment put forward by five Republican, three Democratic and one Independent Mem-ber to say, “Let’s reduce troops from Europe.”

Just a year ago, a group of us began working on burdensharing, on saying to our wealthy allies in Japan and Europe and in a few other places, the American taxpayer cannot keep paying that defense burden. We have had some successes. It has been bipartisan. My friend from Connecticut and I have been working on it.

The gentleman from California (Mr. ROHRABACHER) is here. The gentleman from Michigan (Mr. BONIOR), Ms. Schroder when she was here, we had a bipartisan amendment on the first time in my memory, the first time since 1989, when we have been refused an opportunity to debate burdensharing.

So I say to the people of Eu-rope, I hope you are grateful to the Repub-lican leadership, because having ended one welfare program, they de-cided to keep another. They are keep-ing the most expensive welfare pro-gram in human history, the one by our American taxpayers year after year—cannot give all the years because it has been since 1945—in which we subsidize the budgets of Western Europe.

Now, you may think America ought to keep 100,000 troops in Western Eu-rope so the Europeans can cut their budget, even though we do not ever want to use those troops, but how do you justify in the House of Representa-tives of this great democracy not al-low it to be debated and voted on?

There is nothing in this bill, nothing. I take it back, there is one thing, there is an amendment that would say, we will remove our troops from Haiti on a permanent basis, one of the smaller interventions. But I heard the gen-teman from California (Mr. CUNNINGHAM) talk about Bosnia, Kosovo, Somalia, Rwanda, et cetera.

People decenounce the level of commit-ment and say that is driving up the cost of defense. But this is your after-the-fact deliberately guarantees that whether or not we should maintain those commit-ments will not be debated. It is very cowardly. It is a stance of people who want to use those troops, but do not want to be debat-ed and voted on? It is easy to wave your arms and de-nounce all these commitments, but then, however, to guarantee that they cannot be debated on the floor.

Members never have to take responsi-bility for what they proclaim politi-cally is unworthy of a democratic proc-ess.

This bill ought to be, as it was in the past, as the gentleman from South
Carolina said, the form in which this great democratic body debates, should we have a two-war strategy? What kind of nuclear strategy should we have? What should the role of the American armed forces be?

You demean democracy with this refusal to allow fundamental issues even to be debated.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume. I would just like to clarify that for the last amendment bill has always been structured. There are over 16 hours of debate. There are 39 amendments, the same as always, on this defense bill.

As to the question of the gentleman from Washington (Mr. DICKS) regarding that subject, there are 10 amendments that have been made in order on that subject, one of which is the gentleman from Washington’s.

I would also like to say that yesterday in the Committee on Rules that the ranking minority member, the gentleman from Missouri (Mr. SELTON), said it was the best defense authorization bill he had ever seen except for one provision regarding Kosovo which we have dealt with.

According to the ratio, also there are more Republican amendments filed than Democrat amendments that were filed, which is the norm.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me time. I just want to say from the outset that I have serious reservations about this rule, and I have serious reservations about our military. I believe our military is in a terrible state. It is inadequate. It is not as strong as it should be because, in my judgment, we have too many bases at home and abroad. Our military is not as strong as it should be because we are not spending adequate funds on our military.

We have asked the Japanese to pay their fair share of the nonsalary costs of stationing our troops overseas. We have asked the Japanese to pay their fair share. They pay over 75 percent of the nonsalary costs. The Japanese give us more than $3 billion in actual cash payment for the 40,000 U.S. troops stationed in Japan.

The Japanese give us more than 100,000 of our troops on their soil and they give us a grand total of $200 million. We offered an amendment, five Republicans and four Democrats, to initiate a U.S. troop reduction in Europe from 100,000 to 25,000 over 3 years. We thought this was a very sensible proposal. We thought it should have been debated.

I just want to express again my reservation that this amendment was not marked up. We have an ability to do more for the defense of their part of this world. They have the ability to pay more, but if we do not ask them to, they will not do so. They will be more than grateful to get this welfare from these United States.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am disgusted today. We are going to debate defense, and we are not addressing issues that truly and fundamentally support the armed forces.

The bill that was distributed to the membership had a ban on funds even more broadly than that, but that is not in order.

How can we debate about our Armed Forces and whether we need to rebuild and restructure our armed forces and not debate the one thing that is depleting, that is unifying Jimmy Carter and his great editorial today in the New York Times saying civilians are victims of our flawed approach, and Henry Kissinger and an increasing majority of Americans realizing that we are burning up in a futile effort, in an effort over there that is actually worsening world conditions without accomplishing its goals; how can we have a defense authorization debate and, for that matter, an appropriations debate without allowing amendments that would restrict these funds in the name of a military buildup while armed forces are being destroyed is beyond me.

I have not voted against a rule this year or a procedure, but I cannot in good conscience vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise to register my concern and my disappointment that this rule eliminates a portion of the bill that would have blocked funding for the further prosecution of the war in Kosovo and Serbia beyond October 1, 1999. As such, it has canceled debate over U.S. and NATO policy at a critical moment. The world is proceeding without the requisite permission of Congress prescribed by Article I, Section 8, of the Constitution. We are correctly concerned about the plight of the Kosovar Albanians, but we should be no less concerned about our own constitutional process. An air war has continued despite Congress' disapproval.

This war has imposed death and destruction on innocent civilians. A great American war is losing. As we speak, 50,000 NATO troops are massing at the Kosovo border. British Defense Secretary George Robertson yesterday told NBC news that said troops would go into the southern Serbian province at the earliest possible time and may well face a hostile environment.

The United States is about to send its sons and daughters into a death trap in Kosovo, and this Congress will not have, with this rule, a moment to debate this awful prospect. This, even as we proceed with an authorization of the budget of the Department of Defense.
May 27, 1999

CONGRESSIONAL RECORD – HOUSE

H3705

Today’s reports of the war crime indiction of Slobodan Milosevic are fueling the fiery coals of war glowing in the eyes of NATO hawks. This means a ground war they call down. Congress must speak out clearly and convincingly to a ground war. Congress should pass Mr. WELDON’s House Resolution 99 which calls for a peaceful resolution of this war through negotiations to stop the bombing, remove Serb troops from Kosovo, cease the military activities of the KLA, repatriate refugees, lift all embargoes, and arms embargoes under the watchful eyes of armed international peacekeepers.

Even at this moment peace is still possible without further war, but peace becomes increasingly difficult without further debate, and peace becomes increasingly distant without imposing limitations on this administration.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Weldon).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I rise to express my disappointment in this rule.

I read, as many Members did, with intense concern Mr. Cox report, and in particular I was very interested in the section on the proliferation of missile technology to the Communist Chinese primarily through them launching our satellites from China, and I was very pleased to see the report included language that said expansion of U.S. launch capacity is in the national security interests of the United States.

Further, it went on to say it is the national security interests of the United States that increase this launch capacity at the range, and I was extremely disappointed that this was not made in order, and I am extremely concerned that we, as a Congress, are not doing anything about this issue.

Mr. Speaker, I had an amendment that was not made in order that was attempting to address this issue simply by implementing something that the Air Force itself recommended in one of its own studies, and that is to add additional personnel at a launch range that would allow them to increase the capacity at the range, and I was extremely disappointed that this was not made in order, and I am extremely concerned that we, as a Congress, are not doing anything about this problem. We are complaining and getting very concerned about the proliferation of U.S. technology through the Communist Chinese going to all of these rogue nations like Iran and Iraq and North Korea, but here we are. We have a bill before us that attempts to do absolutely nothing to address this incredibly critical issue. We have U.S. satellite manufacturers building U.S. satellites and then going to Communist China to launch those satellites, and one of the reasons they do that is they cannot get the job without it scheduled war places like Cape Canaveral, and my amendment simply would have called for the expense of a very modest amount of money, $7 million, that would have dramatically increased the capacity at the launch range, and I am extremely disappointed that that amendment was not made in order.

Another feature of my amendment, which is something that is another example of the proliferation of missile technology from the United States to the Communist Chinese, is the Air Force has for years been raiding the accounts that are used to modernize the launch range. We still have equipment at these ranges that operate on vacuum tubes, and my amendment simply would say: Stop raiding this account, let us modernize these launch ranges, and make sure that it is operating efficiently and at low costs.

Mr. Speaker, I am extremely disappointed in this rule. This is truly a national security issue, the proliferation and the transmission of U.S. technology to the Communist Chinese. We are not doing anything about it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this rule. I would like to remind my colleagues that they have but one chance a year to define defense policy for the United States of America, and that is the defense authorization bill.

But I also like to remind my colleagues that Article I, Section 8 of the United States Constitution provides that Congress shall have the power to provide for the common defense, to declare war, to raise and support armies, to make rules for the government and regulation of the land and naval forces.

For over 60 days American airmen have been at war in the Federal Republic of Yugoslavia, and for 60 days neither the President of the United States, nor the Congress of the United States, has said what we hope to accomplish.

I had offered an amendment that would state America’s goals in this conflict. I realize many of my colleagues wish it had not happened. I think for the sake of the people who are fighting this war we need to do one or the other. Either let those who are opposed to it prevail and get the troops out or establish a clearly definable set of goals so that we know what we are aiming for as a Nation in Yugoslavia.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition; that is, opposition, to this rule.

When the Committee on Armed Services reported this bill, it very wisely included a provision saying that the funds in this bill for fiscal year 2000 could not be used for continuing the war in Kosovo for another year. But the Committee on Rules has decided and have taken it upon themselves to extend that provision. That means, if we are to adopt this rule, this bill would become an authorization to continue the war for another year.

This is unconscionable. If our leadership or the Committee on Rules wants to authorize the continuation of this war in the Balkans, they should allow an up-or-down vote on that issue. Instead, they have made this rule a vote on whether or not to continue the war in the Balkans.

I say vote no on keeping this war going into the next millennium, vote no on this rule, and send a message to the leadership of both parties that we expect this body to be handled in a democratic fashion and not automatically.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in opposition to this rule.

For the past 3 weeks, Mr. Speaker, a bipartisan group of Members has worked to develop a comprehensive, responsible approach to addressing our concerns over insufficient security at the national laboratories. This group included the gentleman from Washington (Mr. DICKS) and the gentlewoman from Texas (Mr. THORNBERRY), the Gentleman from California, and the General of New Mexico (Mrs. WILSON) and me.

Incredibly, the Committee on Rules has refused to allow this amendment to be considered by the House. Instead, Mr. Speaker, the Committee on Rules has decided to turn our Nation’s security into a partisan issue. It has resisted a sincere bipartisan effort to improve our counterintelligence programs and protect the secrets at our labs. The Dicks amendment, Mr. Speaker, would put into law many of the measures Energy Secretary Richardson has pledged to undertake. We would provide the Secretary the authority to implement polygraph examinations and protect the secrets at our labs. The Dicks amendment, Mr. Speaker, would put into law many of the measures Energy Secretary Richardson has pledged to undertake. We would provide the Secretary the authority to implement polygraph examinations and protect the secrets at our labs.

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Moreover, this rule removes whistleblower protection for employees who mishandle classified material, provide whistleblower protection for employees who report misdeeds and clarify that the Energy Secretary has the authority to order the examination of computers in offices owned by the Federal Government. Most importantly, our legislation would establish direct lines of counterintelligence authority at the Department of Energy with the ultimate responsibility resting with the Secretary. The greatest error in our counterintelligence efforts has been a lack of any clear individual responsible for protecting our Nation’s secrets. Energy Secretary Richardson has stepped forward to assume that responsibility, and our legislation would provide him the authority he needs to manage the job.

The Committee on Rules’ decision to bar this amendment from consideration is unfair, and I urge my colleagues to oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).
Mr. HAYES asked and was given permission to revise and extend his remarks.

Mr. HAYES. Mr. Speaker, I rise to strongly support this rule; I repeat, to strongly support the rule.

Now, Mr. Speaker, Members on both sides who have made very strong and compelling arguments about a number of very important issues. But Fort Bragg and Pope Air Force Base are an integral part of the Eighth District of North Carolina, and to me the issue here is simply putting forth a rule that allows us to buy ammunition for training, it allows us to buy fuel for our helicopters, it allows us to buy spare parts that are missing.

So I would simply ask that these very important issues not be laid aside but be temporarily displaced so that we can send a message and the material that are badly needed by our troops.

This rule is about advancing the cause of our men and women in the Armed Services, and both parties have done an excellent job of speaking out and saying this is the year of the troops.

So please join me, support this rule, and let us support our troops.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, this bill came out of the Committee on Armed Services with a provision that would have prohibited the use of any of the funds in the bill for operations in the Republic of Yugoslavia, whether it be for intelligence operations or peacekeeping operations. I was pleased that the gentleman from Missouri (Mr. SKELTON), the ranking Democrat, offered an amendment to try to strike that irresponsible language. I joined by all of the Democratic Members of the committee and a few Republicans, we still came up short, but I am pleased to see that the Committee on Rules has recognized the irresponsible language and has stricken it from the bill.

This language is irresponsible because on September 30 all funds would have been cut off for our military operations in Yugoslavia, and it would have endangered the lives of our men and women serving in the armed forces. We would have airmen in the air on a night when we would be telling our Defense Department they could no longer expend funds for their safety or their operations.

The language also sent a very terrible signal to President Milosevic at a very critical time in the negotiation process. The fate of the 1.5 million ethnic Albanians hangs in the balance and the moral imperative for involvement is undeniable. The NATO alliance which was formed out of the ashes of World War II has been instrumental in the peace and security of Europe for 50 years. It stood against the Communist threat until Western ideals of freedom and democracy prevailed. President Milosevic is the last remaining vestige of the old order in Eastern Europe.

The International War Crimes Tribunal has correctly indicted him for war crimes. His totalitarian rule, his repression of basic human rights, his manipulation of the mass media and his in comprehensible genocidal campaign of rape and murder has no place in civilized society.

The strength of our resolve against him will define national character for the 21st century, and will have great bearing upon the safety and security of the world that we pass on to our children and grandchildren.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I oppose this rule. A vote in favor of this rule is a green light to send U.S. ground troops into Kosovo and Yugoslavia. If my colleagues believe, as I believe, that Congress must approve first the sending of any American soldiers, then my colleagues should vote "no" on the rule.

The rule removes language which the Committee on Armed Services had put in to restrict the use of ground troops in Yugoslavia. A vote for the rule is a vote permitting those ground troops to be sent.

Mr. Speaker, we have a 10-day break before us. We do not want to send a message such as this on the eve of that break, especially since newspapers in Great Britain are reporting that the President is planning to send 90,000 troops to the area in October. The American media are reporting that airmen are being denied their normal discharges because they must stay to continue being a part of this unauthorized war being prosecuted by the President.

The Constitution says it is our obligation before any war should be undertaken. Follow the Constitution, do not give a green light unless Congress says so. Vote "no" on the rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I rise today with deep disappointment in the rule we have before us. I offered an amendment yesterday in the Committee on Rules that gave us a chance for this House to take an essential step toward helping unravel the mystery of the Gulf War illnesses.

I can see the difficult task of the Committee on Rules in drafting this bill with over 78 amendments. However, my amendment simply required the Department of Defense to follow up on the recommendations of the General Accounting Office regarding the presence of squalene antibodies in the blood of Gulf War veterans. To not allow this debate is irresponsible.

Mr. Speaker, we have over 100,000 sick Gulf War veterans in the United States today, and this House must stand in breach to protect and ensure that every avenue is pursued to find for our veterans the truth about Gulf War illnesses.

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to extend the debate for 30 minutes.

Mr. FROST. Mr. Speaker, I object. The SPEAKER pro tempore (Mr. LAHOOD). Objection is heard.

Mr. REYNOLDS. Mr. Speaker, as a member of the Committee on Rules, I think it is important to remind my colleagues that the Committee on Rules received 89 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could.

The rule clearly allows for full and open debate on all major sources of controversy, including publicly funded abortions and nuclear lab security. It also allows a lot of debate on a lot of smaller issues as well.

We live in a dangerous world, but Congress is doing something about it. Congress is working to protect our friends and family back home from our enemies abroad. There are some very important things that need to be understood that are contained in this legislation as it comes to the House.

Mr. REYNOLDS. Mr. Speaker, H.R. 1401 takes some of our enlisted men off of food stamps by giving them a 4.8 percent pay raise. It provides for a national missile defense system so we can stop a warhead from China if that day ever comes. H.R. 1401 balances the military budget for weapons and ammunition, providing $55.6 billion, $2.6 billion more than the President requested. And H.R. 1401 tightens security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Mr. Speaker, I urge passage of this rule so that debate can begin on the appropriations for our armed services.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida asked and was given permission to revise and extend his remarks.

Mr. DAVIS of Florida. Mr. Speaker, I think the case has been made here today by a broad number of Members, both Democrat and Republican, to defeat this rule. Let us go back and do this right.

The point has been made by the gentleman from California (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT) and others. Let us look at the very important lessons from the report that has just come out with respect to national security. In fairness to the committee, the report was just issued. But let us do it right the first time.

The Weldon amendment that was not allowed to be made in order by the Committee on Rules provides a perfect opportunity to respond to the recommendations that the Committee on Rules make in the United States domestic launch capacity instead of relying, unduly so, on other countries to launch communications satellites. The Weldon
amendment, which was the product of a study done by the Air Force, recommended a very specific investment by the Kennedy Space Center. There are other space centers around the country that are well suited for this investment.

Let us go back and do this right the first time. Let us begin to respond to the solutions identified by the Chris Cox report, and the Weldon amendment would be a good place to start.

Mrs. MYRICK. Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The gentleman from North Carolina withdraws the resolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1223

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 12 o'clock and 23 minutes p.m.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

Mrs. MYRICK. Mr. Speaker, the Committee on Rules is expected to meet the second week of June, when we return, to grant a rule which may restrict amendments for consideration of H.R. 45, the Nuclear Waste Policy Act of 1999.

Any Member contemplating an amendment to H.R. 45 should submit 55 copies of the amendment and a brief explanation of the amendment to the Speaker at the Office of the Clerk at 5:1313. Thank you very much.

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Designation of the Honorable Thomas M. Davis to Act as Speaker Pro Tempore to Sign Enrolled Bills and Joint Resolutions Through June 7, 1999

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, May 27, 1999.

I hereby appoint the Honorable Thomas M. Davis to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 7, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The Speaker pro tempore. Without objection, the designation is agreed to. There was no objection.

Designation of the Honorable Alcee L. Hastings, Member of Congress

The Speaker pro tempore laid before the House the following communication from the Honorable Alcee L. Hastings, Member of Congress:

WASHINGTON, DC, May 19, 1999.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I believe that I have been remiss in informing you that I have taken a leave of absence from the Committee on Science.

At the beginning of the 106th Congress I was appointed to the Select Committee on Intelligence. I am of the understanding that to serve on this select committee I am required to take a leave from one of my two permanent committee assignments. Therefore I have chosen to take a leave from the Committee on Science.

If you have any questions please feel free to contact either me or Ann Jacobs in my office at S-3131. Thank you very much.

Sincerely,

ALCEE L. HASTINGS,
Member of Congress.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

Continuation of Emergency with Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro)—Message from the President of the United States (H. Doc. 106-75)

The Speaker pro tempore laid before the House the following message from the President of the United States: Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1999, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 1999.

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue in effect previously blocked assets, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the “Resolution”), was an essential factor motivating Serbia and Montenegro’s acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initiated by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995 (hereinafter the “Peace Agreement”). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs...
were subsequently terminated by the United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond March 30, 1999.

On June 2, 1999, I issued Executive Order 13088, “Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Macedonia, and the Federation of Bosnia and Herzegovina, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo.” Since then, the government of President Milosevic has rejected the international community’s efforts to find a peaceful settlement for the crisis in Kosovo and has launched a massive campaign of ethnic cleansing that has displaced a large percentage of the population and been accompanied by an increasing number of atrocities. President Milosevic’s brutal assault against the people of Kosovo and his complete disregard for the requirements of the international community pose a threat to regional peace and stability.

President Milosevic’s actions continue to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond March 30, 1999.

WILLIAM J. CLINTON.


DISPENCING WITH CALENDAR
WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 9, 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 9, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZED BY THE SPEAKER MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, June 7, 1999, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, as the designs of the majority leader, I move that there is the House do now adjourn.

The motion was agreed to.

Executive Communications, Etc.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

2384. A letter from the Secretary, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; Wisconsin; Amendments to Implementation Plans; Kentucky; Revised Format for Materials Being Incorporated by Reference [FRL-6343-3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2385. A letter from the Secretary, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; Wisconsin; Changes in Flood Elevation Determinations [Docket No. FEMA-7284] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.


2389. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; Maine; Amendments to Implementation Plans; Maryland; Amendments to Implementation Plans; Massachusetts; Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; Montana; Amendments to Implementation Plans; New York; Amendments to Implementation Plans; New York; Through amendment of Tolerance for Emergency Exemption [OPP-300860; FRL-6346-6] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans Wisconsin; Amendments to Implementation Plans; Wisconsin; Revised Format for Materials Being Incorporated by Reference [FRL-6343-3] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans Wisconsin; Amendments to Implementation Plans; Wisconsin; Through amendment of Tolerance for Emergency Exemption [OPP-300861; FRL-6345-8] received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.


H.R. 1982. A bill to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Health Care Clinic"; to the Committee on Veterans' Affairs.

By Mrs. CLAYTON (for herself, Mr. POMEROY, Mrs. THURMAN, Mr. ETHERIDGE, Mr. PASTOR, Mr. TOWNS, and Mr. BISHOP):

H.R. 1983. A bill to amend the Consolidated Farm and Rural Development Act to improve agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CROWLEY (for himself, Ms. S. CLAYTON, Mr. PATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BENTSEN):

H.R. 1984. A bill to prevent the abuse of elderly people; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, Banking and Financial Services, Ways and Means, Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself and Mr. SKEEK):

H.R. 1985. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. SHAW, and Mr. PORTMAN):

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 to clarify the rules relating to less-than-minimum allowances and contributions to the capital of retailers; to the Committee on Ways and Means.

By Mr. MCCULLOCH:

H.R. 1987. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. GRANGER:


By Mr. GREEN of Wisconsin (for himself, Mr. ARMET, Mr. GARY MILLER of California, Mr. SIMKUS, Mr. HUNT, Mr. FOLEY, Mr. TYLER of Mississippi, Mr. ENGLE, and Mr. NEY):

H.R. 1989. A bill to amend title 18 of the United States Code to provide for life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself and Mr. WOLF):

H.R. 1990. A bill to direct the Secretary of Transportation to take certain actions to improve the safety of persons present at roadside emergency scenes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MCCRARY, Mr. WATKINS, Mr. HOUGHTON, Mr. MCINNNIS, and Mr. ETTINGH):

H.R. 1991. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of credit adjustment; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. UPTON, Mr. DINGELL, Mr. DEAL of Georgia, Mr. TAYLOR of Oklahoma, Mr. McHugh, Mr. HALL of Ohio, Mr. CAMP, Mr. TRAFICANT, Mr. HOEKSTRA, Mr. BROWN of Ohio, Mr. SMITH of Florida, and Mr. REIFF):

H.R. 1992. A bill to provide for a reduction in regulatory costs by maintaining Federal average new fuel economy standards applicable to automobiles in effect at current levels until changed by law; to the Committee on Commerce.

By Mr. MANZULLO (for himself, Mr. MENENDEZ, Mr. GILMAN, Mr. GEDENSON, Mr. ACKERMAN, Mr. BENSEN, Mr. BERETUER, Mr. BERNAN, Mrs. BINGGELI, Mr. BLUNT, Mr. BRADY of Pennsylvania, Mr. CALLAHAN, Mr. CLAYTON, Mr. COOKSEY, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DELAY, Mr. DIAZ-BALART, Mr. ENGLISH, Mr. EWING, Mr. FATTAH, Mr. FROST, Mr. GALLEGNY, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. BLUMENTHAL, Mr. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAMROD, Mr. LANTOS, Mr. LEACH, Mrs. MCCARTHY of New York, Mr. MATSUI, Mrs. MEEK of Florida, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PACKARD, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SAWYER, Mr. SHERMAN, and Mr. BERRY):

H.R. 1993. A bill to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes; to the Committee on International Relations.

By Mr. MCINNNIS (for himself, Mr. MCCRARY, Mr. HAYWORTH, Mr. BACHUS, Mr. RILEY, Mr. HEFFLEY, Mr. SCHAEFFER, Mr. TUCKER, and Mr. GARY MILLER of California):

H.R. 1994. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for bankier purposes; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. HASTERT, Mr. ARMET, Mr. WATTS of Oklahoma, Mr. GOODLING, Mr. CASTLE, Mr. HOEKSTRA, Mr. BARRET of Nebraska, Mr. SAM JONES of Texas, Mr. GRAHAM of Georgia, Mr. NORWOOD, Mr. HILLERY, Mr. FLETCHER, Mr. ISAKSON, Mrs. NORTHUP, Mr. CUNNINGHAM, and Mr. HILL of Montana):

H.R. 1995. A bill to amend the Elementary and Secondary Education Act of 1965 to em" " ...and the Curriculum and Instruction.

By Mr. MENENDEZ (for himself, Mr. RUSH, Mr. JUARDE, and Ms. CHACKOWSKY):

H.R. 1996. A bill to ensure that children enrolled in Medicare Part D or other Federal means tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself and Mr. LEWIS of Georgia, Mr. TAMM, and Mr. SAINTE-CLAIR):

H.R. 1997. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. McEACHIN):

H.R. 1998. A bill to amend title XVIII of the Social Security Act to promote the coverage of frail elderly Medicare beneficiaries permanently residing in nursing facilities in specialized health insurance programs for the frail elderly; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 1999. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOURGH (for himself, Mr. WELDON of Florida, Mr. NORWOOD, Mr. PICKERING, and Mr. SMITH of Washington):

H.R. 2000. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. TAUZIN (for himself, Mr. TRAFICANT, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CHENOWETH, Mr. DEMINT, Mr. HALL of Texas, Mr. HEFLEY, Mr. HUNTER, Mr. LINDER, Mrs. MYRICK, Mr. NORWOOD, Mr. PACKARD, Mr. PETERSON of Mississippi, Mr. SCARBOURGH, Mr. STUMP, Mr. TANCREDO, and Mr. BURTON of Indiana):

H.R. 2001. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be paid primarily by the States; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MAST, Mr. LEWIS of Georgia, Mrs. THURMAN, and Mr. BERCERA):

H.R. 2002. A bill to require the Secretary of Health and Human Services to conduct a study on mortality and adverse outcome rates of Medicare patients of providers of anesthesiology services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself, Mr. ACKERMAN, Mr. CAMPBELL, Mr. BERMAN, Mr. BLAJO EVIEVICH, Mr. BROWN of California, Mrs. CHRISTENSEN, Mr. COYNE, Mr. CROWLEY, Ms. JACKSON-VAN TSIN, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOGREN, Mrs. LOWET, Mr. MCGOVERN, Mr. MEEHAN, Ms. MILLER, Mrs. NORTHUP, Mr. SHERMAN, Mr. STARK, Mr. TIERNEY, and Ms. WOOLEY):
H.R. 2004. A bill to provide that for taxable years beginning before 1980 the Federal in-
come tax deductibility of flight training ex-
penses shall be determined without regard to
whether such expenses were reimbursed
throughout education support allowances;
the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself,
Mr. LIPINSKI, Mr. ROHRABACHER, Mr. FOSS
ELLA, Mr. HAYWORTH, Mr. TOWNS, Mr. Lucas of Oklahoma, Mr. Bilbray, Mr. JENKINS, Mr. HOLDEN,
Mrs. KELLY, Mr. GILCHREST, and Mr. SCHAFER):
H. Con. Res. 121. A concurrent resolution
expressing the sense of the Congress relating
to the Judiciary.

By Mr. REYES:
H. Con. Res. 122. A concurrent resolution
recognizing the United States Border Pa-
trol's 75 years of service since its found-
ing; to the Committee on International Rela-
tions.

By Mrs. TAUSCHER (for herself, Mr. CAL
VERT, and Mr. COYNE):
H. Res. 196. A resolution expressing the
sense of the House of Representatives that
Francis Thorpe should be designated
"America's Athlete of the Century"; to the
Committee on Government Reform.

**ADDITIONAL SPONSORS**

Under clause 7 of rule XII, sponsors
were added to public bills and resolu-
tions as follows:

**H. Res. 85:** Mr. BILIRAKIS.

**H. Res. 111:** Mr. BISHOP.

**H. Res. 531:** Mrs. TAUSCHER, Mr. CALVERT, and
Mr. DUNCAN.

**H. Res. 534:** Mr. DODDITTE, Mr. SENSEN
BRENNER, and Mr. TERRY.

**H. Res. 637:** Mr. BURR of North Carolina and
Ms. LOFGREN.

**H. Res. 639:** Mr. BASS.

**H. Res. 763:** Mr. MURTHA.

**H. Res. 784:** Mr. QUINN, Mr. RODRIGUEZ, Mr.
BOEHLERT, Mr. PETERSON of Minnesota, Mr.
HUTCHISON, and Mr. PICKETT.

**H. Res. 796:** Mrs. THURMAN and Mr. MC
CARTHY.

**H. Res. 845:** Mr. NADLER.

**H. Res. 864:** Mr. BARTON of Texas, Mr. WU, Mr.
CUNNINGS, Mr. BARTETT of Wisconsin, Mr.
MENEZED, Mr. PALLONE, Mr. INSLEE, and
Mrs. MALONEY of Nevada.

**H. Res. 902:** Mr. LEWIN of Georgia, Ms. WOOL
SEY, and Mr. SNYDER.

**H. Res. 1039:** Mr. MEAL of Massachusetts.

**H. Res. 1080:** Mr. DOYLE.

**H. Res. 1871:** Mr. MCNULTY and Mr. FROST.

**H. Res. 1968:** Mr. CARDIN.

**H. Res. 1978:** Mr. MAUER.

**H. Res. 1980:** Mr. SABO.

**H. Res. 1981:** Mr. WILSON.

**H. Res. 1982:** Mr. TURNER, Mr. LEVIN, Mr.
MENENDEZ, Mr. PALLONE, Mr. INSLEE, and
Mrs. MALONEY of New York.

**H. Res. 1985:** Mr. ROHRABACHER, Mr. MCKEE
WELL, Mr. TERRY.

**H. Res. 1987:** Mr. STARK.

**H. Res. 1988:** Mr. DERMER.

**H. Res. 1990:** Mr. KNIGHT.

**H. Res. 1991:** Mr. GEORGE MILLER of Cali-
fornia, Mr. GARY MILLER of California, Mr.
STABENOW, Mr. FILING, Mrs. KELLY, Mr. SNYDER,
Mr. BENTS, Mr. FATTAH, Mr. PASTOR, Ms.
STABENOW, Mr. FILNER, Ms. MILLER-
McDONALD, and Mr. BARCIA.

**H. Res. 1994:** Mr. WYNN.

**H. Res. 1995:** Mr. BLUNT.

**H. Res. 1996:** Mr. PETERSON of Minnesota, Mr.
LEWIS of Massachusetts, Mr. WYNN, Mr.
GILCHREST, and Mr. FOSS.

**H. Res. 1997:** Mr. MEEHAN, Mrs. CHRISTENSEN,
Mr. WISE, Mr. BARCIA, Mr. TURNER, Mr.
ABERCROMBIE, Mr. CAPUANO, Ms. DANNER, Mr.
JEFFERSON, Mr. MCNULTY, Mr. WOOS, Mr.
RUSH, Mr. ISTOOK, Mr. RILEY, and Mr. JEN
KINS.

**H. Res. 1998:** Mr. CARDIN.

**H. Res. 2000:** Mr. ELLIOTT.

**H. Res. 2001:** Mr. ROBERTS.

**H. Res. 2002:** Mr. TING.

**H. Res. 2003:** Mr. BOEHLERT, Mr. GONZALEZ, Mr.
MARTINEZ, Mr. WOLF, Mr. PETIT, and
Mr. CARTER.

**H. Res. 2004:** Mr. CARROLL.

**H. Res. 2005:** Mr. HUNTINGTON.

**H. Res. 2006:** Mr. FRITZ.

**H. Res. 2007:** Mr. GASKIN.

**H. Res. 2008:** Mr. MURTHA.

**H. Res. 2009:** Mr. DIXON.

**H. Res. 2010:** Mr. SCHIFF.

**H. Res. 2011:** Mr. ROBERTS.

**H. Res. 2012:** Mr. HARRIS.

**H. Res. 2013:** Mr. OLIVER.

**H. Res. 2014:** Mr. KEATING.

**H. Res. 2015:** Mr. BUMGARDNER.

**H. Res. 2016:** Mr. ELLIOTT.

**H. Res. 2017:** Mr. WILSON.

**H. Res. 2018:** Mr. DOYLE.

**H. Res. 2019:** Mr. MURTHA.

**H. Res. 2020:** Mr. LANTOS.

**H. Res. 2021:** Mr. SCHIFF.

**H. Res. 2022:** Mr. MURTHA.

**H. Res. 2023:** Mr. KEATING.

**H. Res. 2024:** Mr. WILSON.

**H. Res. 2025:** Mr. DOYLE.

**H. Res. 2026:** Mr. MURTHA.

**H. Res. 2027:** Mr. KEATING.

**H. Res. 2028:** Mr. WILSON.

**H. Res. 2029:** Mr. DOYLE.

**H. Res. 2030:** Mr. MURTHA.

**H. Res. 2031:** Mr. KEATING.

**H. Res. 2032:** Mr. WILSON.

**H. Res. 2033:** Mr. DOYLE.

**H. Res. 2034:** Mr. MURTHA.

**H. Res. 2035:** Mr. KEATING.

**H. Res. 2036:** Mr. WILSON.

**H. Res. 2037:** Mr. DOYLE.

**H. Res. 2038:** Mr. MURTHA.

**H. Res. 2039:** Mr. KEATING.

**H. Res. 2040:** Mr. WILSON.

**H. Res. 2041:** Mr. DOYLE.

**H. Res. 2042:** Mr. MURTHA.

**H. Res. 2043:** Mr. KEATING.

**H. Res. 2044:** Mr. WILSON.

**H. Res. 2045:** Mr. DOYLE.

**H. Res. 2046:** Mr. MURTHA.

**H. Res. 2047:** Mr. KEATING.

**H. Res. 2048:** Mr. WILSON.

**H. Res. 2049:** Mr. DOYLE.

**H. Res. 2050:** Mr. MURTHA.

**H. Res. 2051:** Mr. KEATING.

**H. Res. 2052:** Mr. WILSON.

**H. Res. 2053:** Mr. DOYLE.

**H. Res. 2054:** Mr. MURTHA.

**H. Res. 2055:** Mr. KEATING.

**H. Res. 2056:** Mr. WILSON.

**H. Res. 2057:** Mr. DOYLE.

**H. Res. 2058:** Mr. MURTHA.

**H. Res. 2059:** Mr. KEATING.

**H. Res. 2060:** Mr. WILSON.

**H. Res. 2061:** Mr. DOYLE.

**H. Res. 2062:** Mr. MURTHA.

**H. Res. 2063:** Mr. KEATING.

**H. Res. 2064:** Mr. WILSON.
Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Thomas K. Tewell, of the Fifth Avenue Presbyterian Church, New York City.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. Thomas K. Tewell, the Fifth Avenue Presbyterian Church, New York, NY, offered the following prayer:

Will you pray with me.

Our Lord and our God, in this era of violence and moral confusion, we ask Your richest blessings to be poured out on the United States of America. We thank You for the destiny that You have given to us to be a living illustration of the righteousness and justice that You desire for all nations. Today we pray for the women and men in the United States Senate who work for long hours fulfilling their enormous responsibilities. They sometimes expend an incredible amount of energy on an issue, only to see it voted down. So often the good things they try to do meet with stubborn resistance. Their physical stress is aggravated as emotions are stretched and strained in this pressure cooker of responsibility.

Gracious God of love, protect the Senators from going beyond their human limitations where burnout brings discouragement. Make them wise in their responsibilities to their families, themselves, and most of all to You. Grant them the humility to remember their need for Sabbath rest, daily relaxation, and spiritual renewal.

Most of all, O God, teach the Members of the Senate and all leaders in our Nation to wait upon You and thus renew their strength. May we put You first in our lives by remembering the words of the prophet Isaiah who said, "They that wait upon the Lord shall renew their strength, they shall mount up with wings like eagles; they shall run and not be weary, they shall walk and not faint." We pray in the strong name of the One who was never in a hurry, yet finished the work He came to do. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the President pro tempore.

APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, I extend my appreciation to Dr. Tom Tewell. I understand he is from the Fifth Avenue Presbyterian Church in New York City, and he is a friend of the Chaplain. A friend of the Chaplain is a friend of us all.

We appreciate having you here with us today.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of the defense authorization bill and immediately begin debate on the Allard amendment regarding the Civil Air Patrol. A vote in relation to the Allard amendment has been ordered for 10 a.m. I understand discussions are still continuing with regard to that amendment. Other amendments will be offered, I am sure. They are pending. I am sure Senators will want to have them offered and considered one way or another today. There will be votes throughout the day.

It is the intention of the managers—and certainly my intention—to complete action on this bill. I urge the managers to complete action during today, not tonight. There are a number of Senators who are planning on proceeding to their States tonight, late tonight, or early in the morning, so we really need to get this legislation completed.

I commend the managers on both sides of the aisle for the work they have done, but I do think we need to get a definite list of amendments locked in. Otherwise, I am sure some Senators will continue to think of ideas they may want to have addressed. If Senators have amendments they want to have considered today, they need to see the managers during this next vote. After that, we hope to limit the amendments, limit the time, get the votes, and complete this work. This is very important legislation that needs to be completed and must be completed before tonight.

I thank my colleagues for their cooperation.

MEASURE PLACED ON CALENDAR

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will report.

The legislative assistant read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communication, intermodal transportation, and other matters affecting interstate commerce.

Mr. LOTT. I object, Mr. President, to further proceeding on this matter at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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* This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personal strengths for such fiscal year for the Armed Forces, and for other purposes.

PENDING:

Lott amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities.

Allard/Harkin amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

AMENDMENTS NOS. 411 THROUGH 441, EN BLOC

Mr. WARNER. Mr. President, it is the intention of the manager to try to do the cleared amendments. I want to make certain that the distinguished ranking member is in concurrence.

That is indicated, so I think I will proceed.

On behalf of myself and the ranking member, the Senator from Michigan, I send 31 amendments to the desk. I would say before the clerk reports that this package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, and on behalf of other Senators, proposes amendments en bloc numbered 411 through 441.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc and that the motion to reconsider be laid upon the table.

I send the amendments to the desk at this time and ask that they be considered en bloc.

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

The amendments (Nos. 411 through 441) agreed to en bloc are as follows:

AMENDMENT NO. 412

(Purpose: To authorize the appropriation for the increase in the reserve force for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act.)

On page 98, line 15, strike "$71,693,093,000." and insert in lieu thereof the following: "$71,693,093,000 and in addition funds in the total amount of $1,689,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 1202 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-33)."

AMENDMENT NO. 413

(Purpose: To authorize the dental benefits for retirees that are comparable to those provided for members of the uniformed services.)

In title VII, at the end of subtitle B, add the following:

SEC. 727. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076 of title 10, United States Code, is amended to read as follows:

'(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.'.

AMENDMENT NO. 413

Mr. ALLARD. Mr. President, this Amendment will give the Department of Defense the flexibility to significantly strengthen the dental benefits for over 270,000 of our nation's military retirees and their family members.

The TRICARE retiree dental program began on February 1, 1998 and is an affordable plan paid for exclusively by retiree premiums. According to the Department, the enrollment in the program has exceeded all projections. While current law covers the most basic dental procedures, the Department has not had the flexibility to expand their benefits without a legislative change. Our nation's military retirees have expressed a desire to both the Department and the contractors for more services, and are willing to pay a reasonable price for these extra benefits.

Currently, the retiree dental program is limited to an annual cleaning, fillings, root canals, oral surgeries and the like. This amendment would change the law to allow, but not mandate, the Department the opportunity to offer an expanded list of benefits such as dentures, bridges and crowns, which are needs characteristic of our nation's retired military members. If the Department decided to offer these service, they would continue to be paid for by member premiums.

In conclusion, I would ask the support of all my colleagues for this important amendment to allow the Department to give the needed dental services to our valued military retirees. Thank you for the time.

AMENDMENT NO. 414

(Purpose: To provide $6,000,000 (in PE 604040) for the Air Force for the 3-D advanced track acquisition and imaging system, and to provide an offset)

On page 29, line 12, increase the amount by $6,000,000.

On page 29, line 14, decrease the amount by $6,000,000.

3-D ADVANCED TRACK ACQUISITION AND IMAGING SYSTEM

Mr. MACK. Mr. President, I rise today in support of additional funds to be made available for Air Force Research, Development, Test and Evaluation in the Fiscal Year 2000 Department of Defense Authorization measure to be used to complete development of a state-of-the-art 3 dimensional optical imaging tracking instrumentation data system.

The 3 Data System is a laser radar system that provides high fidelity time, space, positioning information (TSPI) on test articles during flight. The instrumentation can be applied to air, ground, and sea targets. Additionally, it will provide the potential capability for over-the-horizon tracking from an airborne platform or pedestal mounted ground platform. It includes a multi-object tracking capability that will allow simultaneous tracking of up to 20 targets throughout their profile. The system will enable testing of advanced smart weapon systems; force-on-force exercises where multiple aircraft and ground vehicle tracking is involved; over water scoring of large footprint autonomous guided and unguided munitions; and enable an important amendment to allow the Department of Defense to give the needed dental services to our valued military retirees.

The Air Force has identified the 3 Data System as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed me that precision engagement remains one of the emerging operational concepts in Joint Vision 2010. The 3 Data System would provide a capability to effectively evaluate the performance of advanced precision guided munitions and smart weapons prior to their use in a wartime environment. It would also directly support ongoing activities aboard through Quick Reaction Tasking that may require a multiple object tracking device to evaluate engagement profile. This requirement is documented through 46574 and 46575, Wing strategic planning initiatives, developmental program test plans, and munitions strategic planning roadmaps.
The Air Force is presently attempting to meet this requirement through existing radar systems and optical tracking systems which cannot track multiple objects to the fidelity levels required and which require extensive post-processing effort in enabling the Air Force to evaluate the capabilities and limitations of multiple smart weapons and their delivery systems during their development.

AMENDMENT NO. 415

(Purpose: To amend a per purchase dollar limitation of funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to large equipment items procured.)

In title III, at the end of subtitle D, add the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERD ICTION AND COUNTER—DRUG ACTIVITIES.

Section 112(a)(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

AMENDMENT NO. 416

(Purpose: To require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress.)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the result of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

AMENDMENT NO. 417

(Purpose: To substitute for section 654 a repeal of the reduction in military retired pay for civilian employees of the Federal Government.)

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—Section 5532 of title 5, United States Code, is repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

REPEAL DUAL COMPENSATION LIMITATIONS

Mr. CRAPO. Mr. President, my amendment is co-sponsored by the Senate Majority Leader, Senator LOTT. On February 23, 1999, the Senate voted 87 to 11 in favor of this same amendment during consideration of S. 4.

My amendment will repeal the current statute that reduces retirement pay for regular officers of a uniformed service who chose to work for the federal government.

The uniformed services include the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and the National Oceanographic and Atmospheric Agency.

If a retired officer from the uniform services comes to work for the Senate, his or her retirement pay is reduced by about 50 percent, after the first $5,000, to offset for payments from the Senate.

The retired officer can request a waiver but the executive, legislative and judicial branches of government handle the waiver process differently on a case by case basis.

The current dual compensation limitation is also discriminatory in that regular officers are covered but reservists or enlisted personnel are not covered by the limitation.

The Congressional Budget Office has recently looked at the current dual compensation limitation and it is estimated that around 6,000 military retirees lose an average of $800 per month because of this prohibition.

I have been unable to find a good reason to explain why we should want our law to discourage retired members of the uniformed services from seeking full time employment with the Federal Government.

Our laws should not reduce a benefit military retirees have earned because they chose to work for the federal government.

My amendment would fix this inequity; it would give retired officers equal pay for equal work from the federal government and it would give the federal government access to a workforce that currently avoids employment with the Federal Government.

I am pleased the managers of the bill have agreed to accept my amendment and I thank them for their support for this important amendment.

AMENDMENT NO. 418

(Purpose: To establish as a policy of the United States that the United States will seek to establish a multinational economic embargo against any foreign country with which the United States is engaged in armed conflict, and for other purposes.)

In title X, at the end of subtitle D, add the following:

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

AMENDMENT NO. 419

(Purpose: To require a report on the Air Force distributed mission training) On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide the near real-time rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training concept have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

AMENDMENT NO. 420

(Purpose: To add test and evaluation laboratory facilities to the pilot program for revitalizing Department of Defense laboratories, and to add an authority for directors of laboratories under the pilot program) On page 48, line 5, after "laboratory", insert "or test and evaluation laboratory,", and on page 48, line 11, insert "test and evaluation laboratory,", and on page 48, line 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 48, line 12, strike "(B)" and insert "(C)"

On page 48, beginning on line 14, strike subparagraph (A) and insert subparagraphs (A) and (B).
AMENDMENT NO. 421
(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)
On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 422
(Purpose: To require a land conveyance, Naval Training Center, Orlando, Florida)
On page 459, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Annex Area and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

AMENDMENT NO. 423
(Purpose: To modify the conditions for issuing obsolete or condemned rifles of the Army and establish blank ammunition without charge)
In title X, at the end of subtitle D, add the following:

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CONFERENCES.

(a) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(b) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(c) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(d) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(e) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(f) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(g) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(h) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(i) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(j) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(k) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(l) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(m) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(n) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(o) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(p) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(q) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(r) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(s) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(t) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(u) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(v) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(w) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(x) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(y) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

(z) "The term 'eligible entity' means any individual, corporation, firm or other entity, other than a governmental entity, that is a member of the Armed Forces or a veteran's service organization.

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Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059, the National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those service-men and women performing duty in an "inactive duty" status, which is the status they are in while performing their monthly "drill weekends."

This problem was dramatically illustrated recently when an Air Force Reserve C-130 crashed in Honduras, killing three crewmembers. One of the cargo survivors was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, this serviceman was only eligible for military medical care related to injuries incurred in the course of his family lost their civilian health insurance and was ineligible to receive medical care from the military. Had he been on military orders of more than 30 days, both he and his family would have been eligible for full military medical benefits for the duration of his recovery.

My dear colleagues, this is unacceptable. We must plug this loophole so that these tragic circumstances are not repeated.

Why is it so important that we look out for our Guardsmen and Reservists? It is because our military services have been reduced by one-third, while worldwide commitments have increased fourfold, leading to a dramatic increase in the demands for our reserve components to meet our worldwide commitments. Like their active duty counterparts, they are dealing with the demands of a high operations tempo; yet they must meet the additional challenge of balancing their military duty with their civilian employment.

Members of the Guard and Reserve have been participating at record levels. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. The Reserve components have answered the Nation’s call to bring peace to Bosnia. And, recently, over 4,000 Reservists and Guardsmen have been called up to support current operations in Kosovo. The days of the “weekend warrior” are long gone.

In addition to significant contributions to military operations, members of the reserve components have delivered millions of pounds of humanitarian aid to people of all ages in Kosovo.

The devastating floods that struck in America’s heartland last year. The men and women of the Reserve Components are on duty all over the world, every day of the year. Considering everything our citizen soldiers, sailors, airmen and marines have done for us, we must not turn our backs on them and their families in their times of need. Please join me in supporting this amendment providing for those who provide for us.

AMENDMENT NO. 428

(Purpose: To refine and extend Federal (a) contracting) At the end of title VIII, add the following: the section titled "SEC. 807. STREAMLINED ACCOUNTABILITY OF COST ACCOUNTING STANDARDS." The act applies to contract or subcontract for a Fiscal Year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts or subcontracts entered into by the contractor or subcontractor, respectively, in the previous or current fiscal year (or other one-year accounting period) was less than $50,000,000.

(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

(i) Contracts or subcontracts for the acquisition of commercial items.

(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

(iv) Contracts or subcontracts with a value that is less than $5,000,000."

(b) Waiver.—Such section (as so amended) shall include the following:

"(A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value that is less than $5,000,000 if the head determines in writing that—

(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(B) The head of an executive agency in the Federal Acquisition Regulation may also waive the applicability of cost accounting standards for a contract or subcontract with a value that is less than $5,000,000 if the head determines in writing that—

(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(C) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract with a value that is less than $5,000,000 if the head determines in writing that—

(i) the contractor or subcontractor is primarily engaged in the sale of commercial items; and

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(D) The Federal Acquisition Regulation shall include the following:

"(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

(ii) The circumstances under which such a waiver may be granted.

"(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.

"(F) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed to apply to not-for-profit entities as intended to impair or restrict, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999, or...

"(G) CONTRACTS WITH NONPROFIT ENTITIES.—The authority in section 2304c(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(k)) is further revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with section 2304c(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(k)).

"(H) CONTENT OF GUIDANCE.—The regulations issued pursuant to section (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multi-agency contracts entered in accordance with the provisions of law referred to in that section.

(2) Specific guidance on contracts that agencies should take in entering and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the award of task orders and delivery orders and the award of task order and delivery order contracts to ensure compliance with—

(B) the requirement in section 2304(c) of title 10, United States Code, and section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the contract.

(C) GSA FEDERAL SUPPLY SCHEDULES PROCUREMENT POLICY. The head of each executive agency shall consult with the Administrator of General Services to ensure the effectiveness of the multiple award schedules procurement programs. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(3) The adoption of schedule prices after the date on which the regulations required by subsection (a) are published in the...
Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO CONTRACTS

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(e)) is amended to read as follows:

"(E) services, maintenance services, repair services, training services, and other services if—

(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.".

SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD

(a) EXTENSION OF AUTHORITY.—Section 420(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "(ii) the use of such amendments take effect pursuant to section 4401(b)" and inserting "(i) January 1, 2002 and (ii) March 27, 1999".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000

Section 3(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking "October 1, 1999, and insert "October 1, 2004".

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee’s ranking minority member, and Senators WARMER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in this amendment, which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as an effort from the Administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 109. Our amendment includes five provisions as follows: (1) streamlined applicability of Cost Accounting Standards; (2) Task Order and Delivery Order Contracts; (3) Clarification to the Definition of Commercial Items; (4) Two-year Extension of Commercial Items Test Program; and (5) Extension of Interim Reporting Rule on Contracts with Small Business. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the Record immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

There being no objection, the statement was ordered to be printed in the Record as follows:

JOINT STATEMENT OF SPONSORS

1. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streaming Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes changed the trend in government contracting toward simplifying the government’s acquisition process and eliminating many government-unique requirements. The goal of these changes in the government’s purchasing processes has been to modify federal policy to meet some legislative mandates, increase the use of commercial items to meet government needs, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900’s, the Federal government has required certain unique accounting standards in order to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the CAS standards. Nonetheless, the Department of Defense and others in the public and private sectors continue to identify the CAS standards as a continuing barrier to the implementation of commercial items into the government marketplace. Advocates of relaxing the CAS standards argue that they require companies to create unique systems to do business with the government in cost-type contracts. They believe that the added cost of developing the required accounting systems has driven many companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs on a consistent basis. This provision carefully balances the government’s need for greater access to commercial items, particularly those of non-traditional suppliers, with the need to maintain a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The provision would modify the CAS standards’ applicability, while maintaining the applicability of the standards to the vast majority of contracts that are currently covered. In particular, the provision would raise the threshold for coverage under the CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified or pricing data.

The provision also would provide for waivers of the CAS standards by Federal agencies in circumstances that allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in overseeing and administering designs, and Federal agencies may not use any such waiver to avoid the procurement of government products or services in the absence of a waiver.

2. TASK ORDER AND DELIVERY ORDER CONTRACTS

FASA authorized Federal agencies to enter into multiple award task and delivery order contracts for the procurement of goods and services. Multiple award contracts occur when two or more contracts are awarded from a solicitation. Granting this authority to contracting agencies allows the government to procure products and services more quickly using streamlined acquisition procedures while taking advantage of the best advantage of the government, competitive prices and quality on individual task orders or delivery orders. FASA requires orders under multiple-award contracts to contain a clear description of the services or supplies ordered and—except under specified circumstances—requires that each of the multiple vendors be provided a fair opportunity to be considered for orders.

Concerns have been raised that the simplicity of these multiple-award contracts has brought with it the potential for abuse. The General Accounting Office and the Department of Defense Inspector General have reported that agencies have routinely failed to comply with the basic requirements of FASA, including the provision that the requirements of FASA, the requirement to provide vendors a fair opportunity to be considered for specific orders. While performance guidance was established by the Office of Federal Procurement Policy (OFPP) through regulations implementing FASA do not establish any specific procedures for awarding orders or any specific safeguards to ensure compliance with these requirements. This provision would provide for awarding of the Federal Acquisition Regulation that provides the necessary guidance on the appropriate use of task and delivery order contracts as authorized by FASA. It also would require that the Administrator of OFPP work with the Administrator of the General Services Administration (GSA) to include a review of the ordering procedures and practices of the Federal Supply Schedule program administered by GSA. This review should include assessment as to whether the GSA program should be modified to provide consistency with the regulations for task order and delivery order contracts required by FASA.

3. CLARIFICATION TO THE DEFINITION OF COMMERCIAL ITEMS

FASA included a broad new definition of “commercial items,” designed to give the Federal government access to previously unavailable advanced commercial products and technologies. However, the FASA definition of commercial items included only limited definitions of commercial services. Under FASA, commercial items include services purchased to support a commercial product as a commercial service, used in a commercial manner. This language is believed by some to mean that these ancillary services must be procured at the same time or from
the same vendor as the commercial item the service is intended to support.

This provision would clarify that services ancillary to a commercial item, such as installation, repair, training, and other support services, would be considered a commercial service regardless of whether they are provided by the vendor or at the same time as the item if the service is provided contemporaneously to the general public under similar terms and conditions.

4. TWO-YEAR EXTENSION OF COMMERCIAL ITEMS TEST PROGRAM

Section 402 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to conduct simplified procurements to purchase for amounts greater than $100,000 but not greater than $5 million if the agency reasonably determines that the services will include only commercial items. The purpose of this test program was to give agencies additional procedural discretion and flexibility so that purchases of commercial items in this dollar range could be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes paperwork burden and administration costs for both government and industry. Authority to use this test program expires on January 1, 2000.

The amendment has reported that, due to delays in implementing the test program, the data available from the test program is insufficient to effectively test the test, and additional data is required to determine whether this authority should be made permanent. This provision would extend the authority to January 1, 2002.

The provision also requires the Comptroller General to report to Congress on the impact of the provision. The sponsors note that the delay in implementing the test program may have a different impact on competition, depending on the complexity of the commercial items to be procured. For this reason, the sponsors expect the Comptroller General’s report to address the extent to which the test authority has been used, the types of commercial items procured under the test program, and the impact of the test program on competition for agency contracts and on the small business share of such contracts. The Comptroller General should assess the extent to which the test program has streamlined the procurement process.

5. EXTENSION OF INTERIM REPORTING RULE ON CONTRACTS WITH SMALL BUSINESS

Section 31(f) of the OFPP Act, as amended by FASA, requires detailed reporting of contract activity between $25,000 and $100,000 in the Federal Procurement Data System (FPDS). This requirement gives the government the authority to ascertain the effect of small procurements, including small disadvantaged businesses and woman-owned small businesses. It also enables the government to track progress and compliance with Federal procurement laws, as well as Small Business Competitiveness Demonstration Program, the Small Disadvantaged Business Reform Program, the HUBZone Small Business Program, and the IRS Offset Program.

Under FASA, this provision is scheduled to expire on October 1, 1999, so that after that date agencies would only be required to report summary data for procurements below $100,000. Because the implementation of acquisition laws is ongoing and information on the impact of those measures on small business is important both to Congress and the executive branch, this provision would extend the current reporting requirement until October 1, 2004, as requested by the Administration.

AMENDMENT No. 40

(Purpose: To authorize an additional $21,700,000 for research, development, test, and evaluation for the Army for the Force XX Transition (Combat and Field Belongings, FBCB2) (PE 00037599A), and to offset the additional amount by decreasing $21,700,000 the authority for other procurements for the Maneuver Control System (MCS)

On page 17, line 1, strike “$3,669,070,000” and insert “$3,647,370,000”.

On page 29, line 5, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the requirement of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing);

(vi) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 321, line 18, strike out “and”.

On page 321, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

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On page 322, line 4, insert before the semicolon at the end.

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AMENDMENT No. 42

(Purpose: To authorize an additional $4,671,194,000 and insert “$4,692,894,000”.

On page 321, line 18, strike out “and”.

On page 321, after line 24, insert the following:

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The legislative language on financial management reform is reflected in several provisions in Title X [ten] of the bill.

Mr. President, if financial reforms were not in the bill, I would be standing here with the correct kind of amendment in my hand. I would be asking my colleagues to support an amendment to cut the DOD budget.

Fortunately, that's not necessary. It's not necessary because the Armed Services Committee has seen the light and seized the initiative.

The Armed Services Committee is demanding financial management reforms at the Pentagon.

First, I would like to thank my friend from Virginia, Senator Warner—the Committee Chairman—for recognizing and accepting the need for financial management reform at the Pentagon.

I would also like to thank my friend from Oklahoma, Senator Inhofe—Chairman of the Readiness Subcommittee—for putting some horse-power behind DOD financial management reforms.

His hearing on DOD Financial Management on April 14th helped to highlight the need for reform and set the stage for the corrective measures in the bill.

But above all, I would like to thank the entire Armed Services Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way.

I hope the Committee’s efforts to strengthen internal controls—when combined with mine—will improve DOD’s ability to detect and prevent fraud and better protect the peoples’ money.

Mr. President, this bill does not contain all the new financial management controls that I wanted. There had to be give-and-take along the way.

I remain especially concerned about the need for restrictions on the use of credit cards to make large payments on R&D and procurement contracts.

The Committee has assured me that there will be a good faith effort to examine this issue before the conference on this bill is concluded.

Based on information to be provided by the Department and the General Accounting Office and Inspector General, the final version of the bill may include: (1) a dollar ceiling on credit card transactions; and (2) strict limits on using credit cards to make large contract payments.

I hope that is possible.

There will be no improvement in the dismal DOD financial management picture without reform—and some pressure from this Committee and the other committees of Congress.

We need to lean on the Pentagon bureaucrats to make it happen.

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

The bill before us will hopefully establish a solid foundation—and create a new environment—where financial management reform can begin to happen.

In doing what we are doing, I hope we are providing the Pentagon with the wherewithal to get the job done.

The reforms in the bill are not new or dramatic.

In my mind, it’s basic accounting 101 stuff. DOD needs to record financial transactions in the books of account as they occur. Now, that’s not complex or difficult, but it is essential.

And it’s not being done today.

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

The language in this bill—I hope—will get DOD moving toward a “clean” audit opinion.

I hope that’s where we are headed.

And there is another important reason why DOD financial reform is needed.

As I stated right up front, we are looking at the first big increase in defense spending since 1985.

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

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

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

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

The GAO and IG auditors should be able to examine the department’s books and its financial statements and render a “clean” audit opinion.

That’s the goal.

I want to see us reach that goal reached in my lifetime.

Mr. President, I would like to extend a special word of thanks to the entire Armed Service Committee for helping me with my DOD financial management reform initiative.

I would like to thank the committee for helping to push the Pentagon in the right direction—toward sound financial management practices.

I would like to thank the Committee Chairman, Senator Warner, and his Subcommittee Chairman, Senator Inhofe, for throwing their weight behind this effort.

I would like to thank them for working with me and helping me craft an acceptable piece of legislation.

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

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

AMENDMENT NO. 431
(Purpose: To authorize $4,500,000 for research, development, test, and evaluation, Defense-wide, relating to a hot gas decontamination facility, and to reduce by $4,500,000 the amount authorized for chemical demilitarization activities to take into account inflation savings in the account for such activities.

On page 18, line 13, strike "$1,169,000,000" and insert "$1,164,500,000".
On page 29, line 14, strike "$9,400,081,000" and insert "$9,404,581,000".

AMENDMENT NO. 432
(Purpose: To provide $3,500,000 (in PE 62633N) for Navy research in computational engineering design, and to provide an offset.

On page 29, line 11, increase the amount by $3,500,000.
On page 29, line 14, decrease the amount by $3,500,000.

AMENDMENT NO. 433
(Purpose: To extend certain temporary authority for benefits for members of the Department of Defense employees in connection with defense workforce reductions and restructuring.

At the end of title XI, add the following:

SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.---Section 5995(e)(1) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999" and inserting "February 10, 1996, and before October 1, 2003".

(b) VOLUNTARY SEPARATION INCENTIVE.---Section 5995(a)(4) of title 5, United States Code, is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, or such later date as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces." and inserting "September 30, 2003, or such later date as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.".

(c) CONTINUATION OF FEHBP ELIGIBILITY.---Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting "(i) February 1, 2004, if specific notice of separation from the military is given to the person separating from the Armed Forces before October 1, 2003; or...

EXIT SURVEY
Ms. LANDRIEU. Mr. President, I thank our chairman, Senator WARNER, and the ranking member, Senator LEVIN, for agreeing to this very important amendment. As a new member of the Senate Armed Services Committee, I was a little taken aback by the way the Committee launched into major legislation at the very start of this session. I am glad that we did. From the very start of the year, it was clear that we had a very real problem in retention that threatened to reach crisis proportions. Furthermore, this crisis was looming just when our country most needed every talented soldier, sailor, and airman that we could keep in the service.

The structural reasons behind the retention shortfalls have already been well documented on the floor: a booming economy, long deployment, and a lack of predictability for family life have all taken their toll. However, what I have found very frustrating is that we have no sense of priority behind these problems. Are soldiers leaving because the pay is too low, or because the retirement package is insufficient? Do we need to address operations tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no qualifiable data on their relative importance.

As it stands, each service is responsible for exit surveys which are conducted on a voluntary basis when a person separates from the military. These surveys are not standardized, do not seek the same information, nor are they scientifically tested. In short, they are not much better than the anecdotal evidence that we collect by word of mouth. The dimensions of our difficulties in retention demand that we have much better information. For that reason, I have introduced this amendment to the Defense Authorization bill, which will give us the data that we need.

The amendment instructs the Secretary of Defense to develop and implement a survey of all military personnel leaving the service starting in January 2000 and ending six months later. The survey will provide uniformity of data, and be scientifically tested so as to give us some real feedback as to why our men and women are leaving the service. Additionally, there are specific issues of content that the survey must address such as the reasons for leaving military service, plans for activities after the separation, affiliation with a Reserve component, attitude toward pay and benefits, and the extent of job satisfaction during their tenure. I believe that the answers to these questions are vital to the Senate's role in addressing retention and other readiness concerns. The future of our all-volunteer force depends on our ability to provide an offset.

The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

AMENDMENT NO. 434
(Purpose: To require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces.

In title V, at the end of subtitle F, add the following:

SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.

(a) REQUIREMENT.---The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be conducted by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of Defense shall suspend exit surveys and interviews of that department during the period described in the first sentence.

(b) SURVEY CONTENT.---The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.
(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).
(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.
(4) Attitude toward pay and benefits for service in the Armed Forces.
(5) Extent of job satisfaction during service as a member of the Armed Forces.
(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.---Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the survey. The report shall contain an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans used.

AMENDMENT NO. 435
(Purpose: To authorize the use of amounts for award fees for Department of Energy closure projects for purposes of funding additional cleanup projects at closure project sites.

On page 574, strike lines 1 through 24 and insert the following:

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) AUTHORITY TO USE AMOUNTS.---The Secretary of Energy may use any amount authorized to be appropriated for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary determines that such amount is necessary in order to obtain enough award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site.

(b) REPORT ON USE OF AUTHORITY.---Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

AMENDMENT NO. 436
(Purpose: To authorize the awarding of the Medal of Honor to Alfreed Rascov for valor during the Vietnam conflict.

At the appropriate place in the bill, insert the following new section:

S. INTERIM DIRECTOR FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCAN FOR VALOR DURING THE VIETNAM CONFLICT.

(A) WAIVER OF TIME LIMITATIONS.---Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under
Sergeant Ray Compton being hit by gunfire.

them aid. A few minutes later, Rascon saw tackled Haffy and absorbed the grenade blast lentless enemy fire and grenades, Rascon machine gunner was already dead and Gibson forward looking for ammunition. The other man he was dragging was dead. enemy machine gun fire and the soldier. grenades. To better protect the wounded sol- medic, Rascon, 20 at the time, ignored his or- itself in a maelstrom of North Vietnamese papers so he could enlist.

Though severely wounded, Rascon crawled back and forth over the wounded and gave them aid. A few minutes later, Rascon saw Sergeant Ray Compton being hit by gunfire.
As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American efforts to stem the insurrection, the 11th Infantry was ordered to relieve the 9th Infantry. Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russel in Cheyenne, WY—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their rifles as they ambled out to breakfast quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers. The quiet ended abruptly when a 23 year old U.S. soldier named Adolph Gamlin walked past the police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across Gamlin's head. As PFC Gamlin crumpled, the bells of Balangiga began to peal...

The remaining soldiers escaped in five dug-out canoes. Only three boats had made it to safety on Leyte. Seven men had been wounded, seven others died of their wounds; only 20 of the 54 volunteers from the 9th infantry were to survive.

The bells and similar veterans memorials from such an ignoble fate. The bill is pending in the Senate Foreign Relations Committee.

AMENDMENT NO. 438

(Purpose: To authorize emergency supplemental appropriations for fiscal year 1999)

In title X, at the end of subtitle A, add the following:

SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted to reflect any increases in amount, by the amount by which appropriations pursuant to such authorization were increased...
(by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

AMENDMENT NO. 439

(Purpose: To clarify the scope of the requirements of section 1049, relating to the pre-

vention of interference with Department of Defense use of the frequency spectrum.

On page 371, at the end of line 13, add the following: “The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively non-government use.”

On page 372, line 3, insert “fielded” after “apparatus.”

(d) This section does not apply to any upgrades, modifications, or system redesign to a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or reliance on section 2304(3) reference from a non-Department of Defense system.

AMENDMENT NO. 440

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature.

On page 281, line 13, after “Government,” insert the following: “These items shall not be considered commercial items for purposes of Section 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 note).”

On page 282, line 19, after “concerns,” insert the following: “HUBZone small business concerns.”

On page 283, line 19, strike “(B)” and insert “(A)” and insert “(B)”.

On page 284, line 19, strike “(C)” and insert “(D)”.

On page 284, between lines 6 and 7, insert the following:

The term “HUBZone small business concern” has the meaning given the term in section 301(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

AMENDMENT NO. 441

(Purpose: To authorize the Secretary of Defense to provide assistance to civil authorities in responding to terrorism.

In title X, at the end of subtitle D, add the following:

SEC. 1081. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) Authority.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass de-

struction, within the United States if the Secretary of Defense determines that—

(i) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(ii) the provision of such assistance will not adversely impact the military preparedness of the armed forces.

(b) Nature of Assistance.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the as-

sistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) Reimbursement.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwith-

standing any other provision of law, the amounts of reimbursement shall be limited to the actual construction costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that the waiver is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) Limitation on Funding.—Not more than $30,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) Personnel Restrictions.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) Nondelegability of Authority.—(1) The Secretary of Defense may not delegate to any other official authority to make de-

terminations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(g) Relationship to Other Authority.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of enactment of this Act.

(i) Definitions.—In this section:

(1) the term “threat of an act of ter-

rorism” includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) The term “weapon of mass destruction” has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(b)).

Mr. WARNER. With the consent of the Senate, momentarily we will proceed to the amendment by Mr. ALLARD. If the Senators are ready, I will yield the floor.

AMENDMENT NO. 396

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes remaining for debate on the amendment. Mr. Allard addressed the amendment 396, with 20 minutes under the control of the Senator from Iowa, Mr. HARKIN, and 10 minutes equally divided between the Senator from Colorado, Mr. ALLARD, and the Senator from Virginia, Mr. WARNER.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. If I might just briefly before I yield the floor to Senator HARKIN, I ask unanimous consent to add Senator Enzi as a cosponsor of the amendment.

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

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I have 20 minutes. Is that right?

The PRESIDING OFFICER. Correct.

Mr. HARKIN. Will the Chair please advise the Senator when he has used 15 minutes.

The PRESIDING OFFICER. We will.

Mr. HARKIN. I appreciate that.

Mr. President, I would like to take a few minutes to speak about the Civil Air Patrol, a unique group of volunteer civilian airmen and citizen, who use their professional skills to provide emergency services, youth programs, and aerospace education. Its more than 60,000 senior and cadet members are located in small towns and large cities across this country in 17 States and the District of Columbia.

Flying their own aircraft, sometimes using automobile inner tubes for life preservers, CAP pilots did what the military could not, find enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many sub-marines, in fact, that they finally convinced the military that they should be introduced. At first they tried to drop the bombs on their laps and dropped them out the door of the aircraft, later they improvised homemade bomb aiming sights and put bomb racks under their Beech, Fairchild, Sikorsky, and Stinson aircraft. It was over a year and a half before the military could accomplish this mission without CAP’s help.

By July of 1943, CAP pilots had flown over 24 million miles on anti-submarine combat missions and had spotted hundreds of ocean vessels and 173 submarines to the military. CAP itself attacked 57 of those submarines and sank or damaged two. Hundreds of survivors from sunk ships and military
aircraft crashes (at sea) were rescued as part of CAP’s anti-submarine patrol efforts. Twenty-six CAP volunteer lives and 90 aircraft were lost on these civilian-flown combat missions.

CAP’s World War II service also set the foundation for its modern day service to America. During the war, CAP became a part of the Army Air Force and flew hundreds of thousands of hours nationwide on border patrol, search and rescue, forest fire watch, target-towing, counter-flights, and military training exercises. It began its cadet program to help the military recruit young Americans and to teach them about aviation. These were invaluable missions that contributed greatly to the war effort. Many of these same missions and the tradition of service established then, continues today.

Today, CAP again flies support missions off the coast of America in support of another kind of war, this war against drugs. Since 1985, CAP has flown hundreds of thousands of hours in support of the U.S. Customs, U.S. Drug Enforcement Agency, and other federal and local law enforcement agencies. CAP members fly reconnaissance, communications, relay, and transport missions which take place over water along the 12-mile territorial limit, along the nation’s borders, and in most of the 50 states.

The cost to the taxpayer is very little as CAP aircraft are flown by volunteer aircrews for about $55 an hour. Aircrew members donate their time, often using their own personal leave from work to fly these missions. They provide essential support to the government, which would cost the taxpayer, even if the government had the pilots and aircraft to use, up to $2,000 an hour. In 1998 alone, Civil Air Patrol flew 41,721 hours in support of counter-drug efforts.

CAP also flies and conducts more traditional missions. While it is the official auxiliary of the Air Force, it also performs numerous emergency service missions, youth programs and aerospace education programs in support of states and local communities across this nation. It’s pilots routinely fly about 85 percent of all the search and rescue hours flown in the United States. Whether searching for a lost child in a state park or looking for downed aircraft, Civil Air Patrol is there. In 1998, Civil Air Patrol conducted 3,155 search and rescue missions and saved 116 lives. CAP also supports local communities and states during times of disaster. In 1998, during a period lasting weeks, hundreds of CAP members in drought-stricken Florida and Texas flew emergency fire watch while others maintained airborne communications relay stations, around the clock, supporting fire fighters on the ground. It was recently this week and, when the Oklahoma tornado did kill 45, CAP aerial and ground units quickly joined with community and state disaster relief efforts. Other emergency and humanitarian missions include flood surveillance, tornado and hurricane reconnaissance, blood collection and distribution flights, and the emergency airlift of medical material.

Over 26,000 young people participate in CAP’s growing cadet program where they not only have opportunities to fly, but they too learn discipline, leadership and public service skills. Not only are many of these cadets model students in school, but they are their communities and states during times of emergency. Indeed, during CAP’s emergency operations cadets operate many of its radios and make up the bulk of its ground rescue units. The cadet program also includes local unit activities, physical fitness, leadership laboratories, aerospace education, and moral leadership. A wide range of annual special cadet activities include nationwide flight encampments when the cadets each summer, working with adult flight instructors, learn how to fly powered aircraft and gliders. In 1998, 180 young men and women learned how to fly at these encampments. CAP also conducts aerospace education workshops that reach over 5,000 educators annually and routinely provides Air Force ROTC and CAP cadets in a series of orientation flights—over 17,500 in 1998—to introduce them to modern aviation.

It is impossible to adequately capture the essence of the Civil Air Patrol in just a few words, however, I hope it is clear that the CAP is a unique organization that touches Americans at all levels. While it is the official auxiliary of the Air Force, it is also a benevolent, civilian non-profit corporation chartered by Congress to support emergency service and educational organizations such as the American Red Cross, all 50 states, the District of Columbia and the Commonwealth of Puerto Rico as well as thousands of local communities across the nation. Its more than 50,000 members, 1,700 squadrons, 535 light aircraft, and thousands of communications stations stand ready to support not only the Air Force and other Federal agencies but all the citizens of the United States, no matter where they live. Civil Air Patrol does this valuable humanitarian and public service mission 24 hours a day, 365 days a year with little or no fanfare. Its volunteers deserve our thanks and appreciation.

The Air Force has proposed a takeover of the cadet program. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problems with CAP. I was joining with Senator ALLARD and a long, bipartisan list of cosponsors to offer an alternative that has Congress make a more considered decision.

The Air Force has proposed some huge and abrupt changes to the operations and governance of the Civil Air Patrol. The Air Force wants to place themselves in control of the CAP Board and operations. The proposal would put an Air Force Reserve Major General in charge of Headquarters Oversight Board—appointed by the Air Force—in control of CAP and replace a lot of the civilian staff with Air Force uniformed staff. This represents a major change to the CAP. It represents a significant financial outlay. It also represents placing a civilian volunteer nonprofit organization under the control of the Air Force.

Strangely, the Armed Services Committee has adopted the Air Force proposal. I say strangely, because the Committee adopted the language with very little review or discussion. There has been no hearings on the Air Force proposal.

The Air Force is citing allegations of financial mismanagement and safety lapses as the reasons for the change. While the Air Force has told the press there are series problems with CAP, they have yet to make clear the evidence to support the allegations. There has been no report by the Air Force Inspector General, no report by the DOD IG, nor by the GAO. The Air Force did write a report a year ago arguing for an adoption of a new financial management process—the adoption of an OMB circular but it is awaiting for the OMB to review the plan.

The Civil Air Patrol leadership has rejected the allegations. We don’t need to rush to a hasty decision. In fact, I have talked to both Acting Secretary Peters of the Air Force and CAP leadership. Both want to get together upon my behest to discuss any differences and think through any proposals. I would like to invite other Senators to attend if they so desire.

The Senator from Oklahoma described many allegations of CAP missteps. All I heard were allegations. In fact, many were made by unnamed former members. Where is the evidence? Where is the formal review? Where are the hearings? Are we going to base legislation on unchecked allegations?

Let me address just one allegation made by the Air Force and repeated by the Senator from Oklahoma—the infamous cruise ship incident. CAP has been purported as the worst of CAP’s missteps. I have looked into the matter and here is what I have found. It is true that, in 1998 the southeast region had a meeting aboard a ship instead of at a hotel. CAP regions have meetings regularly with the regions deciding on the location. Let’s look at a few more facts.

First, no CAP member used federal dollars to pay for the cruise. None. The cost, including the food and travel costs of CAP all pay their own way out of their own pockets. It is true that some CAP headquarters staff attended that meeting and were reimbursed for the cost.
Mr. President, I want to give my disclaimer and talk about my own involvement in the Civil Air Patrol. I have been involved in the Civil Air Patrol for about the last 15 years. I am at present the commander of the Congressional Civil Air Patrol. I go out and fly missions. I fly with the Civil Air Patrol quite regularly. So I just wanted to lay it out that I am very much involved with the Civil Air Patrol and have been involved most of the time I have been in Congress.

It is a proud and good organization. I am just going to give a little bit of the background: More than 60,000 senior and cadet members, all across America, in small towns, large cities, flying every day in search and rescue missions. Almost 85 percent of all the search and rescue missions in America are done by the Civil Air Patrol. We have youth programs for thousands of cadets around America. This organization started in World War II when German submarines were sinking our ships off the coast, sometimes within sight of land. We didn't have the Air Force to patrol, so, flying their own small aircraft, sometimes using automobile inner tubes as their life preservers, the CAP pilots did what the military could not—found the enemy submarines in the Atlantic and Gulf of Mexico. They spotted and reported the location of 173 submarines to the military and the CAP itself attacked 57 of those submarines and sank or damaged two of them. I wanted to lay that out as a kind of proud history of the Civil Air Patrol.

Since that time under civilian control, the Patrol has had a great cadet program to recruit young people into its program. Many of the pilots we have had in the Air Force, the Navy, came out of the Civil Air Patrol. It is just an invaluable youth program. One time I came over here to talk to a youth group from the Cleveland, OH, Civil Air Patrol squadron, all young African Americans, male and female, taken out of the inner city. They had uniformed small towns, large urban discipline. They had summer programs. It was just a wonderful thing to see, this cadet program instilling good American values in these young people.

Again, I am just saying that this is a very proud, very good organization, one that has done a lot of good. As I said, 85 percent of all search and rescue is done by the Civil Air Patrol. In 1998, we conducted 3,155 search and rescue missions and saved 116 lives.

We also support communities and States in times of disaster. In 1998, during a period lasting weeks, when we saw all the fires in Florida and Texas, hundreds of CAP members flew emergency fire watch, while others maintained airborne communication relay stations.

Three weeks ago during the terrible Oklahoma tornadoes that killed 45 people, CAP was there with aerial and ground units and quickly joined with community and State disaster relief efforts. I can tell you that in 1993, during the terrible floods we had in the Midwest, in Iowa, the Civil Air Patrol was there day after day after day helping with logistics, helping with communication, helping fly aircraft over rivers to warn of propane tanks floating downstream.

All of these things are done by volunteers. The people flying these planes don't get paid a dime.

One other thing that most people don't know about is the drug interdiction efforts by the Civil Air Patrol. This is something that I had a proud involvement with back in the 1980s. We changed the law to give the Civil Air Patrol the authority to join with the DEA and others to fly drug interdiction, both off our coasts and looking for drugs within the continental United States.

At that time, if I am not mistaken, much of what was being done in that regard was done by the National Guard. They were charging over $1,000 an hour for that. The Civil Air Patrol did it for about $80 an hour. Why? Because it was all volunteers. In fact, many of the flying volunteers took their own cameras with them, paid for their own film, paid for developing, which pictures they then turned over to the DEA.

Again, I point that out because I am very proud of the Civil Air Patrol, very proud of their history, proud of what they have been doing recently, proud of what they are doing today to help our States, our local communities, and the great cadet programs they have to instill good values and discipline among so many young people in America.

Now what do we have? In front of us we have this provision that was put into the bill. I understand it was voice voted in committee. We have had no hearings on it, not one hearing. Yet, this provision would basically allow the Air Force to completely take over the Civil Air Patrol.

The Air Force has always had a relationship with the Civil Air Patrol—quite frankly, a pretty decent relationship. But because of some unfounded allegations, all of a sudden we have this provision in the bill that basically would allow the Air Force to take it over.

Well, what the Allard and Harkin amendment—joined by so many others—is, what we have are allegations. Whether there are allegations, the best thing to do is to have the GAO investigate and do a study, have the inspector general's office investigate...
these allegations. Let’s find out where the truth lies. That is what our amend-
ment says.

The world is not going to end in the next year if we do not make this mas-
sive change to let the Air Force take over the Civil Air Patrol. What we need to do is to approach it in a logical man-
er. That is what the Allard-Harkin amendment does.

It simply says, GAO, IG, do an investi-
gation, report back by February 15 of the next year. In time for the next cycle. I am also going to ask the chairman and the ranking member of the Armed Services Committee if they would have hearings on this, bring in the Air Force, bring in the Civil Air Patrol. Let’s find out if there are any bases to these allegations.

I called the present commanding offi-
cer of the Civil Air Patrol, Jay Bobick, last night. I talked to him about some of the allegations that were made on the record by my friend from Okla-
ahoma. Basically, I got a completely different story.

There have been allegations of finan-
cial mismanagement and safety lapses, but there is no evidence to support it. There has been no report by the Air Force or by the Civil Air Patrol, no report by DOD, nor by GAO. The Civil Air Patrol leadership rejects these allegations.

We don’t need to rush to a hasty de-
cision. I talked personally to both the Acting Secretary of the Air Force and to the CAP leadership. I asked them if we could get them both together in the same room, across the table from each other, and talk to one another. I said I would be there. Senator Allard would be there. Anybody else is invited to come, too. Let’s get these two entities together, and let’s talk it out, just see what is the basis of this problem. I think that is the proper way to pro-
ceed.

The Senator from Oklahoma de-
scribed many of the allegations of CAP missteps. Some were made, as I under-
stand, in the record by unnamed former members. Again I ask, where is the evidence? Where is the formal re-
view? Where are the hearings? Are we going to base this legislation on un-
checked allegations by unnamed former members?

I must say at the outset, I know of some former members of the Civil Air Patrol who are still upset because they were mis-
managing things. Now they are coming back, writing letters, and doing things like that. Well, OK, if they want to do that, that is fine. But let’s check into it.

We heard last night about the infa-
umous CAP cruise, I say to my friend from Oklahoma, a CAP cruise to where-
ever it was, the Bahamas or Nassau, some place like that, purported as one of the worse CAP missteps, I looked into the matter, and here is what I found.

It is true that in 1998 the southeast re-
region—that is basically Florida, Ala-
bama, Mississippi, Georgia, Tennessee;
I find something very interesting, and that is a letter that went out last night over the web site from one of the prominent members, named Cameron Warner. In this letter he makes it very specific that we at CAP have problems—problems at the top—and they are going to be addressed. He goes on to say that if we don’t do something about it, those things that we said yesterday on the floor as to “5 percent” coming in and looking at all these abuses could actually be a reality. So here is a request from members of the CAP saying they want to clean up this act.

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

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

A SAD COMMENTARY
(By Cameron F. Warner)

Dear CAP Membership: Folks, today as I watched another CAP v. USAF take place on the Senate floor, I couldn’t help but think how sad all of this truly is. I just listen to the subject matter. All this dirty laundry about CAP being aired out on the Senate Floor in front of the American public. Today, the image of CAP took a giant step in the wrong direction relative to public perception. How embarrassing to say the least! Years of good work and wonderful acts by members being tarnished by the actions of a few. Indeed, this is a dark day in the history of CAP.

It is a personal heartbreak to see just where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage where the leadership of Bobick and Albano have taken CAP. Here is CAP, where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage.

For those of you who are interested, live coverage will air on CSPAN2 first thing in the morning. No matter what the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is the outcome, it will only get worse for CAP and CAP will end up the big loser.

How sad that this is right where Bobick, Albano, the NEC and NB have lead CAP at reality. CAP will not be portrayed in a positive light at all.

How sad that this is right where Bobick, Albano, the NEC and NB have lead CAP at reality. CAP will not be portrayed in a positive light at all.

Mr. INHOFE. Mr. President, the other thing I want to mention is that we all love the CAP. There isn’t a person in the 100 Members who here who has worked closer with them than I have. I was a flight instructor, and I have been involved with these people. We love them. We don’t want something to happen where all of a sudden we find out bad things are going on and the Air Force says we can’t be responsible for it, dump the program. We all want to save the CAP.

Third, I don’t buy the argument when they say we are using our own money. It is 95 percent paid for by public funds. But it is always easy to say these funds were the ones that were the 5 percent. I am not criticizing anybody for saying that, because I hear that all the time on the floor of the Senate. I have not seen any other leader with accepting this amendment. I think we can probably do it by voice vote. I would like to address these things together. The Senator from Iowa and I have talked, and certainly the Senator from Colorado also shares the concern that there could be mismanagement that has to be stopped, and this is actually the request of the members of the CAP. I reserve the remainder of my time.

Mr. ALLARD. Mr. President, first of all, I want to reiterate how important the Civil Air Patrol is to States such as Colorado, particularly in the mountainous regions. They have played such a vital role in fighting forest fires and aircraft in the Mountain States. They have been a nonprofit civilian organization ever since 1946, and they have been designated since 2 years after that as an auxiliary. After all, it is the Civil Air Patrol, the Air Force or the Volunteer Air Force. That is the Civil Air Patrol. And it is volunteers. That has been its focus. That is the strength of the organization. I think any effort at this point to put it under the control of the Air Force is premature.

I am glad to hear that my colleague from Oklahoma has recognized the fact that we can do a GAO study to look at the budget aspects of some of the discrepancy that supposedly come out; and then if we can get the inspector general to go in and look at how the management side of it is handled and get concrete recommendations back to the Senate, then we can go ahead and have some hearings next year. That makes good sense to me. I hope we can accept that plan and move forward.

So if they want to go with a voice vote, that is acceptable to me, with the idea that we have a GAO study and we have an inspector general study, and then we have some hearings and get the facts laid out.

I think Senator HARKIN, my colleague from Iowa, has made a good suggestion that we need to get both of them in the same room to talk about these differences. I think there is all sorts of room to correct some misunderstandings between the Air Force and Civil Air Patrol. I think we can do it in an honest manner.

So I think the Allard amendment is reasonable. I think it has a reasonable approach, and I urge my colleagues on the Armed Services Committee to work with us on the Allard amendment.

I ask unanimous consent to add another cosponsor to the amendment, Senator Rod Grams of Minnesota.
This is what the Civil Air Patrol can do for them. It will help build up our summer camps where these kids get to go for a couple of weeks. They can learn some technology and get some discipline and order in their lives. They can work on a program of which they can be proud. Believe me. I think we ought to do more to strengthen and to build up the cadet program in the Civil Air Patrol. I think it would be one of the best things we could do for the future of our country.

Again, I appreciate all the work that Senator ALLARD has done on this. I have talked to so many Democrats on my side who are supporting the Allard amendment. I believe there is overwhelming support on both sides for this approach.

Again, if we want to have a voice vote on it, that is fine with me. I thank my colleague from Colorado. I thank my friend from Oklahoma. I think he has done a service here by at least highlighting the problem and pointing out that we have to do something. We may have disagreed a little bit on how to do it, but that is normal. I think now we are set on a course that is really going to improve and make the Civil Air Patrol even better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma has 3 minutes remaining.

Mr. INHOFE. The other side?

The PRESIDING OFFICER. The time of the Senator from Iowa last expired.

Mr. INHOFE. Mr. President, I agree with a lot of the things the Senator from Iowa is saying. I felt that we were in a position where we couldn’t do nothing. We had the accusations out there. I think, quite frankly, “60 Minutes” has had much publicity out of this than the CAP has. However, that is the reality. Any time there are accusations like this and 95 percent of the taxpayers’ money is being spent, we have a responsibility for oversight. I think we will be able to do that. I certainly have no objection to working on this and making it happen.

I also say, since I have a minute remaining, that I am particularly concerned, because 2 weeks ago I was thinking about this CAP while flying an airplane which had an engine blow, and I wasn’t sure I was going to be able to land the airplane safely gliding into the airport. I could very well have been their pilot.

I yield the remaining time.

Mr. ALLARD. Mr. President, I would like to summarize briefly before we go to a vote. I think the Allard amendment is a reasonable plan. It sets out the process in which we can gather our facts through a GAO report, and I am sure the report from the Inspector General, then hold some hearings and make a decision on which this is. All, I think, agree that we need to understand the problem before we can come to some satisfactory conclusion. I think the plan does that.

I urge the Members to vote aye. I yield any remaining time.

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

The amendment (No. 396) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote, and 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 Minnesota.

Mr. WELLSTONE. Mr. President, I wanted to ask my colleagues whether or not they are ready to go to an amendment right this second, or whether I could have 3 minutes as if in morning business.

Mr. WARNER. Mr. President, can I get more clearly in mind the amount of time the Senator needs?

Mr. WELLSTONE. I say to my colleagues that I think I can do everything in 5 minutes.

Mr. WARNER. Is it related to the bill?

Mr. WELLSTONE. No.

Mr. WARNER. We have a Senator that is anxious to address a matter on the bill.

Mr. WELLSTONE. Mr. President, I have the floor, but I know we want to move forward.

Mr. President, while I have the floor, we are going to get forward with the Kennedy amendment. Is that correct? Can I ask unanimous consent that after we dispense with the Kennedy amendment I have 5 minutes?

Mr. WARNER. Mr. President, allow the managers to represent to the Senator that we will find a window in which the Senator from Minnesota can address the matter not related to the bill. But we have good momentum on this bill. I would like to ask the Senator from Massachusetts as to what his desire is.

Mr. KENNEDY. Mr. President, I would like to submit the amendment.

Mr. WELLSTONE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will send the amendment to the desk and speak probably for 4 or 5 minutes on it. I think my colleague, Senator Lautenberg, may want to talk for a similar period of time. We are prepared. There is virtual support for it, and no opposition. Then we would obviously like to get a vote on it and have it at a time that is suitable with the managers any time during the course of the day.

Mr. WARNER. If I might inquire, Mr. President, of the Senator from Massachusetts, he said get the vote. Would a voice vote be suitable?

Mr. KENNEDY. This issue is significant. Mr. President, dealing as the Senator from Massachusetts, he said get the vote. Would a voice vote be suitable?

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Mr. WARNER. I appreciate that, but it is a subject that I think is pretty well known. The Senator has raised it very conscientiously through the years. We have the necessity to get this bill completed by early afternoon.

If the President and the Senator from Wisconsin have 20 minutes; on this side, we would have 15 minutes; is that agreeable?

Mr. FEINGOLD. That is too rough, but I will agree to it and proceed accordingly.

Mr. WARNER. That is the first amendment.

As to the second amendment, the material of time?

Mr. FEINGOLD. I would like 15 minutes.

Mr. WARNER. Fifteen minutes; we would take 10 minutes on this side.

So that concludes those two amendments.

I think the Senator from Massachusetts is agreeable now. The Senator has 10 minutes equally divided and the Senator from New Jersey—

Mr. KENNEDY. Ten minutes on our side. There is no opposition to this.

Mr. WARNER. We will reserve 5, in the event someone is in opposition.

We have three amendments: two from the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

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Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?
Even the most severe military or economic punishment of oppressed citizens is unlikely to force their oppressors to yield to American demands.

The United States' insistence on the use of cluster bombs, designed to kill or maim humans, is condemned almost universally and brings discredit on our nation (as does our refusal to ban land mines).

Even for the world's only superpower, the ends don't always justify the means.

Mr. WELLS'TONE. Mr. President, I will read the relevant section:

Our general purposes are admirable to enhance peace, freedom, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.

There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counterproductive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success, and more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences and the killing of hundreds of innocent civilians and an untold number of conscripted troops.

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, roads, power grids and the killing of innocents. Serbian citizens report that they are living like cavemen, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (including Kosovo and Montenegro) is almost totally destroyed; to rely on Russia to resolve our dilemma through indirect diplomacy; or to accept American casualties by sending military forces into Kosovo.

The reason I read from this piece today is to build on what I said last night in the debate. Today there is a report in the Washington Post that we are going to be going after telephone systems, communications, in Yugoslavia as well as bombing electrical grids. This ends up targeting the people there.

Slobodan Milosevic has been indicted as a war criminal. He has committed brutal crimes against the Kosovars. But the citizens of Yugoslavia have not been the ones who have committed these crimes.

I come to the floor to say to all of my colleagues, I hope you have time to read President Carter's piece. I believe we are currently only cutting our own moral authority by targeting the civilian infrastructure. I think we are making a terrible mistake by doing so.

I come to the floor of the Senate to speak out against this and to make it clear that this goes far beyond what we said was our original goal of these air strikes and our military action—which was to degrade the military capacity of Milosevic.

Now this infrastructure is being targeted. Too many civilians are being targeted. As a Senator, I call into question these air strikes. I think Jimmy Carter has done a real service for the country by writing this piece, putting the emphasis on diplomacy, putting the emphasis on a diplomatic solution to this conflict.

VETERANS ACCOUNTABILITY DAY

Mr. WELLS'TONE. Mr. President, I rise today to inform my colleagues about a nationwide event which is going to be taking place in the Memorial Day weekend.

This is going to be an accountability day. It is organized by the Disabled American Veterans. It is an extremely important gathering.

I ask unanimous consent to have the list of the locations and the dates of these events printed in the RECORD.

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

DAV SAVE VA HEALTH CARE RALLIES, 1999 MEMORIAL DAY WEEKEND (As of 5/26/99)

Alabama
- Birmingham: 2 pm, Sunday, 5/30/99
- Montgomery: 2 pm, Sunday, 5/30/99
- Tuscaloosa: 2 pm, Sunday, 5/30/99
- Tuskegee: 2 pm, Sunday, 5/30/99

Arizona
- Phoenix: 10 am, Sunday, 5/30/99
- Prescott: 10 am, Sunday, 5/30/99
- Tucson: 10 am, Sunday, 5/30/99

Arkansas
- Little Rock: 3 pm, Sunday, 5/30/99
- California
- Los Angeles: 2 pm, Sunday, 5/30/99
- Little Rock: 3 pm, Sunday, 5/30/99

Colorado
- Denver: 8 am, Saturday, 5/29/99
- Colorado Springs: 2 pm, Sunday, 5/30/99

Connecticut
- Hartford: 1 pm, Sunday, 5/30/99
- New Haven: 1 pm, Sunday, 5/30/99
- West Haven: 3 pm, Sunday, 5/30/99

District of Columbia
- Washington, DC: 12:30 pm, Sunday, 5/30/99
- Florida
- Jacksonville: 2 pm, Sunday, 5/30/99
- Gainesville: 2 pm, Sunday, 5/30/99
- Miami: 2 pm, Sunday, 5/30/99
- Tampa: 2 pm, Sunday, 5/30/99
- West Palm Beach: 2 pm, Sunday, 5/30/99

Georgia
- National Service Office: 404-347-2204
- Augusta: 2 pm, Sunday, 5/30/99
- Decatur: 2 pm, Sunday, 5/30/99
- Savannah: 2 pm, Sunday, 5/30/99

Hawaii
- National Service Office: 808-566-1630
- Honolulu: 1 pm, Friday, 5/28/99

Idaho
- National Service Office: 208-334-1956
- Boise: 1 pm, Sunday, 5/30/99

ILLINOIS
- National Service Office: 312-353-3960
- Chicago: 2 pm, Sunday, 5/30/99
- Danville: 2 pm, Sunday, 5/30/99
- Hines: 2 pm, Sunday, 5/30/99
- Marion: 2 pm, Sunday, 5/30/99
- North Chicago: 2 pm, Sunday, 5/30/99
- Normal: 2 pm, Sunday, 5/30/99

Indiana
- National Service Office: 317-226-7928
- Fort Wayne: 1 pm, Sunday, 5/30/99
- Marion: 1 pm, Sunday, 5/30/99

Iowa
- National Service Office: 515-284-4658
- Des Moines: 12 pm, Sunday, 5/30/99
- Iowa City: 12 pm, Sunday, 5/30/99
- Knoxville: 12 pm, Sunday, 5/30/99

Kansas
- National Service Office: 316-688-6722
- Wichita: 1 pm, Sunday, 5/30/99

Kentucky
- National Service Office: 502-582-5849
- Lexington: 3 pm, Sunday, 5/30/99

Louisiana
- National Service Office: 504-619-4570
- Alexandria: 2 pm, Sunday, 5/30/99
- New Orleans: 2 pm, Sunday, 5/30/99

Maryland
- National Service Office: 410-962-3045
- Baltimore: 2:30 pm, Sunday, 5/30/99
- Perry Point: 2:30 pm, Sunday, 5/30/99

Massachusetts
- National Service Office: 617-565-2575
- West Roxbury: 10 am, Tuesday, 6/1/99

Michigan
- National Service Office: 313-694-6506
- Allen Park: 11 am, Sunday, 5/30/99
- Battle Creek: 11 am, Sunday, 5/30/99
- Iron Mountain: 11 am, Sunday, 5/30/99
- Saginaw: 11 am, Sunday, 5/30/99

Minnesota
- National Service Office: 612-970-5665
- Minneapolis: 1 pm, Sunday, 5/30/99

Mississippi
- National Service Office: 601-364-7178
- Biloxi: 2 pm, Sunday, 5/30/99
- Jackson: 1 pm, Sunday, 5/30/99

Missouri
- National Service Office: 314-589-9883
- Kansas City: 1 pm, Monday, 5/31/99 (DAV Chapter #2 Home)
- Poplar Bluff: 2:30 pm, Monday, 5/31/99
- St. Louis: 1:30 pm, Sunday, 5/30/99

Montana
- National Service Office: 406-443-8754
- For Harrison: 2 pm, Monday, 5/31/99

Nebraska
- National Service Office: 402-420-4025
- Grand Island—
Mr. KENNEDY. Mr. President, I send an amendment for myself and the Senator from New Jersey and others to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Massachusetts [Mr. KENNEDY], for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MUKULSKI, and Mr. KYL, proposes an amendment numbered 442.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

SEC. 3. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifa Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.


(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya’s national airline,

(B) a ban on flights into and out of Libya by other nations’ airlines;

(C) a prohibition on supplying arms, air- plane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(D) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom to stand trial.

(E) Libya cease all support for terrorism; and

(F) the corruption of the North African nation.

(G) The legislative clerk read as follows:

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(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

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(C) a prohibition on supplying arms, air- plane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(D) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only make the case that the veterans should not expect timely care, the veterans can do with less health care, the veterans are not a top priority. We have to change that.

The veterans are organizing and the veterans are going to put the pressure on us and I hope we will respond.

I thank my colleagues for their graciousness and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Massachusetts is recognized.

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

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(C) a prohibition on supplying arms, air- plane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(D) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only
Council sanctions against Libya should not be lifted until Libya meets all conditions specified in UN Security Council Resolutions 731, 748, and 883, and urges the Secretary of State to use all diplomatic means necessary to prevent sanctions from being lifted before these conditions are met.

On August 27, 1998, Colonel Qadhafi transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

Libya has only fulfilled one of four conditions (the transfer of the two suspects accused of the Lockerbie bombing on December 21, 1988, in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya).

Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims’ families before sanctions could be lifted.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya’s compliance with the remaining conditions.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the United Nations Security Council resolutions. Libya has not ceased its support for terrorist groups.

The Secretary General of the United Nations is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya’s compliance with the remaining conditions.

The sanctions in United Nations Security Council Resolutions 748 and 883 include a worldwide ban on Libya’s national airline; a ban on flights into and out of Libya by other nations’ airlines; a prohibition on supplying arms, air-plane parts, and certain oil equipment to Libya; and a blocking of Libyan Government funds in other countries.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups and turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims’ families before sanctions could be lifted.

On June 28, 1999, after years of intensive diplomacy, a compromise was finally reached, and Colonel Qadhafi transferred the two suspects to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya’s compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted until Libya meets all conditions.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the United Nations Security Council resolutions. Libya has not ceased its support for terrorist groups.

It is the intention, it seems to me, that the United States-United Kingdom proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.


There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair. The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. The Senator from Massachusetts has requested, and I surely have no objection, that the remainder of his time be saved and reserved until some point either during or after the conclusion of the Feingold amendments. If that is agreeable with the Senator from Wisconsin, I think that would accommodate Senator LAUTENBERG.

Mr. FEINGOLD. I have no objection, Mr. President.

Mr. LEVIN. Can we get the yeas and nays on the Kennedy amendment now?

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya for policies it has not fulfilled. We must all remain vigilant and make sure that justice is served in all of its aspects.

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya for policies it has not fulfilled. We must all remain vigilant and make sure that justice is served in all of its aspects.

Mr. President, I ask unanimous consent to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

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The Secretary General of the United Nations is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya’s compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted until Libya meets all conditions.
Senator from Virginia is the manager, if he is willing, we could give that preliminary alert.

Mr. WARNER. Mr. President, as I understand it, the Democratic leader has a commitment at the White House. We were informed that at the time this was established. We want to accommodate the minority leader, and therefore we will at this time vacate the order of the timing of these three votes until we can establish another time. But I would want the Senate to know that this time would be right around 12 to 12:30.

Mr. LEVIN. That would be very accommodating.

Mr. WARNER. I ask unanimous consent to vacate that order.

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

Mr. WARNER. We will continue with the debate and conclude all amendments.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,840,795,000.

The Navy and Boeing say they need $8.8 billion over the next five years to procure the Super Hornet. Specifically, they say the $8.8 billion would procure 99 aircraft, and furnish them with equipment, and engines. My amendment simply sets a cost cap that holds them to that amount. My amendment doesn't terminate the funding; it doesn't hold that money up; it doesn't even restrict use of the money. My amendment would be only a stop gap to the amount that they say they need.

I would like to discuss the spectacular mediocrity of the Navy's F/A-18E/F, or Super Hornet, aircraft program, and to raise concerns about the poor decisions that have been made with regard to this breathtakingly expensive program.

President Eisenhower warned us four decades ago about the inexcusable momentum of the military-industrial complex. Today, we are caught in the military-industrial-congressional complex that plods forward with a relentless indifference to the fact that, for all its foresight, could not have imagined. I have long feared that the Super Hornet is not the future of naval aviation, but rather a step backward. The Super Hornet just isn't worth the cost. It's as simple as that.

The Pentagon wants to spend 45 billion of our tax dollars to buy the Super Hornet for the Navy. But the plane is not as good as the one they currently use, and may have design problems that could cost billions more to fix. "Super" is not the way to describe this plane—"superfluous" really is.

For very limited gain, the American taxpayers are getting hit with a 100 percent premium on the sticker price. At this point in the program's development and testing, my colleagues may be asking why I continue to fight this battle. Why wouldn't we just give up and allow the Pentagon to spend billions of dollars on the Super Hornet? We have been wrestling with the wing drop problem for a couple of years now, and it still is not resolved. Potential fixes for the wing drop problem will decrease range, but since we do not know which solution the Navy will employ, the actual decrease is not yet known.

Also affecting the range, believe it or not, is the potential of bombs colliding with each other or with the aircraft. The Navy's solution increases drag, thus resulting in a deficiency that would preclude the aircraft from carrying external fuel tanks. If the aircraft does not carry the two 480-gallon tanks, it will not be able to meet its required range specifications. The Navy and its contractor now have little choice but to redesign the wing pylons.

A second pillar of the program is survivability. Since the inception of the Super Hornet program, the Navy has asserted that the aircraft will be more survivable than the current Hornet. Based on operational tests, however, survivability issues now comprise the majority of the program's deficiencies, as identified by the Procurement Executive Office for Tactical Aircraft. A chief survivability problem is the plane's exhaust will actually burn through its decoy tow line. The towed decoy is designed to attract enemy missiles away from the aircraft. Obviously, losing a decoy will not increase survivability.

A third pillar put forth is growth space, or space availability to accommodate new systems. When the Navy
was pitching the Super Hornet to Congress, they said the Hornet just did not provide enough space to accommodate additional new systems without removing existing capability. We were told that the Super Hornet would have a 21 cubic foot increase in payload capacity versus less than a few feet in the Hornet. But now, GAO actually reports that the Super Hornet has only 5.46 cubic feet of usable growth space. The Navy’s F/A-18 upgrade roadmap shows that most of the upgrades planned for the Super Hornet are already planned to be installed on the Hornet as well.

The remaining pillars are that of payload and bringback. The Navy claims that the Super Hornet would provide greater payload and bringback than the Hornet. Increased payload should mean the Super Hornet is able to carry more weapons and fuel, and increased bringback should mean that the Super Hornet should return from its mission carrying more of its unused weapons than the Hornet, so pilots do not have to lessen their load for the trip home by dropping missiles unnecessarily. That is what payload and bringback should mean, but with the Super Hornet, the reality falls short of expectation.

Flight tests have revealed additional wing stations that allow for increased payload may cause noise and vibration that could damage missiles. In response to this glitch, the Navy is determined to redesign the missiles need to be redesign. The Navy also plans to restrict what can be carried on inner wing pylons during Operational Test and Evaluation because of the excessive loads on them. These restrictions would prohibit the Super Hornet from carrying 2000-pound bombs on these pylons, which reduces the payload capacity for the interdiction mission. GAO also reports that they have to cancel the program problems could negatively affect bringback.

What all this technical talk is about, simply stated, is that the pillars supporting the Super Hornet program are crumbling. But don’t take my word for it. Just look at the troubling evidence amassed by the GAO which makes the best case yet against the Super Hornet program.

According to GAO, the aircraft’s performance is less than stellar. In fact, GAO reports that the aircraft offers only 50% of its supercruise speed versus the Hornet, the same finding it made in 1996. Over the last 3 years, GAO has offered evidence of shortcomings in each and every area the Navy declared as justifications for the Super Hornet. In addition, the Super Hornet is actually worse than the Hornet in turning, accelerating, and climbing—actually worse than the plane we are using now that is less expensive.

GAO testified recently before Congress that the Super Hornet is not meeting all of its performance requirements. It is behind schedule, and it is above cost, regardless of Navy boasts to the contrary. The Navy’s statements on performance actually reflect the single-seat E model of the aircraft, and it does not factor in the performance of the less capable two-seat F model. This is troubling because the F model actually comprises 56 percent of the Pentagon’s overall spending for the Super Hornet program. Not only that, the Navy’s assertions about performance are based on projections, not on actual performance.

GAO’s work has made crystal clear the setback and the Super Hornet has already faced and the serious problems that lie ahead. There is really a mountain of evidence against the Super Hornet. The Navy’s response to that mountain of evidence has been simply to tell you: It’s a molehill; don’t worry about it.

To close the cost gap between the Super Hornet and Hornet aircraft, Boeing is shutting down production lines for the Hornet. These lines may be probably and temporarily open even if very few airplanes ever face the facts and decide that the Super Hornet is not worth the cost and risk.

The Navy’s response to the Super Hornet’s troubles has been to play games, to divert attention from the plane’s failings, to keep the Navy from relying on the more reliable Hornet, and, most of all, they are playing games with Federal tax dollars. These games have to stop.

For the sake of our pilots and American taxpayers, the Navy must be forthright with us. By any reasonable assessment, the Super Hornet program has problems that have to be corrected before we commit our pilots and our taxpayers to a long-term obligation.

But that is what is so disturbing here, Mr. President. At the very moment we should be pausing to reassess this program, in our oversight role, the Navy and the Pentagon are pushing for a multiyear procurement contract.

This is despite the fact that the Navy has identified 29 major unresolved deficiencies in the Super Hornet, as stated by the Risk Advisory Board, which is made up of Navy and contractor personnel, states that there is a medium risk—a medium risk—that the operational test and evaluation might find the Super Hornet is not operationally effective and/or suitable, even if all performance requirements are met. In other words, even if they fix all the problems plaguing the plane, the Super Hornet still might not cut the mustard. How can we sign off on a $9 billion contract before an aircraft is certified operationally effective?

I am very puzzled by that. Instead of signing off on this leap of faith, I suggest the Navy complete OPEVAL and the final certification of a multiyear procurement contract. The Super Hornet’s OPEVAL will allow the Navy and its contractor to stress the aircraft as it would be stressed in the flight. A multiyear procurement decision is the final test of the purpose of the test.

It is not unreasonable to ask that all deficiency corrections be incorporated into the aircraft design and successfully tested prior to a 5-year, $9 billion procurement commitment. Not only is it not unreasonable, it is consistent with existing Navy criteria.

What concerns me most here is the continued paradigm of the Pentagon as they have tried to ensure that the Super Hornet has a place in its aviation program. At every turn, they have pushed this plane, despite all logic to the contrary. They have even resisted outright answering key questions about the plane’s performance.

My own experiences trying to extract information from the Pentagon about the Super Hornet’s performance have been fraught with difficulties. Last November, I sent a straightforward letter to the Secretary of Defense that asked some simple questions about the status of the E/F. At the time, Congress had just appropriated more than $2 billion for the Super Hornet’s production. After that letter, I wrote four additional times urging DOD to answer very specific, clear questions regarding the performance of the aircraft in its latest flight test.

Three months later, I received a memorandum stating that it “addresses some” of my “concerns.” This was unfortunate because I was assured by Pentagon officials familiar with the report that my questions could be easily answered in full. I can assure everyone who is listening that I will not stop asking until I get answers.

I would like to conclude my initial remarks by telling my favorite story about this profoundly flawed program.

This past January, the Assistant Secretary of the Navy for Research, Development, and Acquisition commissioned an independent study to address my questions. I had been asking for a study for some time, so I was heartened and relieved and looking forward to the results.

Unfortunately, the person chosen to lead the study was an active-duty Washington defense lobbyist who had a long-standing business relationship with Boeing, the Super Hornet’s primary contractor. During the meeting with my staff, the lobbyist did not disclose his firm’s association with Boeing. Later my staff telephoned him, and he described his firm’s association with Boeing in response to direct questions from my staff. Then he went on to say that he had terminated his relationship with Boeing a couple of years ago. Mr. Buchanan asked him to perform the independent review—“a few days.”

No one will be shocked to hear that the report was very favorable to the Super Hornet. This latest episode with the Super Hornet highlights a pervasive Pentagon mindset that sometimes sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive programs are always better. It puts us in stark relief the power of the defense industry which gave more than $10 million in PAC money and soft money to

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In the last 10 years, the defense industry gave almost $40 million to the two national political parties. For that kind of money, these interests could have gotten their own Hornet. Unfortunately, they would have needed another $36 million to get themselves a Super Hornet.

Boeing, the Super Hornet's primary contractor, gave more than the $34 million in PACs in Eisenhower's day, but this is what he warned us about, only with higher stakes than he may have imagined.

I have occupied the floor of the Senate for 3 years now discussing the inadequacy of the Super Hornet program. And for 3 years, Congress has turned a deaf ear to the facts. I harbor no illusions that the Super Hornet will be terminated. I do hold out hope that this body will use some common sense in procuring the aircraft.

My amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy—nothing more, nothing less.

We owe it to our naval aviators to give them a product worthy of their courage and dedication. And we owe it to the American taxpayers to ensure that we are using their money to modernize our Armed Forces wisely.

Mr. President, I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I thank the manager of this bill for giving me the opportunity to rise in strongest opposition to the amendment offered by my colleague from Wisconsin.

This is becoming an annual ritual where the Senator from Wisconsin seeks to undermine the Navy's No. 1 procurement priority against the will of the administration, the Department of Defense, and at the expense of our Navy warfighters.

There are quite a few problems with this amendment and the one that he will offer to follow it. But on this first one, it is absolutely not necessary. A fixed-price contract is already in place. So submitting an amendment that permits to do what is already being done is redundant.

Cost caps are normally reserved for problem programs to control cost overruns. The F/A-18 E/F program of today is a model program which has consistently come in under budget. It is a well controlled program with cost incentives in place.

The attacks on this program can best be summed up by the words: Don't confuse me with the facts, I have my prejudices, and I have my viewpoints that I am going to argue, regardless of what the facts are. Because the facts are that the F/A-18 E/F procurement program is under budget and it is ahead of schedule.

It absolutely amazes me that the Senator from Wisconsin would seek one more time to hamper the program by adding further administrative cost controls for a program that has already been reviewed by the Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee. All three of these bodies reviewed the F-A-18 program and found no need to add further administrative constraints to this successful program.

There is a report out, that was put out a year ago by Rear Admiral Nathman, the "N88 Position on OT-IIB." This report answers all of the concerns raised by the Senator from Wisconsin. I ask unanimous consent that this summary be printed in the RECORD.

We will have it available for anybody who wants to read it, the specific responses to all the points raised. They have been available to the Senator from Wisconsin, and all of us, for over a year.

There being no objection, the summary was ordered to be printed in the RECORD, and up to this point.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BOND. Mr. President, I ask if I might be accorded 2 more minutes.

Mr. WARNER. Mr. BOND, if the Senator would yield for a moment, we are very anxious to start votes.

Mr. SANTORUM. I yield the Senator 2 of my 5 minutes.

Mr. WARNER. I think this would be an appropriate time for the managers to address the Senate as to the schedule of voting.

We are now hoping to start the first vote at about 11:50. That vote would be in the normal sequencing of time, and we hope thereafter to have the two following votes at 10 minutes each. I will not propound that at this moment. I wish to alert the Senate and those debating so when I object to any extension of time for this debate to accommodate a number of Senators on the vote schedule, they will understand. I do not propose a UC at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes from the time of the Senator from Pennsylvania.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BOND. Surely.

Mr. LEVIN. So ordered. Can sequence Senator Lautenberg's 5 minutes for an earlier amendment in this process, after the Senator from Missouri is finished his time and the Senator from
Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouri mixed up. On the No. 1 amendment, you are going to deal with that; is that correct?

Mr. BOND. I will make brief comments about the second amendment, and then I will conclude.

Mr. WARNER. Could you advise the managers at what juncture we could complete Senator Lautenberg's 5 minutes on the Kennedy amendment? What would be convenient?

Mr. BOND. Mr. President, I only need about 2 minutes to finish up all of my efforts on both of these, if I could finish.

Mr. WARNER. So in between the two amendments we could get 5 minutes?

Mr. SANTORUM. Mr. President, that would be fine with me. The two Senators from Missouri, myself, and then I would be happy to.

Mr. WARNER. Why don't you finish up the first amendment, inform the Chair, and then we will have Senator Lautenberg complete the Kennedy amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

The senior Senator from Missouri is recognized for an additional 2 minutes.

Mr. BOND. Let me reiterate that the F/A-18 program is under budget and ahead of schedule. Why don't we just ask the men and women who have flown them? Admiral Johnson, Chief of Naval Operations, came before us. He represents, and is responsible for, the men and women who fly these aircraft.

He has flown one, and has given overwhelming, enthusiastic, and unqualified support for the Super Hornet.

Now, we have hearings in this body for a reason; that is, to listen to the people who have the expertise and the experience. These people have told us that the E/F is the best thing we have for the Navy, and they want them. They know it is ahead of schedule, and under budget, with improved performance.

Why do we even bother with hearings if we do not pay attention?

I say, with respect to the second amendment, this is an attempt to set up the GAO as a decision making authority in the Defense Department. Constitutionally they are not authorized to do so. We have a director of OPEVAL, who is appointed by the President, with advice and consent of the Senate, to make these decisions. I believe in legislative oversight. I believe in the GAO having a responsibility to raise questions. The people who have the responsibility in the executive branch have answered these questions.

I think it is time to quit hampering the program, trying to kill or cripple a program that is providing us the best tactical aircraft for the Navy's carriers.

I urge my colleagues to join in what I trust will be a tabling motion to table both of the amendments or to vote against them if they are not tabled.

I thank the Chair and the chairman of the subcommittee for giving me this opportunity.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to rise in response to the amendment proposed by the Senator from Wisconsin.

The senior Senator from Missouri has stated eloquently the need to respond to the military demands of America in ways that the military believes are effective. We have in the E/F a program that is under budget, under cost. It is on schedule. It is certified ready for operational test and evaluation.

Those who have the ability and opportunity to fly it have certified to its characteristic and its characteristics as those that are needed. Every aircraft that we have in our arsenal has some characteristics which preclude others. There are tradeoffs. So there will be those who attack this aircraft and say it doesn't do this as well as something else does, or it doesn't do that as well as another plane does. The fact of the matter is, what is it designed to do. When it does what it is designed to do, it meets the needs of the defense of this United States of America.

Aircraft fighters and attack aircraft are designed to do specific things. There is a need—and we have seen it; we are seeing it plainly in the arena of conflict today in the Balkans—for additional mission radius. There is a need for the ability to fly further. There is a need for increased survivability. If you look at the strike-sortie to just general sortie ratio in the war in the Balkans, it is far different than it was in the war in Desert Storm. That is because we are basing our planes in a different place.

This particular aircraft has a 37-percent increase in mission radius. That is important. It is a design feature. It is needed. It is something the Defense Department and the military understand we have to have in order to defend our interests and to protect the most important resource we have in our defense operations, and that is the human resource of our pilots.

There is a 60-percent increase in recovery payload. Depending on the mission, the E/F has two to five times the strike capability of the earlier model, two to five times the strike capability, being able to put destruction on a target. That is an important thing to understand.

There is a 25-percent increase in frame size to accommodate 20 years of upgrades in cooling, power, and other internal sections. That is important.

It may be said this aircraft is only marginally better. Well, the margin is what wins races. The winner in the 100 yard dash does it in 10.4 seconds. The loser does it in 10.5 seconds. It is only marginally better, but marginal superiority is what wins conflicts. It is what saves lives. It is what makes a difference.

In testimony before the Armed Services Committee, Phil Coyle, Director, Operational Test and Evaluation, Department of Defense, said it this way:

The Department of Defense embarked upon the F/A-18E/F program primarily to increase the Navy's capability to attack ground targets at longer ranges.

Does that sound familiar? That is where we are right now in the Balkans. We are feeling to fly lots of sorties, because we have to have lots of refueling and other things. To utilize the current things that we do not have the ability to attack and increase our ability to attack ground targets at longer ranges.

In order to obtain this objective, the principal improved characteristics were increased range and payload; increased capability to bring back unused weapons to a carrier; improved survivability; and growth capacity to incorporate future advanced subsystems.

The three to five times the strike capability. We need to be able to add improved technology. It is my understanding the Senator from Wisconsin wants to flatten the plane out, simply to say it can be this plane and no further. If there is a generation of technology available to upgrade this, we need to be able to add the upgrades.

I think we need to be in a position where we can do for those who fight for America and freedom and that which will serve their best interests. The idea, somehow, that the GAO should make a determination about whether an airplane is ready—I served as an auditor. For 2 years I was the auditor for the State of Missouri. It is a great job. It is a wonderful responsibility. But those flying green eyeshades and walnut desks in Washington should not be compared to those who fly fighters to defend freedom. We shouldn't have the green eyeshade accountant flying a down in Washington telling us whether or not the fighter is fit to fight. We need to rely on the responsible testimony and information provided to us by those whose job it is to defend America and whose lives depend on the fighter being fit to fight.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

The Senator from Pennsylvania.

Mr. Lautenberg. What was the order?

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania has 3 minutes, the Senator from Wisconsin has 3 minutes, and then the Senator from New Jersey will be recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think the fine representatives from the State of Missouri, Senators Bond and Ashcroft, addressed the issue of the F/A-18E/F adequately on the merits.

Frankly, I will not address that because that is not what this amendment does.

This amendment has nothing to do with the merits of the F/A-18E/F. This
has to do with a cost cap on a fixed price contract. Frankly, I was willing to accept this amendment because a fixed price contract is a fixed price contract. Putting a cost cap on the fixed price times the number doesn't really have any impact.

What we are going to pay for this is already in law. What his amendment did, which I objected to, was that it did not allow any increase in money for what is called technology insertion. What does that mean? Well, if we come up with a better radar system in the next few years while we are procuring these F/A-18E/Fs, and if we want to put a new radar system in, which would cost more money, under the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our naval aviators, to make sure they have the most competent equipment to be out there flying. I agree. That is why I can't support this amendment. If we put this amendment in, and the Navy would be denied the ability to put in technology insertion that would be important in improving the survivability of the aircraft, or their ability to locate targets, or whatever the case may be.

This is a dangerous amendment. It threatens our naval aviators who are going to be flying these aircraft because we are not going to allow the insertion of technology for an additional cost that may increase the efficacy of that aircraft.

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One other comment. This was in response to the comment of the Senator from Wisconsin that we should not be approving this multiyear contract, which we do under this bill, without having the operational evaluation of testing go on, which could fail.

I say to the Senator from Wisconsin, if it fails, under our bill, there is no multiyear contract. We spell out specifically in this legislation that it has to pass OPEVAL. If it doesn't, there is no multiyear.

We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety that he believes exist—and if that is what is determined by the Department of Defense and the Bureau of Testing, we will not have a multiyear contract. So the Senator will get his wish.

So I think, in the end, the Senator's amendment is superfluous at best—if he would agree to the amendment as suggested—but it is dangerous now because it doesn't allow for technology insertion. So I will move, at the appropriate time, to table the Feingold amendment.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, it is pretty clear at this point that any effort to question any weapons system is considered an effort to somehow undercut the military strength of our country. The fact is that we have a responsibility to do some oversight on our own. We should not just take the word of Government bureaucrats, whether they are in one Department or the other—the Defense Department or Department of Agriculture. We should not just take their word for it. We have some responsibility to look at the questions that have been raised by independent bodies such as the General Accounting Office that say there are real problems.

There has been a great effort here to distort his amendment. It takes the Navy's figure of $8.8 billion and uses that for the cost cap. That is what it does. We have done this before on this particular airplane. My amendment to do this in another phase of the program a couple of years ago was accepted, and it worked just fine.

On the engineering and manufacturing development portion of it, it was not a radical attack. This simply takes the Navy's own numbers and assuming that much of what happens with the incredible cost increases that occur with these planes.

Where is the role of oversight of the Senate? There is an attitude of 'don't confuse me with the facts' when it comes to such a complicated, expensive program. It is a $45 billion program, and we are whitewashing the whole thing, even though the General Accounting Office—not me, but the GAO—has identified problems on each of the five pillars of the program. There was essentially no substantive response to any of the points the GAO made that I laid out. They just repeated the facts of the original claims without saying one thing about what has been determined about problems with survivability, and with the additional space. It simply is not as good as originally claimed.

So what we are left with is a blank check. This is the only challenge to any weapons system on the floor of the Senate. Where have we come to, that we scrutinize and cut so many other areas of Government? I have worked hard on that and have a good record on it. But why doesn't the Defense Department, and why don't these weapons systems have to share in the scrutiny of everything else?

There are problems with this plane. My amendment doesn't terminate the plane; it says we ought to hold them to a dollar amount that the Navy itself has identified?

Regarding the Senator's point, that technology improvement language he thinks would help is a giant loophole that will allow anything to get through to add to the cost. In fact, you could fly a Super Hornet through that loophole.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time is remaining.

Mr. LEVIN. Mr. President, my time has expired.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

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Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time on the amendment has expired.
brought to justice. We must ensure that they are prosecuted effectively. We hope the families and their representatives will also have access to the trial, if possible through a video link to the United States.

United Nations sanctions on Libya have already been suspended. The United States should not consent to permanently lifting the sanctions before the trial is concluded to ensure continued Libyan cooperation. We agree with your decision to keep U.S. sanctions in place until it can be demonstrated that Libya has renounced terrorism in word and in deed.

Our shared commitment to justice for the victims and their families is as strong as those who support and encourage such unlawful and uncivilized conduct.

Sincerely,
Edward M. Kennedy; Barbara A. Mikulski; Daniel Patrick Moynihan; Robert G. Torricelli; Charles Schumer; Dianne Feinstein; Frank R. Lautenberg; Gordon Smith; Arlen Specter; Sam Brownback; Paul D. Wellstone; Paul S. Sarbanes.

Mr. Lautenberg. Mr. President, the amendment Senator Kennedy and I offer sends a message to Tripoli that the United States will do everything in its power to ensure continued sanctions against Libya until it complies with international demands and renounces terrorism as state policy.

Since the 1988 bombing, three United Nations Security Council resolutions—Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects, cooperate with the investigation and trial, and address the issue of accountability.

To date, Tripoli has only fulfilled one of the four conditions—turning over the two suspects in the Pan Am 103 bombing to a Scottish court constituted in The Hague. In return, the U.N. sanctions against Libya have been suspended.

This measure, a sense of the Congress, highlights some of the inadequacies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the relevant Security Council resolutions. Qaddafi has not reassured us he will fully cooperate with the investigation and trial; he has yet to renounce his support for international terrorism; and he has failed to pay compensation to the victims' families.

I have little doubt that no matter what the outcome of this trial, Qaddafi will not change his stripes. He is a dictator and a criminal. Indeed, the London Sunday Times of May 23, 1999, reported that British intelligence has information clearly linking Qaddafi himself to the bombing.

This amendment states the sense of Congress that the President should use all means, including our veto in the Security Council, to preclude the lifting of all sanctions until all conditions are fulfilled. I would go further. Until we know just who ordered this heinous act of terrorism have lived a life of freedom with their families.

For reasons best known to himself, Colonel Qadhafi has decided to turn over the two suspects in the Pan Am 103 bombing to a Scottish court constituted in The Hague. In return, the U.N. sanctions against Libya have been suspended.

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This amendment states the sense of Congress that the President should use all means, including our veto in the Security Council, to preclude the lifting of all sanctions until all conditions are fulfilled. I would go further. Until we know just who ordered this bombing, and until that person is duly punished, Libya must remain a pariah state, isolated not only by the United States but by all the decent nations of the world.

I urge colleagues to support this amendment, and commend Senator Kennedy for his many efforts of the Pan Am 103 victims and families.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.
enters into a multi-year procurement contract.

Mr. President, my colleagues are well aware of my concerns about the Navy's F/A-18E/F Super Hornet aircraft program. Over the past three years, I've delved into the program's flaws in agonizing detail. Earlier, I was on the floor to offer an amendment that institutes a cost cap on the E/F program. At the time, I took this body through a wide-ranging review of facts and figures from the Pentagon's Director of Operational Test and Evaluation and the General Accounting Office, on the Super Hornet's shortcomings. So I won't subject my colleagues to more of the same facts showing how the Super Hornet program fails to improve on the existing Hornet program more than marginally, or in a cost-effective manner.

Mr. President, I'm sure many of my colleagues wonder why I continue on this lonesome crusade. I continue this effort because I believe the Super Hornet will be placed at risk in the F/A-18E/F for the next 25 to 30 years. On top of that, taxpayers are being asked to pay more than $45 billion for this program.

Mr. President, the amendment I offer simply requires the Super Hornet to meet existing performance specifications before going into full-rate production. It is simply a common sense measure.

To briefly summarize the contracting process, in 1992, the Secretary of the Navy and the aircraft's primary contractor, Boeing, entered into a contract for the development, testing, and production of the Super Hornet. Within a follow-up Operational Requirements Document, or ORD, which was signed off by the Navy in April, 1997, are a number of key performance parameters. Essentially, Mr. President, the contract states explicitly what the Navy wants the plane to be able to do. Mr. President, I assume the Navy wants the Super Hornet to: fly at increased range, increased payload, greater bringback capability, improved survivability, and increased growth space over the existing F/A-18C Hornet aircraft. The Navy calls these improvements the pillars of the Super Hornet program.

As I stated earlier, premier among the Navy's justifications for the purchase of the Super Hornet is that it fly significantly farther than the Hornet. As recently as this past January, the Navy claimed the E/F would be able to fly up to 50 percent farther than the Hornet.

Mr. President, again, these improvements have yet to be proven in reality. And in the realm of reality, initial Super Hornet range predictions have declined as actual flight data has been gathered and incorporated into further prediction models. If the anticipated, but yet unmet, improvements are not included in the estimates, the Super Hornet range in the interdiction role amounts to a mere 8 percent improvement over the Hornet.

According to GAO, this is not a significant improvement. Mr. President, not only does the Super Hornet fail short in its range, but also in its payload capacity, and growth space improvements. On top of that, the Super Hornet is more than the Hornet in training, acceleration, and ability to climb. Again, this plane will cost far more, perhaps twice as much as the current model.

As I mentioned earlier, the General Accounting Office recently before Congress that the Super Hornet is not meeting all of its performance requirements, is behind schedule, and above cost, regardless of Navy boasts to the contrary. The agency offered evidence of shortcomings in each and every area of the Navy declared as justifications for the aircraft. GAO also states that some of the Navy's assumed improvements to the aircraft have yet to be demonstrated.

Mr. President, the Navy's statements on performance reflect the single-seat E model of the aircraft, not the less-capable two-seat F model. This is troubling because the model of the aircraft, not the less-capable two-seat F model. This is troubling because the F model comprises 90 percent of the Pentagon's purchasing plan for the Super Hornet. Again, Mr. President, the Navy's statements on performing are based on projections, not actual performance.

According to GAO, which has been reviewing the program for more than three years, the aircraft continues to offer only marginal improvements over the Hornet, the same finding GAO made in 1996. After three years of development and testing, Mr. President, we still stand to gain only marginal improvements that don't outweigh the cost.

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet program. And for three years, a majority of my colleagues have turned a deaf ear to the facts. I hold out hope that this body will use some measure of common sense in procuring this aircraft.

Mr. President, this amendment merely enforces what should be blatantly obvious. Before moving to full-rate production, or entering into a multi-year procurement contract, of the Super Hornet, the contract between the Navy and its contractor should be enforced. The Navy signed a contract to receive a plane that can do certain things. I agree with the Navy.

The plane ought to do certain things. We shouldn't go forward until we know that, it really does those things. This amendment simply requires that the Navy receive the plane it expects.

Mr. President, I ask for the yeas and nays. I reserve the remainder of my time, and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. WARNER. Mr. President, I say this with great amusement. When I propounded the unanimous consent request for an 11:50 vote, it was interpreted as a little too folksy for the Parliamentarian, so I now in a very stern voice ask unanimous consent that the votes be taken and the result ordered reported.
The Senator from Pennsylvania is recognized for 2 minutes.

Mr. FEINGOLD. I ask that they yield 2 minutes of the Senator from Wisconsin.

Mr. FEINGOLD. I yield myself the remainder of my time.

Mr. FEINGOLD. I yield myself the remainder of my time.

Mr. ASHCROFT addressed the Chair.

Mr. LEVIN. I reserve the remainder of my time.

Mr. SANTORUM. The Senator has 3 minutes remaining.

Mr. SANTORUM. I yield 30 seconds.

Mr. LICHRON. I yield 30 seconds.

Mr. ASHCROFT addressed the Chair.

Mr. SANTORUM. I yield 30 seconds.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. LEVIN. Will the Senator yield 1 more minute?

Mr. SANTORUM. I am happy to yield an additional minute.

Mr. LEVIN. On the pending amendment, again I think this is a well-intentioned amendment. I think up until the last paragraph it is on target. We do want the Secretary of the Navy to determine the results of operational test and evaluation and to certify that the version of the aircraft to be procured under the multiyear satisfies all key performance parameters. I think that is very good.

The problem is it then gives to the Comptroller General, who is in the legislative branch, the veto power because the Comptroller General must concur with the Secretary's certification. I believe that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

To permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer's concurrence with the Secretary's certification, I think that amendment would have been acceptable. With that additional provision, I think it is unacceptable as it violates separation of powers and the Supreme Court ruling in the Bowsher case.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.
Mr. SANTORUM. I yield the Senator from Missouri 2½ minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F-18 is underbudget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.

The Senator from Wisconsin says these two different planes in the F-18 package, the single-seater and the two-seater, must meet the same flight characteristics. That does not make sense. When you put an extra seat in an airplane it changes the characteristics, but it also changes the fighting capability of the airplane. You can do with two pilots—or one plus a person operating radar or other things in a hostile environment in terms of locating targets—what you can't do with one person both flying the airplane and doing that.

The Senator from Wisconsin asks about oversight. Frankly, we have had substantial oversight here. We have had oversight in the Senate Armed Services Committee, oversight in the Senate Appropriations Committee. There will be, again, evaluation in the House Appropriations Committee.

This is a circumstance where, obviously, there has been substantial oversight. The members of the committee and committee chairman are saying we should approve this. I believe we should. For us to say the Department of Defense, the fighter-fliers, those whose lives depend on this airplane performing, are to have their judgment about the airplane set aside or deferred or delayed until accountants or auditors from the General Accounting Office will be on this plane is unwise. It is not only unwise, it has been clearly demonstrated, I think, in the arguments that it is unconstitutional as well.

The F-18 is an outstanding aircraft with characteristics that will serve well—extended range carrying capacity, and ability in the two-seat configuration to do things not available in the one-seat configuration. It is a well-made airplane that will serve our interests well by serving well those who fly it. It will serve us well by allowing those conflicts to be survivable. The margin of improvement provides the margin of difference that means we win instead of lose.

It is time for us to move forward with this program; stop unnecessary attacks on it. This is an airplane that will serve us well.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FEINGOLD. Mr. President, first with regard to the second amendment, the one before us now having to do with the question of performance parameters, there have been some concerns raised by the Senators from Virginia and Michigan about reference to the total cost of the amendment. At this time I ask unanimous consent that portion of the amendment be deleted to address their concerns.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have to determine from other Senators—

Mr. FEINGOLD. I am sorry, I can't hear the Senator.

Mr. WARNER. I am simply trying to protect other Senators. At the moment, there is an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Wisconsin?

Mr. FEINGOLD. Mr. President, I will provide the Senate with a copy of the amendment as I would modify it and simply delete the language relating to the Controller General.

Mr. LEVIN. If the Senator will yield? The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is a temporary one. Is that the understanding of the Senator from Wisconsin? My understanding of what the Senator from Virginia said is that in order to protect the rights of other Senators, he would object at this time. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Will the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The only other objection was raised by the Senator from Missouri who made much of the fact that of course there is a difference between the E and F plane.

The problem is that originally the Navy and the contractor sold this plane on the assumption that only 18 percent of the planes would be the “F” version. The reality now is that 56 percent of the planes are going to be the lower-performing “F” version. That is why it is essential that we have this certification, at least by the Navy, that in fact the majority of the planes will meet the performance parameters.

So I am very interested to see if the Senators here who have raised this concern will allow me to meet their concerns so we can pass this commonsense amendment which, as the Senator from Michigan indicated, without that flaw would be a worthwhile amendment.

With regard to the other amendment, the cost containment amendment, let me just make a couple of points in response to the Senator from Michigan. I do want to say he has been a tremendous advocate for appropriate cost containment and careful evaluation of military programs throughout his career.

First of all, regarding our cap that we propose, which of course is a figure the Navy proposed in the first place, that $8.8 billion is only for over a 4-year period. It is not a permanent cap.

Second, if there is a need for new technologies, as has been posited by the Senator from Michigan, if something comes up that absolutely has to be done—we are here. We are not going anywhere. If something dramatic happens that requires additional technology, we are in a position to respond to that. In fact, the amendment I have proposed allows a number of flexibilities. It is not an absolute $8.8 billion cap.

It allows cost increases and decreases for inflation. It allows changes for compliance in Federal, State, and local law, and it also contemplates the possibility of quantity changes in the number of planes within the scope of the multiyear contract, which we all know can dramatically affect the cost of a plane.

There is substantial flexibility built into this amendment, and if there is a need for the new technology, we are here and able to respond to that. Otherwise, all we are doing, as I indicated earlier, by including this language for new technology, we are essentially gutting our own amendment. We are removing the cost cap provision in our amendment.

How many people would do that? If you are buying a car, if a car manufacturer says: Well, we reserve the right, if something comes up, to put on this car, to charge you a couple more thousand bucks after we cut the contract, after we cut the deal. I do not think we should be doing business that way. We have built flexibility into this amendment.

Again, I indicate that all this is is the Navy’s own figure of $8.8 billion. We did a similar cost cap on the same plane previously.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALARD). Who yields time? The Senator from Virginia?

Mr. WARNER. Mr. President, I am hopeful this matter will be resolved in a matter of minutes. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that Eden Murrie in Senator Lieberman's office and Dana Krupa in Senator Bingaman's office be granted access to the floor for the remainder of this bill.

Mr. SANTORUM. Mr. President, on the second Feingold amendment, we are attempting to work some accommodation so we can accept the amendment. I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

Mr. WARNER. I yield to the chair.

Mr. SANTORUM. Absolutely.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

Mr. WARNER. Let's give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 442 is the second Feingold amendment.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes before the first vote and we will proceed to the vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now.

The result was announced—yeas 98, nays 0, as follows:

YEAS—98

Abraham
Ahaka
Alford
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Craig
Craio
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

NOT VOTING—2

Kerry

Mr. FEINGOLD addressed the Chair.

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Mr. WARNER. Mr. President, we are still on track to start our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing amendments. I know of only a few remaining amendments that will require rollcall votes. I am anxious to complete the bill, as are all Senators. I see now that possibility taking place perhaps early to mid-afternoon. We will be addressing the Senate on that after the two votes.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes evenly divided before each vote.

Mr. WARNER. I think we waived the 2 minutes before the first vote and we will proceed to the vote.

Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now.

We will proceed to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there will be a period of time, 2 minutes total, prior to the second vote.

VOTE ON AMENDMENT NO. 442

The PRESIDING OFFICER. The question is on agreeing to amendment No. 442. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

YEAS—98

Abraham
Ahaka
Alford
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Craig
Craio
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

NOT VOTING—2

Kerry

Mr. FEINGOLD addressed the Chair.

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Mr. WARNER. I yield to the chair.

Mr. SANTORUM. Absolutely.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

Mr. WARNER. Let’s give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 442 is the second Feingold amendment.

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Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now.

We will proceed to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there will be a period of time, 2 minutes total, prior to the second vote.
The amendment has been cleared on both sides. I urge the Senate to adopt this amendment.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 394), as modified, was agreed to.

Mr. LEVIN. Mr. President, on that amendment I ask Senator BAUCUS be added as a cosponsor.

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

Mr. WARNER. Mr. President, with regard to the remaining business, I am hopeful the leadership clears a unanimous consent request, agreed upon between Mr. LEVIN and myself. It is in the process now. It will give clarity to the balance of the day.

At the moment, there are two Senators who have been waiting for 3 days. I want to accommodate them. The Senator from Mississippi, Mr. COCHRAN, would like to lay down an amendment and speak to it for 10 minutes. The amendment is not cleared, so I reserve 10 minutes for the opposition to that amendment prior to any vote that is required.

The PRESIDING OFFICER. There is a pending amendment. The Chair tells the distinguished Senator the pending amendment at the desk is No. 444 by the Senator from Wisconsin.

Mr. FEINGOLD. My understanding is the various Senators have negotiated on this, and it is acceptable on both sides. As modified, the Senate is prepared to accept it.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

The amendment (No. 444), as modified, was agreed to.

Mr. FEINGOLD. I send the modification to the desk.

The PRESIDING OFFICER. The amendment (No. 444), as modified, was agreed to.
joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States. (d) EXPIRATION OF AUTHORITY. - The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, for the information of the Senate, this amendment would authorize the transfer of a naval vessel to Thailand and would authorize the Secretary of the Navy to receive in exchange a ship that is now in the fleet of Thailand. The purpose of the amendment is to provide authority to the Secretary of the Navy to give a retiring U.S. Navy Cyclone class ship to the Government of Thailand in exchange for a former U.S. Navy ship which served in World War II in the Pacific. That ship is the LCS 102. LCS stands for landing craft support. It is presently in the service of the Royal Navy of Thailand.

For some history on this subject, 3 years ago in Public Law 104-201, the Congress went on record in favor of trying to bring back to the United States the LCS 102. It is the last surviving ship of its class. This ship saw heavy combat action in the western Pacific during World War II. It was transferred after the war to Japan and then later was transferred to Thailand where she has been in service for 30 years. This ship is of great historical significance. It is the last one of its kind in existence in the world. Just a few years ago, it was entered on the Register of the World Ship Trust.

Many sailors from World War II might not recognize this class of ship, because it was one of many different types of amphibious ships used in the Pacific during World War II. But it was highly appreciated by the Navy admirals and the Marines because it was a heavily armed gunboat which gave close cooperation to the Marines during amphibious landings. In fact, the LCS ships had more firepower per ton than an Iowa class battleship.

These ships were in the thick of it in Iwo Jima, Okinawa, the Philippines, and New Guinea. They also served in an anti-aircraft role against kamikaze aircraft at Okinawa and Iwo Jima, because of their tremendous firepower.

Mr. President, 26 of the 130 LCSs that were built, or badly damaged in the first 6 months of their duty in the Pacific. Historians have begun to write about these ships and the role they played in the successful war in the Pacific. There is one illustrative title, "Mighty Midgets At War: The Saga of the LCS 122, Ships Fusty Damaged in the First 6 Months of Their Duty in the Pacific."" by Robert L. Reilly.

Our distinguished former colleague, who was chairman of the Armed Services Committee, Mr. Tower of Texas, served aboard LCS 122. He was chief bosun's mate during World War II on that ship. Also, former Secretary of the Navy William Middendorf served as an officer aboard LCS 53 and former Secretary of the Navy John Lehman's father served as commanding officer of LCS 18 in the Pacific. He received the Bronze Star for bravery during his service at Okinawa.

In addition, the commanding officer of LCS 122 was Richard M. McCool, who now resides in Bainbridge Island in the State of Washington, received the Congressional Medal of Honor from President Truman for his service during a kamikaze attack at Okinawa.

There are several former LCS sailors from my State who have written me in support of this transfer: Robert Wells of Ocean Springs, MS, recently wrote me a letter saying he was the only medical officer aboard LCS 31. Here is what else he said in his letter:

... The LCS-31 along with approximately 20 other LCSs, invaded Iwo Jima in February, 1945, assisting the Marines in landing. From there, the LCS 31 went to Okinawa and fought suicide attacks in an anti-aircraft role against kamikaze planes and was hit by 3, killing 9 sailors and wounding 33. The 31 received the Presidential Unit Citation for their efforts. Please help in returning the LCS 102 to the United States and receiving the recognition that the LCSs deserve.

Mr. President, these ships were a part of the U.S. Navy that fought and won the war in the Pacific. The LCS 102 is the last remaining ship of its class, and I believe it would be appropriate for it to come home and serve as a floating museum and a monument to those brave sailors. There are thousands of sailors who served on these ships with the nickname "Mighty Midgets." Since the Congress adopted an amendment 3 years ago urging the Secretary of Defense to bring home the LCS 102, the Navy has determined that the Thai Navy will give up the LCS from its fleet for a return to the United States, but they need a replacement ship to fulfill the shallow water mission now accomplished by the LCS 102. This amendment authorizes the Secretary of the Navy to offer a Cyclone class ship to the Thai Navy. It does not mandate that the trade be consummated; it simply authorizes the trade if it can be negotiated and legal hurdles and other details can be worked out.

There is an urgency to this issue because World War II veterans are aging. Most of them are now in their seventies and eighties. If we are going to help the LCS association realize its dream of bringing home the last ship of its class, then we need to do it now. There are LCS sailors living today all over the country in almost all 50 States, and they would appreciate a vote in support of this amendment.

Funds will be raised from the private sector to put this ship in condition to serve as a museum, and there are still many details to be worked out before the LCS can be brought home. But by approving this amendment, which is necessary as a first step, the Senate will go on record in support, as we did 3 years ago when we suggested that this should be done by the Navy. I hope my colleagues will support the amendment and join the Chief of Naval Operations, Mr. Johnson, who has written me a letter in support of this amendment. I ask unanimous consent that the letter be printed in the RECORD.

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

CHIEF OF NAVAL OPERATIONS,
May 26, 1999.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: I wanted to offer my thanks and support for your proposed amendment to help return the last ex-LCS 102 from Thailand to the United States. This ship would make an excellent public memorial in honor of those who served in ships like her during WWII. Further, it would provide an additional monument for generations to come of the sacrifices of this special generation.

My staff stands ready to brief yours on the details involved in making the transfer of a retiring Cyclone-class Patrol Craft (PC) come about. Thank you again for your support. If I may be of further assistance, please do not hesitate to let me know.

Sincerely,
JAY L. JOHNSON,
Admiral, U.S. Navy.

Mr. COCHRAN. Mr. President, for the information of Senators, I want to read just one sentence from this letter:

This ship would make an excellent public memorial in honor of those who served in ships like her during World War II.

Adm. JAY JOHNSON,
Chief of Naval Operations.

Mr. REID. Will the Senator yield? Mr. COCHRAN. I am happy to yield if I have any time.

Mr. REID. The Senator has made very clear this is not a mandate; is that right? Mr. COCHRAN. That is right. It is authorizing legislation.

Mr. REID. Also, on page 2 of the Senator's amendment, it says "on a grant basis." Is it clear that it could also be done on a sale basis, lease basis or a lease with an option to buy basis?

Mr. COCHRAN. We want to swap it. We want to swap the Cyclone for the LCS 102. It authorizes the trade.

Mr. REID. It says, "the transfer shall be made on a grant basis."

Mr. COCHRAN. That is a legal word of art. I have explained the meaning of it. If we had been able to get the committee to adopt the amendment as we had hoped they would, there would be no language in the report. I will be happy to give the Senator a copy of that which further explains. If he will let me, I will read it:

The committee recommends that the Secretary of the Navy be authorized to transfer to the Government of Thailand one Cyclone class patrol vessel for the purpose of supporting Thailand's counterdrug...
countercorpiracy operations. The committee intends this transfer to replace the former LCS 102 currently in service with the Royal Thai Navy, should the discussions urged in section 102C of this bill result in the Government of Thailand's decision to return LCS 102 to the Government of the United States. The committee understands that the Secretary of the Navy will be asked to consider a request to return LCS 102 to the United States for public display as a naval museum.

Mr. REID. Will the Senator yield for another question?

Mr. COCHRAN. I will be happy to yield.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary rather than saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. COCHRAN. I will be happy to consider a lease amendment to the Secretary raising it as an alternative.

The PRESIDING OFFICER. The time allotted to the Senator has expired. The Senator from Virginia is recognized.

Mr. WARNER. Let me clarify, Mr. President, there still remains some time in opposition to the amendment of the Senator from Mississippi; am I correct in that?

The PRESIDING OFFICER. The Chair observes that Senators said there would be 10 minutes allotted to the opposition of the Senator's amendment. It was not stated in the form of a request.

Mr. WARNER. Mr. President, I think some time should be reserved. I indicate for the RECORD, I support the Senator from Mississippi, but I am sure time should be reserved on this side, 10 minutes, and then we will determine whether or not a recorded vote is necessary in it or not. It may be voice voted. I put that in the form of a unanimous consent request.

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

Mr. SMITH of New Hampshire. Mr. President, I rise to support the amendment of the Senator from Mississippi. This amendment deserves the support of every Senator because it is the right thing to do.

During World War II more than 10,000 American soldiers served their country on LCS ships, and these ships were heavily involved in combat in the Pacific. There is only one LCS left in the world, and a group of World War II sailors wants the United States to step forward and make it a floating museum.

Three years ago, I sponsored an amendment to the Defense authorization bill urging the Secretary of Defense to seek the expeditious return of the LCS 102 from Thailand. That amendment passed the Congress and became part of Public Law 104-201.

For three years not much has happened because the Thai Navy still needs the LCS 102, even though it is now more than 55 years old. Thai officials have indicated that they would be prepared to return the LCS 102 to the United States if we could provide a suitable ship to take its place. The U.S. Navy is planning to retire just such a ship this year, and that is what this amendment is about.

The ranks of those World War II sailors is thinning each year, and there is a need to move expeditiously. We need to bring this historic ship home before all of our World War II veterans are gone.

Let me list briefly some facts about LCS ships and their service to our country.

These ships were born out of desperate need. In the early years of World War II, our Navy and Marine Corps discovered that they needed more close-in gunfire support to protect our troops as they went ashore in amphibious landings. With typical American ingenuity, a new small gunboat was designed and put into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had more firepower, power, than a battleship, and it was capable of going all the way in to the beach and providing close-in fire support for our troops going ashore.

One hundred and thirty of these ships were built and rushed into service in 1944 and 1945. These ships and their brave crews helped save the lives of countless soldiers and Marines by providing heavy close-in firepower to support amphibious landings at Okinawa, Iwo Jima, and many other Pacific Islands. Twenty-six of these ships were sunk or badly damaged in the Pacific campaign.

These ships were nicknamed the "Mighty Midgets" because of their firepower and their service in World War II. These ships, like so many others, received little notice when the history books were written because Carriers, Battleships, and Cruisers took most of the glory. However, the sailors aboard LCSs served bravely and well, and their part of World War II needs to be preserved as a part of our Navy's history.

LCS sailors received many decorations for their service during World War II. A young Lieutenant by the name of Richard McCool from Washington State received the Congressional Medal of Honor from President Truman for his service at Okinawa. A young Lieutenant by the name of John F. Lehman, Jr. received a bronze star for his service at Okinawa, as well. His son, John J. Lehman, Jr. served as a naval officer many years later and became Secretary of the Navy under President Reagan.

Since the mid-1990s, several books have been published covering the history of the LCS ships. Former Secretary of the Navy John F. Lehman, Jr. wrote the foreword to one of those books. This foreword provides eloquent summary of the service to our Nation provided by LCSs and their brave sailors.

Finally, Mr. President, a distinguished former Senator who served as Chairman of the Armed Services Committee in this body served as a Boatswain's Mate on an LCS during World War II. John Tower served his nation in World War II on an LCS.

This body needs to honor his service and that of all the LCS sailors by helping to save the LCS 102—the only one left in the world.

I urge my colleagues to support this amendment and to do what they can to help in the task of bringing this ship home to the United States to serve as a museum and a memorial to the valiant service of thousands of LCS sailors.

Mr. WARNER. Mr. President, I want to propound a unanimous consent request, which is agreed upon on the record, with regard to a procedural matter. As soon as that is concluded, I want to state a UC request on behalf of my two colleagues, Mr. DOMENICI and Mr. KYL, on this side. I think we can work it out.

Mr. WARNER. Mr. President, I am a sponsor of this legislation and would like to be recognized.

Mr. WARNER. First, with regard to the balance of the afternoon: I ask unanimous consent that all remaining amendments be disposed of by 2:30 p.m. today, and at 2:20 p.m., Senator LEVIN be recognized to offer and lay aside amendments for Members on his side of the aisle, and at 2:20 p.m., the chairman of the committee be recognized to offer and lay aside amendments for Members on his side of the aisle, and that those amendments be subject to relevant second-degree amendments. I further ask that all first-degree amendments must be relevant to the text of the bill.

I also urge the PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, in light of this agreement, all first-degree amendments must be relevant and offered by 2:30 p.m. today. It is the intention of the managers and leaders to complete action on this bill, hopefully, no later than 5 o'clock today.

We have had a number of Senators patiently waiting. The Senator from Florida is willing to accommodate the chairman in his request that a period of 30 minutes, under the control of the Senator from Arizona and the Senator from New Mexico, be allocated for an amendment which they will lay down within that period of time, and at the conclusion of the 30-minute period, that amendment will be laid aside for the purpose of an amendment to be laid down by the Senator from Florida, which amendment will require 30 minutes under the control of the Senator from Florida, 15 minutes under the control of the Senator from Alabama, Mr. SHELBY, and that 15 minutes will be shared between...
Mr. Shelby and Mr. Kerrey, the ranking member of the Intelligence Committee.

I propose that to the Chair.

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

Mr. WARNER. That being in order, we will now proceed with the 30 minutes.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. KYL. Addressed the chair. The PRESIDING OFFICER (Mr. Voinovich). The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you.

Under the agreement just announced by Senator Warner, it would be the intention of Senator Domenici and Senator Murkowski and myself to divide the next half-hour into roughly 10 minute segments. I would appreciate an indication from the chair when we have achieved those three milestones, if the chair would please.

AMENDMENT NO. 446

Mr. KYL. At this time, I send an amendment to the desk on behalf of myself, Senator Domenici, Senator Murkowski, Senator Shelby, Senator Hutchinson, and Senator Helms.

Mr. REID. Would the Senator yield for a parliamentary inquiry?

Mr. KYL. I am happy to yield.

Mr. REID. I say to the manager of the bill on behalf of the committee, without objection, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. WARNER. My understanding is that the Senator from Virginia proposed a UC to give the three Senators Senator Kyi just designated 30 minutes in which to lay down an amendment, and at the end of the 30 minutes the amendment be laid aside. There is no restriction whatsoever on the remainder of the time with respect to further consideration of the amendment. I say to my distinguished colleague.

Mr. REID. I appreciate the Senator yielding.

Mr. KYL. Thank you.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. Domenici, Mr. Murkowski, Mr. Shelby, Senator Hutchinson, and Mr. Helms, proposes an amendment numbered 446.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike Section 3138 and insert the following:

"SEC. 3138A. (a) ORGANIZATION OF DEPARTMENT OF COUNTERTRELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

(1) Office of Counterintelligence. Title II of the Department of Energy Organization Act (42 U.S.C. 7313 et seq.) is amended by adding at the end the following:

"OFFICE OF COUNTERINTELLIGENCE"

"SEC. 213. (a) There is within the Department an Office of Counterintelligence.

(1) There shall be the Director of the Office of Counterintelligence.

(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have achieved those three milestones, in matters relating to counterintelligence.

(3) The Director of the Office of Counterintelligence shall report directly to the Secretary.

(4) The Director of the Office of Counterintelligence shall be responsible for the administration of counterintelligence programs of the Department.

(5) The Director of the Office of Counterintelligence shall develop and implement plans for the protection, management, and promotion of the Department programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

(6) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

(7) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section, nor shall any officer or employee of the Secretary of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

(8) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of the Office of Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(9) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

(10) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Secretary of Energy for the preparation or delivery to Congress of any report required by this section.

(11) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of the Office of Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committees on Energy and Natural Resources of the Senate and House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committees on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

(12) Each report shall include for the year covered by the report the following:

(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including the locations of the visits of such violations.

(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

(F) Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(G) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy National Laboratory, and every officer or employee of a Department of Energy National Laboratory who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.

(H) Thirty days prior to the report required by subsection (d)(2), the Director of the Office of Energy National Laboratories shall certify to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental security protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

(I) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.

"OFFICE OF INTELLIGENCE"

"SEC. 214. (a) There is within the Department an Office of Intelligence.

(1) The head of the Office shall be the Director of the Office of Intelligence.

(2) The Director of the Office of Intelligence shall be a senior executive service employee of the Department.

(3) The Director of the Office of Intelligence shall report directly to the Secretary.

(c) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Office relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"NUCLEAR SECURITY ADMINISTRATION"

"SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall be appointed by the President and shall be accountable directly to, and shall be responsible to the President.

(b)(1) The Assistant Secretary, assigned the functions under section 203(a)(5) shall serve as the Administrator.
'(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to personnel management, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

'(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

'(2) For purposes of this subsection, the term "personnel of the Administration" means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department whose—

'(A) responsibilities include carrying out a function assigned to the Administrator; or

'(B) employment is funded under the Weapons Activities budget function of the Department.

'(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

'1) Strategic management.

'2) Policy development and guidance.

'3) Budget formulation and guidance.

'4) Resource requirements determination and allocation.

'5) Program direction.

'6) Safeguard and security operations.

'7) Emergency management.

'8) Integrated safety management.

'9) Environment, safety, and health operations.

'10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories. 

'11) Oversight.

'12) Relationships within the Department of Energy and with other Federal agencies, Congress, State, tribal, and local governments, and the public.

'13) Each of the functions described in subsection (d).

'(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accounted directly to, the Administrator.

'(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator. The Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities:

'(1) Operational activities.

'(2) Program execution.

'(3) Contracting and procurement.

'(4) Facility operations oversight.

'(5) Integration of production and research and development activities.

'(6) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

'(7) The head of a specified operations office, in carrying out any function delegated under subsection (d), shall be reported directly to, and be accountable directly to, the Administrator.

'(g) In each annual authorization and appropriation request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall simultaneously transmit a copy thereof to the appropriate committees of the Congress.

'(h) As used in this section:

'(i) The term 'nuclear weapons production facility' means any of the following facilities:

'(A) The Kansas City Plant, Kansas City, Missouri.

'(B) The Pantex Plant, Amarillo, Texas.


'(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

'(E) The Nevada Test Site, Nevada.

'(2) The term "national laboratory" means any of the following laboratories:

'(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

'(B) The Lawrence Livermore National Laboratory, Livermore, California.

'(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

'(3) The term 'specified operations office' means any of the following operations offices of the Department of Energy:


'(C) Oak Ridge Operations Office, Oakland, California.

'(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

'(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

'(i) As used in this section:

'(a) The term 'nuclear weapons production facilities and the national laboratories' means any of the following:

'(A) the Savannah River Site

'(B) the Sandia National Laboratories.

'(2) The term 'nuclear weapons production facilities' means any of the following:

'(A) the Savannah River Site

'(B) the Sandia National Laboratories.

'(3) The term 'nuclear weapons production facilities and the national laboratories' means any of the following:

'(A) the Savannah River Site

'(B) the Sandia National Laboratories.
Naturally, Senator Shelby, the chairman of the Intelligence Committee, has also had his input into this amendment, as have others. It will be important that each of these key chairmen has an opportunity to deal with this. But let me especially thank Senator Domenici for his efforts in doing literally hundreds of hours of research on the best possible approach to secure our National Laboratories. That is what this amendment is all about. This amendment is, actually, the second step we will have taken in this defense authorization bill to begin to rebuild the security of our National Laboratories.

In the Armed Services Committee, a provision that deals with this subject was included in the bill. We have incorporated that part of their bill into this amendment. In addition to that, the Secretary of Energy, Secretary Richardson, has some ideas about his organization. The centerpiece of his ideas we have also incorporated into this amendment.

What we are trying to do here is to get the best ideas that everybody has to offer, and thereby ensure that when we finally finish this legislative session, and when we finish discussing this with the administration, we will have the best possible approach to security at our National Laboratories.

The essence of this amendment is to establish within the Department of Energy, a new Office of Counterintelligence which would be headed by a senior executive from the FBI. I will come back to that. But that office has been identified in the defense authorization bill. We simply flush out the provisions of that office in that bill and ensure that that officer will have total authority here to deal with issues of counterintelligence at our National Laboratories.

Then the second part of this amendment is to address the longstanding management problems of the Department of Energy, especially relating to the nuclear weapons complex and reorganizing the Department of Energy in such a way that there is a very clear line of authority over the nuclear weapons programs, with a person at the top of that, an administrator, who has the responsibility over all of these nuclear programs, and nothing else, within the Department. And, by the same token, nobody else in the Department, except those who are senior to him, including the Secretary of the Department of Energy, would have any authority over his programs.

In effect, what we are replacing in the Department of Energy is a situation in which all of the rules and regulations and management policies, and everything else that applies to everybody within the Department—including the weapons complex—have created a situation in which literally, we have not been able to focus on the management of the nuclear weapons complexes, especially with regard to security.

So what this amendment does—in the intelligence community terminology—is to create a “stovepipe” within the Department of Energy. At the top, of course, is the Secretary of Energy. Below him is a person with the rank of Assistant Secretary, called the “administrator,” who would have total authority over his programs, including the security functions of those programs.

He would be doing this, of course, in coordination with the Director of the Office of Intelligence which would be created by the language put in the bill by the Armed Services Committee relating to counterintelligence, with the FBI presence here, and the two of them would coordinate the national security portions of this program.

In this way, you do not have people within the Department of Energy responsible for all kinds of other things. Somebody talked about refrigerator standards and powerplant issues and all of that. The person who would not have anything to do with this. This group would not have anything to do with them. This would be a discrete function within the Department that would have nothing to do except manage the nuclear weapon programs, including, first and foremost, the security of those programs.

We will have much more to say about the details of this after a bit. Certainly Senator Domenici can go into many of the reasons why he has helped draft this in the way that organizationally it will work.

Let me just make two concluding points.

First of all, I do not think we can emphasize enough the need to do something about security at the Laboratories now. One of the concerns that has been raised about the amendment we have offered here is that it is premature, that we should hold hearings, and we should take a long time so we can “do this right.”

We have since 1995. And this administration has not done it right. It is time for the Senate to get involved in this issue and begin the debate by putting this amendment out there. We will have plenty of time to deal with this before this bill ever goes to the President of the United States.

This is our approach to the best management for this weapons program. We believe that to delay action here is to engage in the same obfuscation and delay and, frankly, dereliction of duty that has characterized this administration’s approach to national security at our Nation’s Laboratories, our nuclear weapons programs. We can’t delay any longer.

If I were to go home over this Memorial Day recess, the first thing my constituents would talk to me about is, what about this Chinese espionage? What about security at the Laboratories? If I say to them, well, we were in such a hurry to get this Department of Defense authorization bill done that we didn’t really do anything about security at our Nation’s Laboratories, we are going to take our time and do that later, I think I would be pilloried, and so would all the rest of my colleagues. Our constituents expect us to act with alacrity. I don’t see how we can complain about the Department of Energy and about the administration taking their sweet time to deal with this problem if we don’t address it up front and right now.

The second point I make in closing is, with regard to a previous draft of this legislation, the Secretary of Energy is indicating that he doesn’t approve of everything in here and might even recommend a veto of the legislation. I am sure by the time he is done hearing the debate and conferring with us and reading the actual language of the amendment, he will be willing to cooperate with us rather than threaten vetoes. We need to work together on this.

I commend Secretary Richardson because from the time he has come in, he has tried to do the job of making reforms at the Department of Energy. But it will not do to say that he is the only one who has any ideas that could work here and for the Congress to but on the sidelines. The Congress has held numerous hearings, both in the House and the Senate. We have a lot of good ideas. Frankly, this management proposal, which has gone through a great deal of thought process about how to provide security at our National Laboratories, is going to be part of that reorganization. I know my colleagues and I look forward to working with the Secretary of Energy to make this work.

As I conclude, might I ask how much time we have remaining?

The PRESIDING OFFICER. Twenty-one minutes remaining.

Mr. Kyl. Within a minute, I will close. I will come back with more discussion of the rationale for the specific changes we have made in here. I close by saying this: The only way we are going to be able to guarantee security for the nuclear programs at our National Laboratories in the future is to have somebody with laser-like focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for these programs. This person should be the right person, the right person in the right place. The appointment of the secretary of the United States, which is what our amendment calls for. Finally, he should be able to work very closely with the Office of Counterintelligence established in the other part of this bill.

That is the essence of what this does. It detracts nothing from what Secretary Richardson is trying to do. As a matter of fact, it fits very nicely with what the Administration is going to do. I believe that, working together, we can provide security at our Nation’s Laboratories and, therefore, security for the people of the United States.
I thank the Chair, and I yield to Senator DOMENICI from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Chair will allow me. I have used 9 minutes so there will be 10 minutes remaining for Senator MURkowski.

The PRESIDING OFFICER. The Chair will be more than happy to do that.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my distinguished colleague from New Mexico, Senator BINGAMAN. He can rest assured that I intend to answer any questions he might have, debate any amendments he might have, in a way that all of us can feel is right.

Nobody was more saddened than this Senator when the Cox report was issued and when many of the facts broke in the New York Times and other newspapers about a Chinese espionage effort.

I have been working with these Labs for a long time. I believe we are very fortunate as a people to have these National Laboratories in our midst, working at the science they practice, the technology they develop, and the way they have protected and preserved our nuclear options during a long cold war, with a formidable opponent who chose another route in terms of making nuclear weapons but is nonetheless formidable both in capacity and number, we are very fortunate that up until this time in history, with a few times when it wasn't true, almost without limit the right hand, and the left hand is America cherished working at one of these three great Labs and at the defense portion of the Lab in Tennessee at Oak Ridge. Great scientists, great Nobel laureates serving America well.

The problem now is, it has become obvious that for a long time, with the biggest emphasis here in the last 3 or 4 years, the Chinese, the People's Republic of China, and their spies and co-horts have engaged in a solid effort to extract as many secrets as they could from these Laboratories. We now know there is a high probability that they have succeeded and that our children in the future will have a much more formidable Communist Chinese leadership confronting the world with a much more formidable set of rockets, delivery systems, and nuclear weapons.

All of their sabotage did not occur, all of their efforts to spy did not occur, at just the Laboratories. They have had a concerted effort across our land. But there is an adage that says, if it ain't broke, don't fix it. The counter one to that is, if it is broke, fix it. Frankly, before the day is out, as I attempt to answer questions about this approach, I will read to the Senate reams of reports, many of which have occurred in the last 4 or 5 years, telling us that we must change the way we manage the national defense part of the Department of Energy. Now we have a reason to do it and a reason to get on with that business.

Frankly, I have struggled mightily to try to figure out what is the best approach under these circumstances. I am firmly convinced that with the assault on the Laboratories and our scientists that is coming from the Congress and coming from across this land, we have been put in a position where we have to move in the right direction and to assure people and assure the Laboratories that we are not going to do anything to hurt their science base and their professionalism and their capacity to stay on the cutting edge for us and our children and our future.

The Laboratories, under this proposal, will retain their multiple-use approach. They can do work beyond and outside of what they do for the nuclear deterrent part of this bill.

I am very disturbed when I hear that the President of the United States is against this, that he may have even made a few phone calls. I figured those are coming because his trusted friend, Senator BINGAMAN, my friend Bill Richardson, wants to make all of the changes in the Department part of an administrative change.

Let me say loud and clear, as good as he is, as hard as he is trying, as much autonomy as he gives him, the Secretary of Energy cannot fix this problem without congressional help. That is what we are trying to do here today. We are trying to fix something so our nuclear deterrent will have a better chance to find some time in the world and as free as humanly possible from espionage and spying.

Frankly, before the afternoon is finished, I will read excerpts from three reports in the past 5 years just crying out to fix it.

We piled together various functions and put them in the Energy Department. We created a bunch of rules within the Department that do not distinguish between the management of nuclear weapons within the Department, and the management of such things as refrigerator efficiency research. They are all in the same boat, all subject to the same management team, hundreds of functions that have nothing to do with nuclear deterrence. Yet security was left in a position where the right hand didn't know what the left hand was doing.

And if you look at how it is structured, you can probably figure out that there is no way to fix it, that it being in such a chaotic state. There is not enough focus on the seriousness of the issue. Even when signs and signals came forth, there have been people within the Department of Energy who didn't do their job right. There have been people at the Laboratories who didn't do it right. There have been people at the FBI who clearly messed up, and there have been people in the White House who surely didn't rise up strongly enough and say something must be done.

Essentially, what we are doing in this bill is to carve out within the Department of Energy carve out kind of an agency, for lack of a better word. It is going to be called the Security Administration, or Security Administrator, and an Assistant Secretary will run it and be responsible to the Secretary and in total charge. That one individual will be in total charge of the nuclear deterrent effort, as defined in this bill.

There will be an extra reporting system that Senator MURKOWSKI asked us to put in with reference to security breaches being reported to the President of the United States and to the Congress, as soon as they are known, by this Assistant Secretary who is totally in charge of this new administration within the Department of Energy. They will have their rules and regulations, and they will conduct the affairs singularly and purposefully to make sure our nuclear deterrent is handled correctly and that the security apparatus is done efficiently and appropriately.

Once again, I say to the Senators on the other side of the aisle, including my friend Senator BINGAMAN, and the Secretary of Energy, who, obviously, is working hard to defeat this amendment, we ought not to defeat this amendment. If you have constructive changes, let's get them before us. We ought to send to that conference at least something that is much more formidable and apt to do the job than we have done in this bill, because we have done better than we have done in this bill, and we have some serious suggestions coming from the House.

If this bill goes there with no serious changes in the Department of Energy, they are apt to be changed by the House. We ought to have our input, and I am very proud that every chairman of every committee on our side of the aisle who will have anything to do with this in the future has signed onto this amendment—the Intelligence Committee chairman, the Energy and Natural Resources chairman, the Appropriations, and I am the Senator who appropriates the money. We are all on board asking that we take this step in the direction of real reform and that we can go home saying this defense bill, when it finally comes out, may indeed start us down a path that not only the Chinese, but nobody will be able to breach the security the way they have in the past.

Now, from my standpoint, there is not much we need to be worried about this idea; this idea will work. What I am worried about are ideas that are talking about putting these Laboratories in the Department of Defense, which started
from Harry Truman on down that it was something we thought we should not do as a Nation. I am worried when this bill goes to conference and, in the heat of all this, we will do something we should not do. If they adopted this amendment, I would feel very comfortable, as a Senator, with these Laboratories. I have probably worked longer and harder on these issues than any Senator around, and I would be comfortable that we are starting down a path to make it work and yet keep alive the laboratory mission of excellence, that scientific prowess that has served us so well.

Before the afternoon is finished, we will have more remarks. I yield the remainder of my time to the chairman of the Energy and Natural Resources Committee and thank him for his efforts in this regard.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MUKOSKI. Mr. President, I thank the senior Senator from New Mexico. I rise to join with Senators Kyl, Domenici, and Shelby to offer an amendment which I feel confident creates accountability in the Department of Energy for protecting our country's national security information.

Mr. President, it is clear that the Cox committee report and the Senate's investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though the Department of Energy's chief of intelligence, Notra Trulock, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

We recognize the structure of the system simply didn't work. For Mr. Trulock to get approval to brief senior officials, he had to go through more junior officials. He could not brief the Congress without approval. He didn't have the authority to execute that mission. What the amendment that is pending creates is real accountability—accountability at DOE, accountability for the President, and accountability for the Congress. It puts into law an Office of Counterintelligence and mandates that the director report to the Secretary, the President, and the Congress, any actual or potential threat to or loss of national security information.

We have seen a situation where the individual responsible simply didn't have the capability to get the message through the process—to any of the four Secretaries of Energy whom we could identify for the record.

Further, this would require a report once a year to the Congress regarding the adequacy of the Department of Energy's procedures and policies for protecting national security information, and whether each Department of Energy Lab is in full compliance with all Department of Energy security requirements. The National Labs clearly had different security arrangements previously.

The amendment also would prohibit any officer or employee of the Department of Energy or any other Federal agency from interfering with the director's reporting. No interference, Mr. President.

This Secretary Richardson has introduced several initiatives aimed at correcting the security problems at the Labs. I commend him for his efforts. I welcome the Secretary's initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the Department of Energy which has plagued every other reform initiative.

It is kind of interesting to go back and look at the attempted reforms. Victor Rezendes, a director of the GAO, who has closely followed security initiatives at the Labs, made the following observation:

DOE has often agreed to take corrective action, but the implementation has not been successful.

A former head of security at Rocky Flats weapons plant, David Ridenour, was more blunt. He was quoted in USA Today on May 19:

"It's all the same people and I think they'll continue to fall back into old ways. If there's a problem, don't even hide it and get rid of the people who brought it up."

Recall the so-called Curtis plan, which was put forth by Deputy Secretary Curtis. A good plan, but after Mr. Curtis left the Department, it was either disregarded or forgotten. It was so quickly forgotten, as a matter of fact, that Mr. Curtis' successor as Deputy Secretary wasn't even informed of its existence. There is no excuse for this.

The New York Times reported that a November 1998 counterintelligence report contained some shocking warnings, including that foreign spies "rightly view the Department of Energy as an inviting, diverse and soft target, that is easy to access and that employees are willing to share information."

So change is necessary. I think creating this new line of responsibility will help change the mindset at the Department of Energy. The amendment puts the DOE on the road to accountability by creating under the law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration.

More importantly, obviously, is going to be needed. We simply don't have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weapons are launched at U.S. cities?

The problem is precisely that serious. After what we have learned about security failures at the Department of Energy, I dare—I dare—the President to veto this legislation.

It is time for action, and that is what we are talking about with this amendment.

If one looks at where we are today, it is struck by three revelations. First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for spying. But this happened as a consequence of our failure to maintain adequate security in the Laboratories. Security of our most important Laboratories has been marginal at best.

We find that U.S. companies—Loral and Hughes—allowed their commercial interests to override our national security interests. We gave the Chinese a roadmap on how to shoot their missiles straight and how to arm those missiles with nuclear weapons. Aimed at whom? Well, that is another story.

Second, how much of this happened on President Clinton's watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these findings, I believe now is the time for Congress to demand accountability from those who allowed this to happen. We should not allow the administration to simply promise change with reforms that in previous efforts have been tried but have failed.

One would not respond to, say, a burglary by saying that the robber is irrelevant. Our Nation has been robbed. Years of research and hundreds of billions of taxpayer dollars are lost to the Chinese. Who is responsible?

What should be done is that the Attorney General should testify in public and tell the American people why the Department of Justice denied requests for access to computer files.

FBI Director Freeh should testify in public as to why the FISA warrant was inadequate. Director Freeh should also explain the so-called “misinformation” on Wen Ho Lee's signed waiver of consent to access his computer.

Sandy Berger should testify. He might require a subpoena. So be it. The public is entitled to his testimony. Mr. Berger was briefed in April of 1996 and July of 1997. Berger should be forced to testify as to what precisely he told the President and when.

Congress should also subpoena the written summary of the Cox report to President Clinton, which the President reviewed in January of 1999.

Let us judge whether the President was being forthcoming in his March 1999 statement when he said:

To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the laboratories during my presidency.

What did the Vice President know? When did he know it?
The Vice President told the American people on March 10:

"Please keep in mind that the [alleged espionage] happened during the previous administration."

Now the Vice President is rather silent about what he told by his National Security Adviser, Leon Fuhrer, who was briefed in 1995 and 1996.

I have held six Energy Committee hearings. At another time I want to detail what I have learned from those hearings. But let me summarize very briefly:

Our Laboratories have not and still are not totally prepared to protect our Nation's nuclear secrets. The DOE put our national security at risk by not searching Wen Ho Lee's computer in 1996 in spite of information about Chinese targeting of lab computers.

The FBI investigation was bureaucratic bungling. The right hand never knew what the left hand was doing. Regarding the waiver, we have learned that on March 22, 1995, the Los Alamos Lab issued a policy to all employees, including Wen Ho Lee, stating that the Laboratory or Federal Government may without notice audit or access any user's computer."

On April 19, 1995, Wen Ho Lee signed a waiver at the DOE Lab to allow his computer to be accessed. This is the actual copy of the waiver that Wen Ho Lee signed on April 19, 1995. My committee heard testimony from the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

Why wasn't his computer searched and the loss of our nuclear secrets prevented? Because the FBI claimed that the DOE told them there was no waiver. This is the actual copy of the waiver that Wen Ho Lee signed. My committee heard testimony from the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn't find out about it until then.

And then there was DOJ's role: DOJ thwarted investigation by refusing to approve FISA warrants—not once, not twice, but three times! Still have not heard a reasonable explanation.

What is frightening, as well as frustrating, is that no one put our national security as a priority. FBI and DOJ were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history.

The events involved throughout the Lee case are not only irresponsible—they're unconscionable.

That is why we must have this security change. This is why this amendment must prevail.

Mr. President, I ask unanimous consent that the "Rules of Use" which Wen Ho Lee signed be printed in the RECORD.

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

**RULES OF USE**

**X-DIVISION OPEN LOCAL AREA NETWORK**

**WARNING:** To protect the LAN systems from unauthorized access or use ensure that the systems are functioning properly, activities on these systems are monitored and recorded and subject to audit. Use of these systems is expressed consent to such monitoring and recording. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties.

**Passwords.** User passwords are assigned by the X-Division Computing Services (XCS) Team. Exceptions may only be granted by the CSSO. Users may not use their unclassified ICN password. Passwords must be changed each time a user logs in. Cooperative with an Open LAN Computer Security Officer or network administrator. Passwords will not be given out or shared with anyone other person. Users must not change their passwords. Users will protect passwords according to Laboratory requirements.

**Classified Computing.** No classified information or computing is allowed on the X-Division Open LAN.

**User Responsibilities.** Users are responsible for:

- Ensuring that information, especially sensitive information, is properly protected.
- Restricting access to their workstation or terminal whenever it is not attended. The workstation or terminal should be set to a state where a user password is required to gain access (e.g., lockscreen software) or the office door is locked.

Using the X-Division Open LAN only for official business purposes.

**Properly** working, protecting, accounting for, and disposing of their computer output containing sensitive unclassified information. See X-Division Guidance on Computers, available from the XCS Team, for more information.

**Properly** labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers, available from the XCS Team, for more information.

**Properly** installing and using virus control programs, if applicable to their system.

**Reporting** security-related anomalies or concerns to the X-Division Computer Security Officers.

**Promptly** reporting changes in the location, ownership, or configuration of their workstation to the X-Division Computing Services Team.

**Promptly** registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory policy.

**Posting** their Rules of Use and workstation information addendum next to their workstations.

**User Restrictions.** Users are not permitted to:

- Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations or terminals which move between different security partitions must be sanitized according to the X-Division Computer Sanitization Policy which must be posted next to their workstations.
- Install or modify software which has an adverse effect on the security of the LAN.

Add other users or systems without the prior approval of an X-Division Computer Security Officer.

I understand and agree to follow these rules in my use of X-Division OPEN LAN. I assume full responsibility for the security of my workstation. I understand that violations may be reported to my supervisor or FBI and that I may be denied access to the LAN, and that I may receive a security infraction for a violation of these rules.

Signed: Wen Ho Lee
Date: April 19, 1995

Mr. MURKOWSKI. I thank my friend, the floor manager, for the time.

I wish the President a good day.

Mr. WARNER. Mr. President, we have negotiated the amendment of the Senator from Florida. I ask unanimous consent to speak for 2 minutes on this amendment prior to going to the amendment of the Senator from Florida.

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

Mr. WARNER. Mr. President, I strongly support this amendment. I view it as an augmentation of what we have in the defense bill. I understand my colleague from New Mexico addressed the defense bill. I ask the question of my colleague from Alaska. The provision in the defense bill is a direct product of the working group assembled by the majority leader, Senator Lott. I am not entirely sure what Senator DOMENICI said about the provisions of the defense bill. But the Senate from Alaska incorporated a portion of that in his bill. So there is some redundancy. But I look upon the two as joining forces and, indeed, putting forth what is essential at this point in time.

Does the Senator share that view?

Mr. MURKOWSKI. I share that view with the senior Senator from Virginia. It is my understanding that the leader is still prepared to go ahead with his amendment known as the Lott amendment.

Mr. WARNER. Mr. President, I wish to advise my colleague that the amendment has been agreed to and is in the bill now.

Mr. MURKOWSKI. Good.

Mr. WARNER. There are really three components: One, the Armed Services' position; Leader Lott's position; and the position recited by the three Senators who are sponsors of this amendment. But it all comes together as a very strong package. I hope it will be accepted on the other side.

I yield the floor.

Mr. President, I hope that Senators SHELBY and ROBERT KERREY are aware that this amendment is now up, and they have 15 minutes under their joint control reserved.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

**AMENDMENT NO. 447**

(Purpose: To establish a commission on the counterintelligence capabilities of the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.
The PRESIDING OFFICER: The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 447.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Dittig of our staff be allowed on the floor for the duration of the debate on the Department of Defense authorization bill.

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

Mr. President, I have presented the Senate with an amendment to the Defense Department authorization bill. The amendment would establish a national commission to conduct an in-depth assessment of our government's counterintelligence programs.

The discussion we just had for the past 30 minutes I think underscores the necessity of the amendment I am offering. I am afraid we are about to be put into a position in which there is a rush to action. It is almost analogous to the metaphor of firing before you aim.

We have in the defense bill, as an example, a very comprehensive commission on safeguarding security and counterintelligence at the Department of Energy facilities. That begins on page 540 of the committee bill. Among other things, it states that the commission will determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats of the disclosure of such information, processes, and activities.

In the same bill where we are establishing a commission to review those issues of process, we are now about to adopt an amendment which countermands this commission by making a decision based on 30 minutes of floor debate for answers to provide greater security at the Department of Energy.

I suggest these proposals have not received the thought and consideration which their importance to the Nation deserves. I also am concerned that there is a highly partisan atmosphere being developed.

In today's Roll Call magazine there is an article which quotes one congressional staffer as saying,

We're going to milk this [the Chinese espionage issue] for all it's worth.

Mr. President, I ask unanimous consent to have printed in the Record immediately after my remarks a copy of that article.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, as members of the Congress, we need to accept our responsibility and accept the importance of counterintelligence to our national security. The country has moved far beyond that. We cannot afford a piecemeal solution to what is a complex set of issues. Yet with the amendments that are being offered in both Houses, that is exactly what we are getting.

The amendment I am offering represents an attempt to transform a potentially destructive partisan debate into a nonpartisan, objective, dispassionate, and comprehensive review of current counterintelligence policies—not just at the Department of Energy, but across the government—a review that is long overdue.

Such a review would address a number of issues: What is the nature of the counterintelligence threat? The nature of the threat goes far beyond China and one country, as Mr. Dittig of our staff mentioned. We are far from getting far beyond the Department of Energy National Laboratories. For example, there are 24 countries on the Department of Energy's sensitive country list. Those countries include those that we would expect to be on such a list—China, Cuba, Iran, but the list also includes India, Israel, and Taiwan—countries, I suspect, many Americans would be surprised to find on that list.

Another example of the threat relates to the missile programs in India, Pakistan, and North Korea. To what extent have their programs benefited from American technology and how gleaned from our Labs or other high-tech institutions? What leads us to believe that our only vulnerability is from China?

The threat goes beyond the traditional security parameters of guns, gates, and guards at the Department of Energy. We must include an indepth look at how those agencies and at the new areas of security vulnerability.

I have a report from the General Accounting Office issued to the Congress on May 20, 1999. This was an analysis of the vulnerability of the NASA, the National Aeronautics and Space Administration, about the vulnerability of its system to security penetration. I will read a paragraph titled "Results in Brief."

We successfully penetrated several mission-critical systems, including one responsible for calculating detailed positioning data for Earth orbiting spacecraft and another that processes and distributes the scientific data received from these spacecraft. Having obtained access to these systems, we could have disrupted NASA's ongoing command and control operations and stolen, modified, or destroyed systems software and data.

That is just another example of our national vulnerability.

Who should assess this threat? I believe that the commission that should be established by this amendment would appropriately represent the interests of the American people through the administration and the legislative branches and would necessarily include persons with strategic vision and specific counterintelligence experience. I have used as the model for the establishment of this commission, a commission which was established by the Congress in 1994 under the leadership of Senator Warner, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community. Like that commission, this would have 17 members. The President would appoint 9, the leadership of the Senate and the House—majority and minority—would appoint a total of 8 commissioners.

The commission would be charged with assessing the current counterintelligence threat and the adequacy of resources being applied to that threat. Commissioners would also examine current personnel levels and training, effective focus on counterintelligence—coordination among government agencies, the laws now on the books and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether viable counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we keep counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies of the Department of Energy are longstanding. They have been excruciatingly well documented over a long period of time. We should have addressed these issues years ago. But as serious as our counterintelligence weaknesses are at the Department of Energy and at our National Laboratories, of course, include those belonging to the intelligence community, but also must include agencies such as NASA, whose vulnerability I have just outlined, and the Department of Commerce, which has had the responsibility for drawing highly technical decisions on whether it is appropriate to license for export particular dual-use machinery that might serve a military purpose.

These reviews of the Department of Commerce, of course, have not been viewed in the past as warranting the degree of counterintelligence focus which I believe they deserve. For those who argue that we can't afford a commission, that we must act today, I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.

It is important, according to Ed Curran, a highly respected 37-year FBI veteran who now heads the Department of Energy's Counterintelligence Office, 75 to 80 percent of the Tier One recommendations...
resulting from a 1998 FBI evaluation of Lab counterintelligence are now in place. The remainder will be in place within 7 months. These are important steps that will go a long way in the short term to protect the work going on at the Lab.

In the heat of the moment, numerous recommendations are being put forward to improve counterintelligence at the Department of Energy. Some of them may be useful. Others, such as placing counterintelligence at the Labs under the FBI’s control, may not be. All recommendations deserve careful, objective, and dispassionate attention. I believe a commission of the type that this amendment would establish would be the appropriate body to give us such a comprehensive reexamination. I suggest that we draw a collective breath, that we step back, that we take a serious indepth look at this very complicated issue, and then we reach a consensus on what Americans on this way to proceed. I am convinced if we were to do that, that we step back, that we take a comprehensive reexamination. The following year, the Justice Department was fired recently from his job at the Los Alamos National Laboratory in New Mexico due to his alleged involvement with Chinese intelligence officials. Lee first came under scrutiny in 1996 after U.S. intelligence officials learned the Chinese government may have acquired data on an advanced U.S. nuclear weapon systems. The following year, the Justice Department declined to prosecute the espionage, the intelligence community has the right to know about the extent of the information lost to potential adversaries through these losses; losses, before we do next is still being considered. Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I mean to say I am critical of the report, although there are three or four concerns they raise. If I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things we were not able to check out. I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral J. Cremnich, has said in the report he gave us it is terribly important that we do a net assessment; we try to establish what the gains were, what the losses were, before we move on.

I am just not persuaded, I say to my colleagues, that there is a significant potential problem, which is that we have now, in the aftermath of the report that was produced and made public by congressman Cox and congressman Dick’s China task force, we need of interest in doing something, to take some action to look like we are solving the problem.

What I understand the Senator from Florida to be saying is we should take a collective deep breath and I quite agree with him. Because I think not only is it possible, it is likely, if we are not careful, we will, in our actions, do things that will make the country less safe, not more safe and secure.

Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I mean to say I am critical of the report, although there are three or four concerns they raise. If I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things we were not able to check out. I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral J. Cremnich, has said in the report he gave us it is terribly important that we do a net assessment; we try to establish what the gains were, what the losses were, before we move on.

I am just not persuaded, I say to my friend from Florida, that this commission is the appropriate step to do.
I propose as an alternative, No. 1, the Senate Select Committee on Intel-
ligence try to come up with a scope of
study similar to the Jeremiah study, try to put it in the intelligence author-
ization bill, but, in other words, chal-
lenge Congress to do something
similar to what we did with Admiral
Jeremiah. He started to do a damage
assessment for us.

I think much more needs to be done
before the Congress knows for certain,
A, what the damage was and, B, for certain what exactly it is we ought to
do.

I know the majority leader has, and
I am cosponsoring with him, some changes he is recommending that we
will be recommending to be made. But
these are pretty limited. Many of these
things can be done administratively.
They really are just based upon what
we know right now. So, while I find
myself unpersuaded by this amend-
ment—although maybe with a little bit
more time I could have been per-
suaded—I am not persuaded we need a
commission of this kind. I am per-
suaded we do need further examina-
tion, in fact a more thorough examina-
tion, than done to date.

The damage has been done. So we
make certain in our response to this
story of espionage and story of lax
security, not just at the Labs but in moni-
toring and watching the satellites
that were being launched in the Chi-
nese Long March program, and the
whole export regime we have estab-
lished to make certain we do not ex-
port things that are then used against
us in some fashion, that we do not pre-
sume, in short, that we know every-
th ing that happened and we do not
take action that could make the prob-
lem worse.

I believe what the Senator from Flor-
da is suggesting to us is right on tar-
g et. We have to be very careful that we
do not in any movement and any action
that will make things worse. So I rec-
omm ent an alternative that I think
will enable us to accomplish the same
objective.

Again, I have great respect for the
Senator from Nebraska and what he is
trying to do. I think I vote with him 9
out of 10 times and do not like to be in
a position where I am opposing his
amendment.

Mr. GRAHAM. Will the Senator from
Nebraska yield for a question?

Mr. KERREY. It depends on the ques-
tion.

Mr. GRAHAM. One of the principal
purposes of this commission starts
with a recognition that our counter-
intelligence problems, our vulnerabil-
ities, are not limited to Chi-
nese penetration and are not limited to
Department of Energy Laboratories. In
fact, I have quoted from a study by the
General Accounting Office that is less
than 10 days old about a major poten-
tial danger in NASA of its com-
puter systems.

The question: “Would the Senator
agree that whatever form Congress
took to look at this issue, in addition
to being rational, prudent, thoughtful,
that it should also be comprehensive,
in terms of the agencies of the Federal
Government and the potential sources
of efforts to penetrate those agencies?”

Mr. KERREY. Yes.

Mr. GRAHAM. The Senator’s last
point about trade-offs highlights the
fact that we risk making our nation
less secure if we are not careful with
our legislation and could potentially be
lured into doing what Hitler did in the
1930s and 1940s; that is, prevent intel-
ligent and capable people from partici-
pating in our nation’s government and
society on the basis of their ethnicity.

So we do not want, as some have sug-
gested, ethnic standards determining
who will have an opportunity to access
our laboratories. In my judgement, se-
curity should be based on the indi-
vidual who is involved, not on that in-
dividual’s membership in a larger eth-
nic group. The danger of denying our
nation a pool of talent due to ethnic
typing illustrates the complexity of this
issue.

Would the Senator agree also that in
order to sort through all of those
categories—

The PRESIDING OFFICER. The 7½
minutes of the Senator is up.

Mr. GRAHAM. Sir, I don’t think
Senator Shelby has arrived—

Mr. KERREY. He is here.

Mr. GRAHAM. I ask unanimous con-
sent to complete my question and give
Senator KERR 2 minutes to respond.

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

Mr. GRAHAM. Does the Senator
agree that in order to sort through
categories, the commission would need a
group of Americans who can look at
this both from a strategic perspective
as well as from the technical com-
petencies of what is required to do ap-
propriate counterintelligence protec-
tive processes and methods?

Mr. KERREY. Yes, I do. I have to an-
swer the first part of the Senator’s ques-
tion no. I do not think we are in
any danger of following Adolf Hitler’s
example, but I do think we need to be
careful that in any effort to restrict
who gets to know things we do not create
an additional security problem.

We have had many examples, as we
try to figure out what goes wrong with
a national security decision, especially
intelligence, where we discover that
the problem was Jim knew it; Mary
didn’t know it. Neither one of them
had a right or need to know what each
other was doing. As a consequence of
them simply walking from one cubicle
to the other talking, a mistake is
made.

We have to be very careful in exer-
cising our judgment in what ought to
be done in tightening things that we do
not actually create additional security
problems.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

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

The PRESIDING OFFICER. The Sen-
ator has 7½ minutes.

Mr. SHELBY. Mr. President, I oppose
the Graham amendment as the chair-
man of the Senate Intelligence Com-
mittee. We should, as an institution,
build all efforts with the author-
ity and the responsibility of any
congressional committee to an outside
group, such as this commission, when
there is no compelling reason to do so,
and there is certainly no compelling
reason to do so in this instance at this
time.

As my colleagues probably know, the
Intelligence Committee is already...
aware of the state of our counterintelligence capabilities. I have worked with the vice chairman, Senator Kerrey, and other Members on both sides of the aisle, in dealing with our counterintelligence capabilities because we are involved in the committee now in an ongoing legislative oversight of the intelligence community’s approach to counterintelligence activities and espionage investigations. That is an ongoing, very much alive investigation.

We have a tremendous staff, I believe—and I believe the Senator from Nebraska, the vice chairman, joins me in saying this—a very able staff on the Senate Intelligence Committee that is deeply involved in a bipartisan way in this investigation.

The committee has recommended, and will continue to recommend as our investigation unfolds, substantive changes in this area. We are working with the majority leader, with the minority leader, and their staffs in this regard.

I believe the Intelligence Committee is completely capable—and I believe the vice chairman has already indicated this—of addressing this relatively new, but very, very critical area within the National Foreign Intelligence Program.

Most important, though, this legislation presumes the failure of congressional oversight, and that did not happen. It did not happen in this instance, and the Senator from Nebraska, who has just come back on the floor, was very involved as the vice chairman of this committee in pushing for more money for counterintelligence. That goes without saying.

The failure of congressional oversight, as far as the Intel Committee is concerned, did not happen. For nearly 10 years, the Intelligence Committee has repeatedly directed the intelligence community to improve its counterintelligence capabilities communitywide and specifically at the Department of Energy where our most precious Labs, our most important Labs are located.

I believe this is a very real case of the executive branch failing to heed congressional warnings, and I think we will see more and more of this as the investigation unfolds.

Finally, counterintelligence has been a specific priority of the Intelligence Committee in the Senate and will continue to be a high priority, as it should, as long as I am chairman and as long as I am involved.

This amendment ignores the past and ongoing work of the Intelligence Committee in the Senate. I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Time is under the control of the Senator from Alabama and the Senator from Florida. Who yields time?
Mr. WARNER. We ask that she withhold it, but will consider it to be within the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

On page 386, amendments Nos. 386, 387, 389, 390, and 403.

Mr. LEVIN. Pursuant to the prior unanimous consent agreement, I now call up the following amendments at the desk:

The Kerrey amendment, No. 376; the two Sarbanes amendments, Nos. 396 and 397; two Harkin amendments, Nos. 398 and 399; and one Boxer amendment, No. 403.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 376, 386, 387, 389, 390 and 403.

The amendments are as follows:

AMENDMENT NO. 376

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantle-ment of strategic nuclear delivery systems)

On page 357, strike line 13 and all that follows through page 358, line 4.

AMENDMENT NO. 386

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAIN-ING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99-596 (100 Stat. 3439) is amended—

(1) in subsection (b), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following in its place:

(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be without consideration or without con sideration from the State of Maryland, at the election of the Secretary.

(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may exceed $500,000.

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

AMENDMENT NO. 398

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the costs of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy). In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PRO-GRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1066a of title XXIV, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education"

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to establish, in accordance with section 1066a, nutrition education and administration under the program described in subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determination of eligibility for the program benefits, a priority shall be given for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) to those considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Sub- section (c)(3)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education', and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1785c)."

On page 17, line 6, reduce the amount by $18,000,000.

Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Bainbridge, Cecil County, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2856. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNA-POLES, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting facility towers described in this subsection are the three southeasternmost naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and to the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

AMENDMENT NO. 390

(Purpose: To provide authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland)

On page 459, between lines 17 and 18, insert the following:

AMENDMENT NO. 391

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations)

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN RE-quests FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCES REQUIRED.—The Secretary of Defense shall use funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of the Fiscal Service.


(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

Purpose: To authorize transfers to allow for the establishment of additional national veterans cemeteries)

In title X, at the end of subtitle A, add the following:

SEC. 102. TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2001 pursuant to the authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of title 38, United States Code, national cemeteries in areas of the United States that the Secretary of Veterans Affairs determines to be most in need of such ceme-teries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.
The PRESIDING OFFICER. Under the order the amendments will be set aside.

Mr. WARNER. Mr. President, I will just have to ask the indulgence of my colleague for a minute or two. I hope that can be achieved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 448 THROUGH 457

Mr. LEVIN. Mr. President, on behalf of Senator REID, I send an amendment to the desk; on behalf of Senator BRYAN, I send an amendment to the desk; on behalf of Senators HARKIN and BOXER, I send an amendment to the desk; on behalf of Senator LEAHY, I send an amendment to the desk; on behalf of Senator CONRAD, I send three amendments to the desk; on behalf of Senator LAUTENBERG, I send two amendments to the desk; and on behalf of Senator SARBANES, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 448 through 457.

The amendments are as follows:

AMENDMENT NO. 448

(Purpose: To designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter)

On page 387, below line 24, add the following:

SEC. 1001. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the “Jack Streeter Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

AMENDMENT NO. 449

(Purpose: To authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF983016))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

| Nellis Air Force Base | $11,600,000 |

On page 417, in the table preceding line 1, strike “$628,133,000” in the amount column of the item relating to the total and insert “$639,733,000”.

On page 419, line 15, strike “$1,917,191,000” and insert “$1,928,791,000”.

AMENDMENT NO. 450

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC±35A) aircraft for the Department of Defense special supplemental nutrition program.)

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subparagraph (a) of section 1062a of title 10, United States Code, is amended by inserting “may carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(b) FUNDING.—Subsection (b) of such section is amended by striking “shall carry out a program to provide supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(c) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a) of such section.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: “In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.”

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

“(4) The terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966.”

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 451

At the appropriate place in the bill, insert the following:

SEC. 702. TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to support any training program involving transfer to or deployment status of United States military forces in a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless the Secretary provides a detailed and necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances surrounding the waiver, including the extent of the program in the training program, the United States forces and the foreign security forces involved in the training program, and the information regarding the human rights violations that necessitate the waiver.

AMENDMENT NO. 452

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to the President’s and the Secretary’s assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453

(Purpose: To require a report regarding Russia’s non-strategic nuclear arsenal)

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(2) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia’s arsenal of non-strategic nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the material required under paragraph (1), the views of the Director of Central Intelligence and the views of the
Commander in Chief of the United States Strategic Command regarding those matters. (c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under section 2002 of title 31, United States Code, a report on the matters described in paragraph (1) of that subsection regarding Russia’s tactical nuclear weapons.

AMENDMENT NO. 454

(Purpose: To require a study and report regarding the options for Air Force cruise missiles.)

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Utilization of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

AMENDMENT NO. 455

(Purpose: To require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey.)

In title X, at the end of paragraph (1) in subsection (d) of section 2232, add the following:

(c) EQUIPMENT TO BE CONVEYED.—The equipment to be conveyed under subsection (d) is equipment located at Military Ocean Terminal, Bayonne, New Jersey, as follows:


(2) Pierce Arrow 100-foot Tower Ladder, manufactured December 1992, Pierce job #E-8032, VIN #1PICA02629A000445.

(3) Pierce, manufactured 1993, Pierce job #E-J7509, VIN #1FDRY723A203015.

(4) Ford E-302, manufactured 1992, Plate #GC132693, VIN #1FDKE30M4MAH873062.

(5) Ford E-302, manufactured 1990, Plate #GC132652, VIN #1FDKE30M4MAH37549.


(d) OTHER COSTS.—The conveyance and delivery of the property shall be at no cost to the United States.

AMENDMENT NO. 456

(Purpose: To authorize a land conveyance, Nike Battery 80 family housing site, East Hanover, New Jersey.)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCE, N IKE BATTERY 80 FAMILY HOUSING SITE, EAST H ANOVER TOWNSHIP, N E W J E R S E Y.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all of the real property described in subsection (b) except the parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover, Township, East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 457

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers.)

At the end of subtitle E of title XXVIII, add the following:

SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITIES AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The radio transmitting towers described in this subsection are the three southeastern most radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

The PRESIDING OFFICER. Under the order, the amendments will be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 458

(Purpose: To prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal.)

Mr. SPECTER. Mr. President, of course, within the unanimous consent agreement which requires submission of amendments before 2:30 P.M. today, it is now 2:17—I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The amendment proposed by the Senator from Pennsylvania [Mr. S PEC T E R] proposes an amendment numbered 458.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH AN INDICTED WAR CRIMINAL.

(a) IN GENERAL.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

The PRESIDING OFFICER. The amendment will be set aside.

Mr. SPECTER, Mr. President, parliamentary inquiry. Is there any established procedure for the consideration of amendments like the one I just sent to the desk?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are trying to repose as much discretion in the managers as possible. Your amendment will be treated equally with the others. But at the moment we are not going to try to sequence the deliberation.

Mr. SPECTER. I thank my colleague. Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 459

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review.)

Mr. LEVIN. On behalf of Senator BINGAMAN, I send an amendment to the desk.
The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 460

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk. The PRESIDING OFFICER. The amendment will be set aside. The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 461

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be set aside. The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 462

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk. The PRESIDING OFFICER. The amendment will be set aside. The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk. The PRESIDING OFFICER. The amendment will be set aside. The PRESIDING OFFICER. The amendment will be set aside.
The amendment is as follows:

Insert at the appropriate place in the bill:

SEC. 521. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.——Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States weapons plutonium stockpiles of each type deemed “excess” for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 465

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 465.

The amendment is as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking “major general” and inserting “lieutenant general”.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking “major general” and inserting “lieutenant general”.

The additional general officers for the National Guard Bureau and the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers.

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 466.

The amendment is as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 334. ADDITIONAL AMOUNTS FOR DRUG INTERDiction AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNT.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $5,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mother Ship Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Any amounts authorized to be appropriated by this Act, the total amount available for—

The PRESIDING OFFICER. The DeWine amendment will be set aside.

AMENDMENT NO. 467

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, proposes an amendment numbered 468.

The amendment is as follows:

In section 2902, strike subsection (a), as redesignated, paragraphs (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike “except those lands within a unit of the National Wildlife Refuge System”.

In section 2904(a)(1)(A), strike paragraph (8).

In section 2904, strike subsection (g).

In section 2904, strike section 2904.

In section 2904, strike sections 2907 through 2914 as redesignated as such sections in 2012, respectively.

In section 2907(h), as so redesignated, redesignate sections 2909 and 2910 as paragraphs (4) and (5), respectively.

In section 2909, as so redesignated, strike “section 2909(g)” and insert “section 2909(g)(1)”.

In section 2910, as so redesignated, strike “except that hunting,” and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike paragraphs (b), (c), and (d)” and in subsection (a), strike paragraphs (b), (c), and (d)”.

In section 2911(a)(2), as so redesignated, strike paragraphs (b), (c), and (d)”.

In section 2911(a)(3), as so redesignated, strike paragraphs (b), (c), and (d)”.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and
(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 469.
(Purpose: To improve the bill)
Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from North Carolina, Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 469.

The amendment is as follows:
On page 153, line 18, strike "the United States" and insert "such".
On page 356, line 7, after "Secretary of Defense" the following: ":, in consultation with the Secretary of State,"

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".
On page 358, strike line 21 and all that follows through page 359, line 7.
On page 359, line 8, strike "(c)" and insert "(b)"

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 480.
(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)
Mr. WARNER. Mr. President, once again, a number of these amendments we are now sending to the desk, the two managers, pursuant to the unanimous consent request automatically. It has to be resubmitted.

Mr. President, on behalf of the Senator from Missouri, Mr. BOND, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. BOND, for himself and Mr. KERRY, proposes an amendment numbered 470.

The amendment is as follows:
On page 282, line 19, after "concerns," insert the following: "HUBZone small business concerns."
On page 283, line 19, strike "(A)" and insert "(1)"
On page 283, line 23, strike "(B)" and insert "(2)"
On page 284, line 3, strike "(C)" and insert "(3)"
On page 284, between lines 6 and 7, insert the following:
"(4) The term "HUBZone small business concerns" has the meaning given in the term in section 3(3) of the Small Business Act (15 U.S.C. 6320(p)(3)).

The PRESIDING OFFICER. The Bond amendment will be set aside.

AMENDMENT NO. 473.
(Purpose: To set aside $50,000 for providing procurement technical assistance for Indian reservations out of the funds authorized to be appropriated for the Procurement Technical Assistance program)
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 471.

The amendment is as follows:
In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.
Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $200,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 472.
(Purpose: To require a report on the Air force distributed mission training)
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. HATCH, proposes an amendment numbered 472.

The amendment is as follows:

At the appropriate place, insert the following new section:

AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.--(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.--An institution eligible for the transfer of a facility under subsection (a) is an institution of higher education that agrees to use the facility for--

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the health and welfare of faculty;

(5) the health and welfare of staff.

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 476.
(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)
Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.
Mr. LEVIN, Mr. President, I send an amendment to the desk on behalf of Senator EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Michigan [Mr. LEVIN], for Mr. EDWARDS, proposes an amendment numbered 473.

The amendment is as follows:
In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.
It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (31 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

The PRESIDING OFFICER. The Edwards amendment will be set aside.
(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVET, Mr. SMITH, and Mrs. HUTCHISON, proposes an amendment numbered 474.

The amendment is as follows: On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world stood up to the threat of totalitarianism hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(b) THE ARMED FORCES AND THE TAXPAYERS.—The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(c) PERIOD OF COLD WAR.—For purposes of this section, the term "Cold War" shall mean the period beginning on August 14, 1945, and ending on November 9, 1999.

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated in this subsection may be used for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 50th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A)

(b) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

SEC. 1062. COMMISSION ON VICTORY IN THE COLD WAR.

(a) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the "Commission on Victory in the Cold War" (in this subsection referred to as the "Commission").

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Senate, in consultation with the Minority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(b) DUTIES.—(1) The Commission shall, as its duty, the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the activities referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector.

(2) In addition to the duties provided for under paragraph (1), the Commission shall have the authority to design and award medals and decorations to current and former public officials who were vital to United States victory in the Cold War.

(c) REPORT.—The report shall be submitted no later than March 31, 2000, and shall be unclassified but may contain a classified annex.

SEC. 1063. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (1), including the installations visited, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) with the People's Republic of China.

SEC. 1064. IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

(a) AMENDMENT.—The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

(b) THE PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows: The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 476.

The amendment is as follows: At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The amendment will be set aside.

The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 477.

The amendment is as follows: At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The amendment will be set aside.

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 477.
The amendment is as follows:

At the appropriate place in the bill, insert the following:

**Sec. 2.** (a) Congress makes the following findings:

(1) It is the National Security Strategy of the United States to “deter and defeat large-scale, cross-border aggression in two distant theaters at the same time.”

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 troops permanently assigned to those theaters.

(4) The United States has an additional 70,000 forces assigned to non-NATO/Non-Pacific threat foreign countries.

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanent assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have been in place for decades.

(8) Between 1996 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, compared with 18 in 1990, while on average each army division has a smaller number of soldiers than the division headquarters had 25 years earlier. The Army has cut it’s active front-line forces to 645,000, its lowest level since 1938, necessitating the redeployment of the Air Force for flying at a flight level that did not exist during World War II.

(10) Active Air Force fighter wings have been cut from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to fly its northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a “stop loss” program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service.

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to—

(B) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(2) The United States should not make any payment to citizens of Germany as settlement arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

**AMENDMENT NO. 478**

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire.)

Mr. WARNER, Mr. President, I send an amendment to the desk on behalf of Mr. Wyden and Mr. Smith of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH OF OREGON, proposes an amendment numbered 478.

The text of the amendment is printed in today’s Record under “Amendments Submitted.”

The PRESIDING OFFICER. The Wyden-Smith amendment will be set aside.

**AMENDMENT NO. 479**

(Purpose: Relating to chemical demilitarization activities)

The amendment is as follows:

At the appropriate place insert the following:

**Sec. 3.** SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMEN’S FAMILIES REGARDING THE ACCIDENT OCCURRING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.

(1) FINDERINGS.ÐThe Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starfighter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Buckman, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cabaniss, 34, aircraft commander, Tyndall, Florida; Airman 1st Class Juslin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Kirtland, New Mexico; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Libby, Pennsylvania; Captain Peter C. Vallesio, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Winder, Pennsylvania.

(2) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude.

(3) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(4) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(5) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE—It is the sense of the Senate that—

(1) The Government of Germany should promptly settle with the families of the members of the United States Air Force killed in the collision between a United States Air Force C-141 Starfighter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997, and

(2) The United States should not make any payment to citizens of Germany as settlement arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

**AMENDMENT NO. 480**

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire.)

Mr. WARNER, Mr. President, I send an amendment to the desk on behalf of Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out “$172,472,000” and insert in lieu thereof “$168,340,000.”

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire NSY Portsmouth</td>
<td>$3,850,000</td>
</tr>
</tbody>
</table>

On page 412, in the table line Total strike out “$764,340,000” and insert “$747,900,000.”

On page 413, line 6, strike out “$2,078,015,000” and insert in lieu thereof “$4,013,664,000.”

On page 414, line 9, strike out “$673,960,000” and insert in lieu thereof “$677,810,000.”

On page 414, line 18, strike out “$66,298,000” and insert in lieu thereof “$65,581,000.”

The PRESIDING OFFICER. The Domenici amendment will be set aside.

Mr. WARNER, Mr. President, I believe we have all the amendments in the under the prescribed time agreement.
Two colleagues have been waiting patiently to speak, and there is a third. We will allocate the time that each Senator desires. Could the Senators from Texas and Alabama indicate who will go first and how much time each will be allotted?

Mr. HUTCHISON. I would be happy with 5 minutes, and I would be happy for the Senator from Alabama to go first.

Mr. WARNER. How much time for the Senator from Alabama?

Mr. SESSIONS. Five.

Mr. WARNER. I understand 20 minutes is needed by our colleague from New Mexico.

Mr. REID. Mr. President, what are we dividing time up on?

Mr. LEVIN. We are sequencing speeches.

Mr. REID. I am not going to agree to anything. I have been waiting to speak on the Kyl-Domenici amendment, and I was here for this hearing.

Mr. WARNER. I will withdraw the request. I was asked to enter that. Could my two colleagues complete their remarks and then we will go to the distinguished minority whip?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Amendment No. 465

Mr. SESSIONS. Mr. President, today the valiant men and women of our Armed Forces are in their third month of deployment for Operation Allied Force in Yugoslavia and Kosovo. However, in these final months of this century, when you say Armed Forces, you are not referring merely to our Active Duty forces. In nearly every situation concerning our Nation's defense forces, when you speak of Armed Forces you also must include the Reserve Components. As Secretary Cohen and General Shelton have asserted, the Armed Forces cannot undertake any significant mission without the citizen soldiers of the Reserves and the National Guard, together we call them the Reserve Components. For example, 2,937 reservists are currently deployed world-wide on operational deployments; 1,000 reservists have supported Operation Uphold Democracy in Haiti; 12,000 reservists have deployed to Bosnia; annually 20,000 reservists deploy to worldwide training sites. When we look at these figures in light of the major conflicts and operations that have been involved in since Desert Storm to Operation Southern Watch, for instance, reserve participation has gone up for some elements from a Desert Storm high of 33% to a high of 51% of the overall forces engaged in later operations. To bring this point even closer to home, the President just called up two weeks ago 33,100 reservists for duty in support of the air operations over Kosovo and Serbia.

So I ask of those who find it imperative to provide our Armed Forces with the resources that they need to carry out our Nation's increasingly diverse military responsibilities, this means providing all of our components, Active, Reserve, and National Guard with the leadership structure that they need.

Mr. President, it would be my wish to tell you today that we could count on the Department of Defense to provide all of the components of our Armed Forces with the resources they need, be it equipment, personnel, or training. Unfortunately, while the leadership means well, and I am sure that they are doing the right thing, I ask for each component, in a number of areas at the end of the day the Active Components are doing far better from a resourcing standpoint than are the Reserve Components. This is because when the services sit down at the table to allocate resources the cards are stacked, I am afraid, heavily in favor of the active component missions and requirements.

How this happens can be attributed to the inequity of the rank those officers who make the resource decisions at the senior levels. It is at these levels that the Active Duty forces have an overwhelming advantage rank and in the power of the advocates who design the overall strategy, and establish the manpower, and who get establish the requirements for equipment and resources, as well as installations from which they project combat power.

In the Armed Forces there is a very simple and straightforward manner you can count the senior officers—specifically the generals and admirals who make the decisions for their components. In the Army there are a total of 307 general officers. In the Air Force the number is 282. When compared to the 118 United States Army Reserve General Officers and the 75 United States Air Force Reserve General Officers or the 195 Army National Guard General Officers of whom only 92 have Federal Recognition there appears to be an inequality when it comes to the Reserve Components. In the case of the Army, Air Force, Marine and Navy Reserves, there are no four or three star positions. In the case of the National Guard, the answer is one three-star—the Chief of the National Guard Bureau who represents both the Army and the Air National Guard. This means that in the case of the Army, Navy, Air Force, and Marine Corps Reserves and the Army and Air Force National Guard, each component's home team advocate is merely a two-star.

I do not choose the phrase "merely a two-star" by accident. "Merely" is an apt word when you are talking about the fight for resources in the Pentagon. When proxy or幕假还是假等,ling decisions are made within the services, the existing rank structure excludes the Reserve chiefs from what I consider to be full participation in deliberations, which are the realm of three-star participants. The Reserve chiefs are relegated to the periphery and must rely on a higher-ranking participant at the table to champion their cause. They cannot speak for themselves or their components unless asked. Now, this is wrong in my opinion and a classic example of how the Reserve chiefs are restricted from actively participating in the decision making process.

Furthermore, the two-star Reserve Component commanders exercise their preeminence authority over other senior commanders of their components who also wear two stars. While the Reserve and Guard chiefs, by necessity, have made this situation work, this arrangement is considered exceptional everywhere but in the Reserve Components.

Let me give you a compelling example of the inequity I am speaking of by looking closely at but one of our Reserve Components, the Army Reserve: The Chief, Army Reserve, or the CAR as he is commonly known, is responsible for more than 20 percent of the Army's personnel. The same applies for the Chief of the Navy Reserve. The CAR commands a total Army Reserve force of over a million soldiers. Of those soldiers over 415,000 are in the Ready Reserve and of those billets, nearly 205,000 are in the ever more frequently deployed Selected Reserve. Do you think anybody could be considered a pejorative "weekend warrior" for these citizen soldiers. Granted, when not deployed, they are not 24-hour-a-day troops. Nevertheless, the CAR also commands nearly 19,000 full-time support personnel plus nearly 4,400 Department of the Army Civilians, or DA civilians. In contrast an Active Component four-star, yes a four-star general in the field commands an average of 48,400 troops plus DA civilians. An active component three-star general in the field commands less number of troops, plus civilians, but only 3 percent of that commanded by the Chief, Army Reserve.

The Chief, Army Reserve, in the exercise of his preeminent authority over the other senior commanders of his component is also responsible for evaluating 57 brigadier generals and 42 major generals. In contrast an active component four-star, yes, four-star general in the field is responsible for evaluating an average of 31 brigadier generals and 10 major generals. An active component three-star general or admiral in the field is responsible for evaluating an average of only 7 brigadier generals and only 2 major generals.

The Chief, Army Reserve has full responsibility for $3.5 billion of fiscal year 1999 appropriated and nearly triple that ($12 billion) of a three-star general in the field and over 62% of that ($5.6 billion) of a four-star general in the field.

Currently the Army National Guard provides 54 percent of the Army's combat forces, 46 percent of the Combat Support capability, and 50% of the Army's Combat Service Support forces. Likewise, the Air National Guard is a fully integrated partner in the Air Force providing 49 percent of
the theater airlift capability, 45 percent of the aerial tanker forces, 34 percent of the fighters and 36 percent of the Air Rescue resources.

The Air Force Reserve, 74,000 strong, notably has been the second largest major command in the USAF since it was elevated to that status in 1997. Only the Air Combat Command, with its 90,000 personnel is larger, and, of the other eight major Air Force commands, seven are commanded by 4-star generals. Only the Space and Strategic Operations Command with fewer than 10,000 personnel, is commanded by a major general. Prior to Desert Storm the Air Force Reserve had been involved in 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command aircrews serve over 125 days a year on average; support more than 80,000 other reserve units.

The Commander Naval Reserve serves in a billet that, in the past, actually was filled by a vice admiral and reports directly to the Chief of Naval Operations, which is not even typical for a four-star rank admiral. He is responsible for software development and acquisition for the Navy's Manpower and Personnel information systems. The Naval Reserve is responsible for five percent of the Navy's total complement of ships and aircraft, 100 percent of the Navy's harbor surface and subsurface surveillance forces, 90 percent of the Navy's Expeditionary Logistics Support Force, 47 percent of the Navy's combat search and rescue capability, and 35 percent of the Navy's total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel and supports 54 percent of all ground divisions and 13 percent of all U.S. tactical air. The Marine Corps Reserve provides the Marine Corps the following: 100 percent of the adversary aircraft, 100 percent of the civil affairs groups, 50 percent of the theater missile defense, 50 percent of the tanks, 40 percent of the force reconnaissance, 40 percent of the air refueling, and 30 percent of the artillery. We find similar core competencies in the Army Reserve where the VSR provides 97% of Civil Affairs units, 98% of all psychological units, 100% of Chemical Brigades, 75% of Chemical battalions; and 85% of all medical brigades or roughly 47% of all Army Combat Service Support.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outgunned so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deploying with ever-increasing frequency, might be deploying with less than the best resources because of the type of unit, where it fits in the equipping matrix or the deployment matrix. I am gravely concerned that ALL TROOPS regardless of component receive the training they need before they deploy. I am concerned you see because I was an Army reservist for 13 years and un- fortunately I had the luxury of deciding on the short end of things they need like professional development training or specialty training.

Admittedly, in some cases there are valid resource disparities. In other cases there are not. What is clearly needed is a level playing field to ensure that the limited defense resources, whether equipment, personnel, or training slots, are fairly distributed. Because the nation has come to depend on such a great extent on the readiness of the Reserve and the National Guard, decisions taken within the Pentagon must be discussed, made and agreed to among individuals more clearly able to understand the components. To create a two-star major general to compete equally with three- and four-star generals is unrealistic. To not compete for funds on an equal basis is to guarantee the component or capitalized for the mission it is asked to perform.

The need for three star ranks for the Reserve and Guard chiefs has been understood for years. In 1989, a study by General William Richardson recommended elevation of the Chief, Army Reserve to (four-star) general. In 1992 the Hay Group, which reviewed all Reserve Component general and flag officer billets, specifically recommended elevation of the Chief of the Army Reserve, the Vice Chiefs of the Navy, Air Force Reserves and the Directors of the Army and Air Force National Guard to three-star rank. In 1992, an independent commission chaired by General John Foss, USA (Ret) recommended elevation of those billets. Prior to the 1997 Defense Authorization Act directed the Secretary of Defense report to Congress not later than six months after enactment the recommended grades for the Reserve and Guard Chiefs. It is now May 1999 and we have not yet to see the report called for in the 1997 statute. So, you can see my point. We have waited patiently for DoD to send us a report upon which to make a full evaluation on general officer positions and it hasn’t arrived. More deliberation and delay is sought. I say NO. It is time to take action—NOW.

This is why I am offering this command equity amendment to the National Defense Authorization Act for Fiscal Year 2000.

My amendment will make the positions of the Chiefs of the Army, Navy, Air Force, and Marine Corps Reserve and the Directors of the Army and Air Force Reserve chairmen carry the three-star ranks. Each of them absolutely must have it to ensure success and proper resources given the realities of today. Incumbents will be promoted and their successors will be promoted to three-star ranks upon confirmation by this body. A valid argument can be made that the Army and Air Force already have all the three-star generals (45 and 37 respectively) that they need and while the active army, for instance, has reduced its overall general officers from a 407 in 1993 to 307 in 1999 to correspond with changes in force structure and missions, the reserves conversely need these grades. Incumbents correspond with increases in assigned world-wide missions, contingency deployments and need for greater share of resources.

Accordingly, my command equity amendment, which provides for the creation of more three star positions, does not exacerbate that situation by increasing the overall numbers of senior officers in the Army or Air Force. This over abundance of high grade officers is not the case for the Navy and the Marines, who are not now flush with senior grade billets; therefore, my amendment does provide new billets that the Navy and Marines really would need.

Mr. President, I am very pleased today that Chairman WARNER, Senator LIEberman, and others working on this bill have seen it fitting to agree and to accept as an amendment that there will be a series of three-star ranks given to the Reserve Forces of the United States. That is a critically important matter.

For a few minutes, I would like to explain why it is equitable and fair and why this will be an important step forward for the Reserves. I served for 13 years in the Army National Guard. I entered service in 1986, I served there was a chief of staff. I remember getting out after 13 years and he remained in and was activated for 6 months for Desert Storm. Reservists all over America, like those in the 1184 transportational unit, are being deployed; 33,000 have now been called up for the Kosovo activities.

In Desert Storm, in Kuwait, the Iraq war, 33 percent of the forces committed to that war were Reserves or National Guard. I am including National Guard and Reserves when we talk about Reserve Components. They play a critical role. Yet, in our allocation of rank, they have not been treated, in my opinion, fairly. It impacts on them when they seek to make sure that the interests of the National Guard and Reserves are properly taken care of. When the brass sits around the table and decides how we are going to deal with the limited amount of resources available, the Army Reserve, the Naval Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just two stars. They do not have the same level of clout that they would otherwise have.

I would like to share a few things with you. I have some charts that deal primarily with the United States Army Reserve, but the numbers are similar regarding the Navy, Air Force, and the National Guard units. The Chief of the Army Reserve is now a two-star general. In the course of his duties, he is required to coordinate 75 brigade generals. That is one star, and there are 42 major generals with two stars just like himself. That is a responsibility he has,

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whereas in the Active Army a four-star general is only required to evaluate 31 brigadier generals, one star, and ten major generals, two stars.

This shows you what a four-star has responsibility for and what the Chief of Army Reserve has. In the Active Army, a three-star general is responsible for evaluating an average of just seven brigadier generals and two major generals, but he has a higher rank than the Chief of the Army Reserve who has to rate 57 brigadiers and 42 major generals.

It strikes me that we have gone a little bit too far in containing the rank available for the important position of Chief of Army Reserve.

The Chief of the Army Reserve also, for example, has full responsibility for $3.372 billion in the fiscal year 1999 appropriations. That is nearly triple that of a field three-star general, and over 62 percent, almost as much, as a four-star field active-duty general. An active four-star general is a more powerful person than the other components—we believe they are to be used for these promotions are to be drawn from a number within the ranks of each of the departments of the military.

Am I not correct on that?

Mr. SESSIONS. That is correct. In fact, there are 45, now, three-star generals in the Army. This would only involve two of those.

Mr. WARNER. I just by way of quick anecdote, when I was Secretary of Navy, I felt so strongly about the Naval Reserve that I promoted the then-two-star admiral to the grade of three, and he served in that grade throughout my tenure. The day after I left the Department, the third star disappeared, and it never reappeared again until this moment when we agree to this amendment. I hope it will become law.

I commend the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Amendment No. 477

Mrs. HUTCHISON. Thank you, Mr. President.

I call up amendment No. 477. The PRESIDING OFFICER. The amendment is now pending.

Mrs. HUTCHISON. Thank you, Mr. President.

This amendment requires that the President and the Department of Defense come forward and report on the missions we have throughout the world. One thing that has become very clear to me as I have visited with our troops—whether it is in Saudi Arabia or Kuwait, whether it is in Bosnia or in Albania just 2 weeks ago—is that our troops are overdeployed. Secretary Bill Cohen said in testimony just last week to the Defense Appropriations Committee that we have either too few people or too many missions. The fact is that this is beginning to show the wear and tear on our military. Between 1986 and 1996, the number of American military deployments per year nearly tripled at the same time that the Department of Defense budget was reduced by 38 percent.

There is no question that our military is stretched. No one disagrees with that.

The Department of Defense is asking for help. Congress realizes that this is a problem and has continually tried to increase the military spending, including pay raises for our military to give them more chances to live a quality of life. But the fact is that we have to do something about either overdeployment or too few numbers. In fact, our president said that we need to deter and defeat large-scale cross-border aggression in two distant theaters in an overlapping timeframe.

We have the deterrence of Iraq and Iran in southwest Asia and deterrence of North Korea in northeast Asia. That represents two such potentially large-scale cross-border theater requirements. In addition to that, we have 120,000 troops permanently assigned to those theaters and 70,000 in addition to that assigned to non-NATO, nonspecific-threat foreign countries. The United States has more than 6,000 in Bosnia-Herzegovina and many others around the world. What we need to do is to start to prioritize where our resources are and where American troops should be deployed.

On May 27 of this year, the Secretary of the Air Force announced a stop-loss program that places a temporary hold on transfers, separation, and retirements from the Air Force. This is a decision that is normally reserved for wartime or severe conflicts. And, yet, we now have in place that no one can separate from the Air Force.

My amendment says it is the sense of Congress that the number of U.S. military forces to the national security strategy is being eroded from a combination of declining defense budgets and expanded mission. It says to the President that we must have a report that prioritizes ongoing global missions, that the President shall include a report on the feasibility and analysis of how the United States can shift resources from low-priority missions in support of high-priority missions and consolidate U.S. troop commitments worldwide, and end low-priority missions. This is a report that the President would make through the Department of Defense to prioritize these missions.

I believe the Department of Defense has been looking for this type of opportunity to prioritize and to say we are going to look at the wear and tear on our military and we are going to have to make some final decisions. When we think when we review this report we will be able to see if, in fact, we need more military and we need to “ramp up” the military force strength in our country or whether we can prioritize the overseas missions and stop the overdeployment and the mission fatigue that so many of our military people have.

I am very pleased to offer this amendment. I think it is a step in the right direction. It is a positive step toward prioritizing our very stretched military. Certainly, as we are watching events unfold in Kosovo and we are seeing more and more of our military being called up, I think it is time for
Members to assess everywhere we are in the world and ask the President to prioritize those. Then Congress can work with the President to determine if we need to ramp up our military force structure or ramp down the number of deployments that we have around the world.

I ask that the amendment be agreed to.

Mr. WARNER. I commend the Senator from Texas. This is a very important amendment. I am a cosponsor. I believe it is acceptable on this side.

Mr. LEVIN. Mr. President, the amendment is acceptable here. It performs a useful purpose. The Defense Department has in the past given the Senate these lists, but this updates it and gives us a little more detail. I think it is very important we know all of our missions and how many people are involved around the world.

We have no objection to it at all. The PRESIDING OFFICER (Mr. FITZGERALD). The question is on agreeing to the amendment.

The amendment (No. 477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that we return to the amendment numbered 446. I also ask unanimous consent that the two-speech rule not apply to the remarks about which I am about to make.

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

AMENDMENT NO. 446

Mr. REID. Mr. President, the country established the independence of the weapons laboratory directors for a reason. We are lucky to have had the weapons laboratories that have been such an important integral part of this country. They are one of the main reasons the cold war ended. They have been established independently so that the President and the Congress could expect independent and objective reporting of the directors’ honest judgment regarding assessment of the safety and reliability of nuclear weapon stockpile. We are talking about thousands of nuclear warheads.

The problem in the world today is the fact that we have too many nuclear warheads, but those that we have must be maintained to be safe and reliable. It is a responsibility of our weapons laboratories to make sure that, in fact, it is the case.

This amendment, No. 446, strips our laboratory directors of this independent objective status. The amendment makes the laboratory directors directly subject to the supervision and direction of the administration.

What this means, in very direct language, is that we will get the opinion of the administration regarding stockpile safety and reliability—not the lab director’s expertise and, therefore, their opinion. They will say what the President tells them to say, what the administration tells them to say—not what their scientists and engineers tell them is appropriate with these weapons of mass destruction. There will no longer be any reason to believe that stockpile information is founded on scientific and technical fact.

If this amendment comes to be we should just declare the stockpile adequate and simply not bother evaluating it for safety and reliability. This would be a tragedy not only for this country but the world.

That is the reason that the Secretary of Energy, Bill Richardson, wrote a letter yesterday to the chairman of the Armed Services Committee, the senior Senator from Virginia. He said, among other things in this letter, “The proposal would effectively cancel my 6-month effort to strengthen security at the Department in the wake of the Chinese espionage issue,” and he goes on to say “If this proposal is adopted by the Congress, “I will recommend to the President he veto the defense authorization bill.”

This has gone a step further, separate and apart from the letter—the President will veto this bill if this language is in the bill. This proposal would reverse reforms in the Department of Energy. According to the Secretary of Energy, still referring to this letter to Chairman WARNER.

This proposal would reverse reforms in the Department of Energy going back to the Bush Administration by placing oversight responsibilities within defense programs. A proponent from in charge of our own security, its own health oversight and its own safety oversight.

He says the fox will, in fact, be guarding the chicken coop.

Secretary Richardson says in the final paragraph of this letter:

In short, the security mission cuts across the entire Department, not just defense programs facilities. We need a structure that gives this important program the visibility and focus and provides the means to hold the appropriate line manager responsible.

The Secretary of Energy is a person who served in the Congress of the United States for about 16 years, who served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 20 years that have taken place in this country, traveling all over the world, working to free hostages, and doing other things upon the recommendation and under the auspices of the President.

We are told that this bill, in effect, is going nowhere if this amendment is in there.

Why? This isn’t the way to legislate. The legislative process is an orderly process, or should be an orderly process. If there is a bill that is to be heard, there should be hearings held on that bill, especially one as sensitive as this that deals with the nuclear stockpile of the United States. We have had no hearings. There are multiple committees that have jurisdiction. We know that the Energy and Natural Resources Committee has jurisdiction. We know the Armed Services Committee has jurisdiction.

The Cox-Dicks report—which was a bipartisan report and we should treat it as such—said the problems with the laboratories as far as the espionage problems go back at least three administrations. Secretary Richardson has promised as scientific institutions. Secretary Richardson has promised to work to free hostages, and doing other things upon the recommendation and under the auspices of the President.

I don’t think it is appropriate that we go charging forth for political reasons to attempt to embarrass the administration or to embarrass Secretary Richardson. This deals with the most sensitive military resources we have—management of nuclear weapons. To change how we have conducted business in the Department in the wake of the Chinese espionage issue, and not the way to do it, especially when there have been no congressional hearings. This committee deserves to take a look at calling witnesses.

In short, I rise in strong opposition to this amendment. As I have said earlier today, this amendment is not going to go away. This deals with the security of this Nation. When I finish speaking, there are other Senators wishing to speak. I see the junior Senator from New Mexico who is going to speak, the senior Senator from Illinois said he will speak, we will have Senator BOXER from California speak. It will take a considerable period of time before enough is said about this amendment.

If adopted, this amendment would make the most sweeping changes in the Department structure and management since the Department’s creation in 1977. This amendment fundamentally overturns the most basic organizational decisions made about the Department when it was created. It does it without any congressional hearings, without any oversight hearings, without any investigations having taken place. These changes will result in long-term damage to the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune the last 3 years to be the ranking member of the Energy and Water Subcommittee that appropriates money for these laboratories—had fought for the people that work in these laboratories to be some of the most nonpolitical people I have ever dealt with in my entire political
career. They are not involved in politics. They are involved in science. We shouldn’t change that.

Today, their work—that is, the work of the National Laboratories on national security—is underpinned by the work of a wide range of civilian programs that sustained needed core competency at the laboratories.

This amendment, No. 446, will result in the Department of Energy’s defense-related laboratories losing their multi-purpose character to the detriment of the laboratories themselves as scientific institutions and to the detriment of their ability to respond to defense needs.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful consideration and review by these Secretaries. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the rightful committees, and decisions were made as to what changes the Secretaries recommended should be made in permanent law. That is how we should do things. That is how we are doing things with this bill.

These improvements made part of the law have been made by careful review by the Secretaries of the management deficiencies they encountered during their tenures. This amendment re-creates dysfunctional management relationships at the Department of Energy that have proven in the past not to work. I repeat, these sweeping changes are being proposed on the floor of the Senate without any input from the committees of jurisdiction over general department management—that is, the Committee on Energy and Natural Resources, or the committee with specific jurisdiction over atomic energy activities—the committee, the Committee on Armed Services.

The two managers of this bill have worked very, very hard. As I said the other day, on Monday evening, I do not know of two more competent managers we could have for a piece of legislation. They have dedicated their lives to Government. They have dedicated much of their adult lives to making sure the United States is safe and secure. They have worked very hard to have a bill that should be completed today, a very important bill dealing with the armed services of the United States. We should not let this stand in its way. We should not have a bill that comes out of here that is vetoed. We do not need this legislation in two days.

To this point, this bill has been proceeding forward on a bipartisan basis. This is the way legislation should move forward. We have been working on this bill for a few short days. In this past, it has taken as much as 14 days of floor activity to complete this legislation. These two very competent managers are completing this bill, if we get rid of this, completing this bill in 4 days. We should go forward.

There are so many important things in this bill that need to be completed that we should do that. If my friends on the other side—my friends, the Senator from New Mexico, the junior Senator from New Mexico—if they really think there are problems in this regard I will work with them. I will work from my position as the ranking member of the Energy and Water Subcommittee. I will do the best that I can. For sure, if they believe a bill needs to come forward on the floor dealing with these things, we would not object to a motion to proceed, that they could bring this bill forward on the floor. We do not want to hold up this bill. But the bill is being held up, not because of anything we are doing on this side but because of this mischievous legislation.

I say to my two friends, the Senator from Arizona and the Senator from New Mexico, who are not on the floor; they are two Senators whom I have the greatest respect—this is not the way to proceed on this. No matter how strongly they feel about what went on with the Chinese espionage, whatever the reasons might be, let’s work together. In fact, after we go through the normal legislative process, with hearings, with committees of jurisdiction, that their method is the way to proceed. Certainly, we are not going to proceed on an afternoon with a bill of this magnitude without, I repeat, committee hearings and the other things that go into good legislation.

These sweeping changes are being proposed with no supporting analysis, no public record. Indeed, the changes to be made fly in the face of past recommendations made by distinguished experts and past reports of congressional hearings on the subject—DOE Organization, Reorganization and Management.

These changes are firmly opposed, and that is an understatement, by the administration, and I think we should pull this amendment so we can go forward with this bill. The absurdity of this amendment is even more striking when you see who the senior management officials in the Department of Energy are at this time. Think of this. The current Under Secretary of Energy is Dr. Ernest Moniz, who, if not the top nuclear physicist in the country is one of the leading physicists in the whole country. This man is the former chairman of the Massachusetts Institute of Technology’s physics department—the most prestigious, famous institution of science in this country, especially their physics department.

Under this amendment, Secretary Moniz would be forbidden by law from helping Secretary Richardson, whose office is 40 feet away, manage and direct this program. He could not exert any influence in the management of the Department’s nuclear weapons research and development. Is this a crazy result? The answer is, obviously, yes, it is a crazy result.

The safety and reliability of our nuclear stockpile is absolutely critical to our national security and to the U.S. policy and strategy for international peace and nonproliferation. My friend from New Mexico, the junior Senator from New Mexico, please talk about why this amendment substantively is so bad. I want to talk more about procedurally why it is so bad. I have tried to lay that out. It is procedurally bad because we should not be trying to change the way the bill is moving today. I see that as we are now. There should be a bill introduced, referral to committee or committees and a committee hearing or hearings with people coming forward to talk about this issue.

This is not what we are going to change the way boxing matches are held in this country or how much money we are going to give to highways in this country. This deals with approximately 6,000 nuclear warheads, some of which, an accidental destruction, would cause untold damage to both people and property. So this is not how we should proceed on this legislation. We should proceed on this legislation in an orderly fashion.

I say to my friends, the Senator from New Mexico and the Senator from Arizona, if they are right—which I certainly do not think they are—but if they are right, then let’s have this legislation in the openness of a legislative hearing, the openness of the legislative process.

This amendment No. 446 causes us to be in the midst of protracted debate when we should be trying to complete this most important legislation.

We are in the midst of a major change in the way we ensure this critical stockpile safety and reliability because we can no longer demonstrate weapons performance with nuclear tests.

We have had approximately 1,000 nuclear weapons tests in the State of Nevada—approximately 1,000. Some of these tests were set off in the atmosphere. We did not do those tests, the devastation these nuclear devices would cause, not to the area where the devices were detonated, but what happened with the winds blowing radioactive fallout into southern Utah, creating the highest rates of cancer anywhere in the United States as a result.

I would awaken in the mornings as a little boy and watch the tests, watch the detonation, and see that orange flash in the sky. It was a long way from where I was, but not so far that you could not see this orange ball, over 100 miles away or more, that would light up the morning sky. It was not far enough away that you could not hear it. I will never forget in that wind that did not blow toward Searchlight, my hometown; it blew the other way.

We have set off over 1,000 of these nuclear weapons tests in connection with accidents in tunnels, shafts. We cannot do that anymore. We cannot do it because there has been an agreement made saying we are no longer going to test in...
that manner. We have to manage our nuclear stockpile using science and computer simulation instead of nuclear testing. This is a terribly, terribly complex job. The greatest minds in the world are trying to figure out how they can understand these weapons of mass destruction to make sure they are safe and reliable.

It needs all of our attention and energy because we must demonstrate with high confidence that this job can be done without further nuclear testing. We have not proven that the stockpile can be maintained without nuclear testing, but we are doing everything we can to succeed.

We have developed a program called subcritical testing. What does that mean? It means that components of a nuclear device are tested in a high explosive detonation. The fact is, the components cannot develop into a critical mass, necessary for a nuclear detonation. It is subcritical. As a result of complete computer simulation, they are able to determine what would have happened had the tests become critical. We are working on that. We think it works, but there is a lot more we need to do. We need, for example, to develop computers 1,000 times faster than the ones now in existence. Some say, we need computers 1,000 times faster than the ones now in existence to ensure these nuclear weapons, nuclear devices, are safe and reliable.

This demanding job is made even more difficult by all the other problems with managing the nuclear stockpile. For example, we have to work on the legacy of the cold war at our production facilities. We are spending billions of dollars every year doing that. We need to develop the facilities and skills for stockpile stewardship. We need to maintain an enduring, skilled workforce.

The people who worked in this nuclear testing for so long are an aging population. We have to make sure we have people who have the expertise and the ability to continue ensuring that these weapons are safe and reliable. We need to provide the special nuclear materials for the stockpile, because the material that makes up a nuclear weapon does not last forever. Tritium, for example, has a life expectancy in a weapon of maybe 12 years. Weapons have to be continually monitored to determine if they are safe and reliable.

All these things are complicated by the discovery that some of our most closely guarded nuclear secrets about our stockpile have been compromised over the past 20 years. That makes it even more difficult and makes it even more important that we proceed to ensure that in the future our nuclear stockpile is safe, that it is not seen by eyes that should not see the secrets that go into our nuclear stockpile. We should not be determining the afternoon before the Memorial Day recess how we are going to do that.

Secretary Richardson is one of the most open, available Secretaries with whom I have dealt in my 17 years. He is open to the majority; he is open to the minority. We should not do this to him. He is a dedicated public servant. We need to concentrate on the most important things right now, not later. What we have done is we have conceived administrative changes and that is what it is; we are legislating administrative changes in the way that this most important, difficult job is being managed —is the most important thing we can do right now. Clearly, it is not. We have far more important matters to attend to in the nuclear stockpile.

We talk about the stockpile, but it is a nuclear stockpile. It is something we have to maintain closely, carefully, to make sure it is safe and reliable. We need to improve our computational capability; I said by 100, others say by 1,000 or more, beyond the advances we have already made. That is where we need to direct our attention. We need to develop new simulation computer models. We are in the early stages of these higher performance machines. I have been in the tunnels where these subcritical tests are conducted. I have been in the tunnels where the critical tests were conducted. We need to do that to date this, repeat, making sure these weapons of mass destruction are safe and reliable.

We need to design, as I say, advanced experimental facilities to provide the data for this advanced simulation capability.

We need to hire and train the next generation of weapons physicists and technicians before our experienced workforce really withers away.

We have to continue the training of these individuals, not only continue the training but have work for them to do, which we will surely do.

We need to establish better and more effective controls in how we do these jobs to ensure no further environmental damage is being done at these sites. Hanford, that is an environmental disaster; Savannah River, environmental disaster. We cannot let that take place anymore.

We should be directing our attention to those efforts, not legislating on a bill that we should have completed by now. We could have completed this bill, and I think we will if we can figure out some way to get rid of this amendment.

We need to establish better and more effective controls in how we do these jobs, making sure we do not have Savannah Rivers or Hanford, WA, sites where we are spending billions upon billions of dollars to make those places environmentally sensitive and clean.

Just as important—maybe more important—we need to implement effective security measures that will protect our secrets without unnecessary interference in this very important work. Whenever we do an important job, we need to do it right.

There is neither the time nor the money to make mistakes. This proposed change in management of the nuclear weapons program is not the right thing to do right now. I feel fairly confident, having spent considerable time speaking to Secretary Richardson, that he is really dedicated to doing the right thing. He does not want to remedy the problems in the weapons labs which I have seen, we could do it in a democratic fashion—I am talking in the form of a party—or a Republican fashion. He wants to do it in a bipartisan fashion.

The amendment No. 446 would make the most sweeping changes in the Department of Energy structure and management since its creation in 1977. These drastic changes would be made with no consideration or suggestions, I repeat, by the committee of jurisdiction. They were made with no consideration or suggestions by the committee that has general management jurisdiction; that is, the Committee on Energy and Natural Resources; or the committee that has jurisdiction over energy defense activities, the Armed Services Committee.

There have been no hearings and testimony by proponents and opponents of a change, and not just this proposed change, but other proposed changes as well.

These jurisdictional considerations and testimony by credible witnesses are mandatory for such a change, because what is being proposed is not obviously better than the present program management framework. I want to take this opportunity to compliment the Secretary of Energy—with whom I came to Congress in the same year—for his energetic response to the problems that have come to light since he assumed his responsibilities. I think his public and private statements regarding the possible compromise by the Chinese or others have been outstanding. I think he has done extremely well. No Secretary in my memory has taken on and handled aggressive actions to remedy problems in this most complex and, I repeat, important Department. He is searching out the Department’s problems. He is doing everything he can to correct these deficiencies.

Let’s give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legislation, the senior Senator from New Mexico. He is Secretary Richardson. He is searching in this most complex and, I repeat, important Department. He is really dedicated to doing the right thing. He is really working to the problems in the Department. He is searching out the Department’s problems. He is doing everything he can to correct these deficiencies.

Let’s give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legislation, the senior Senator from New Mexico. He is Secretary Richardson. He is searching in this most complex and, I repeat, important Department. He is searching out the Department’s problems. He is doing everything he can to correct these deficiencies.
We talk about how proud we are of our National Institutes of Health, and we should be, because it does the finest medical research that has ever been done in the history of the world. That is going on as we speak. But likewise, the National Laboratories are unmatched anywhere in the world for the solution of critical defense and non-defense problems as well.

We think of the Laboratories as only working with nuclear weapons. But the genome research was started in one of our National Laboratories. Many, many things that are now being developed and worked on in the private sector were originally developed with our National Laboratories.

Enactment of this amendment would isolate these multiprogram national assets, making their contributions to other than defense work very difficult, if not impossible. This isolation would reduce and erode the technical scope and skills within the weapons laboratories, and might result in an important national defense opportunity being missed.

I am absolutely confident that the directors of the weapons laboratories will testify to the enormous defense benefits that would accrue, if an opportunity to attack important nondefense problems is not given. There is no doubt in my mind that the directors of the National Laboratories would testify privately or publicly to the enormous defense benefits that could arise in the opportunity they have had in the past and continue to have to attack important nondefense problems. That opportunity exists because the weapons program is not isolated within the Department, as it would be in this amendment.

There is a critical need to rebuild our confidence that necessary work can be done in a secure way and within a secure environment. I am very uncomfortable with placing the management of security in a position where it might compete with the management of the technical program. That critical function needs to exist independently of the program function so that these two equally important matters can be managed without conflict.

This amendment would require unnecessary duplication and redundancy of activities in the Department of Energy. Security of nuclear materials and information is necessary for activities that are included in the reorganization proposed by this amendment. This would require separate security organizations to undertake the same and other very similar functions. There is not enough money to allow this kind of inefficiency to creep into the weapons program.

The Secretary of Energy and the President of the United States oppose this amendment. The President promises to veto the defense authorization bill if this amendment is included in the bill. I personally oppose this proposal for the reasons I have mentioned, and many other reasons that at the right time I will be happy to discuss.

I have worked with the senior Senator from New Mexico for 3 years as ranking member, and many other years as a member of his subcommittee. I just think there is a better way to do this. I know of the time and effort he has spent with the National Laboratories. I believe we would achieve the same result by making improvements in it, that certainly is my understanding of where the administration is.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks be printed in the Congressional Record.

Mr. BINGAMAN. Mr. President, let me first just point out that I have had a chance now to read the amendment. We received it at about 1:15, about 10 minutes into the description of the amendment by the Senator from Arizona.

I have had that chance to read it. It is really quite a lengthy amendment. I just want to briefly point out that two of them are totally acceptable to this Senator, at least as I see it.

The first, of course, would put into statute the provision establishing an Office of Counterintelligence in the Department of Energy. This is something which was done as a result of Presidential Decision Directive 61 in February of 1998. It is something which the previous Secretary of Energy has done administratively. This Secretary has carried through on that. Clearly, this is a good thing to do, and putting it in statutory form is also helpful.

So I have no problem with that part of the amendment at all. I would support that. In fact, I point out that those provisions, with very few changes, are in the underlying bill. But I can certainly agree to whatever changes the authors of this amendment would like to see in that section.

The second part of the three parts in this bill is establishing the Office of Intelligence. Again, I believe this is totally appropriate. Again, this is something that the administration has already done administratively, but clearly there can be a good argument made that it should be in statute. I have no problem with that. Again, the underlying bill which we are considering has in it the establishment of the Office of Intelligence. So if this version of that legislative provision has some improvements in it, that certainly is appropriate. I do not oppose that.

The third part of the amendment is the part which I find very objectionable. Let me use the rest of my time to just describe the nature of my concern about that provision.

The third part of the amendment is the part designated "Nuclear Security Administration." This sets up a totally new organizational structure within the Department of Energy which is, as my good friend and colleague from Nevada said, by far the most far-reaching reorganization of the Department of Energy since that Department was created 22 years ago in 1977.

I urge my colleagues to vote against this amendment or to vote for the motion to table, which I am sure will provide an opportunity to debate an issue on this ill-conceived and untimely measure.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks not count against the two-speech rule. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me take note of the history that we have been asked to vote on today. The administration proposed by this amendment compromises the National Laboratories.

In the last time we had a hearing on the problems of organization in the Department of Energy was September 1996. That was nearly 3 years ago. I sit on the committee of my good friend and colleague from New Mexico, as do many of us involved in this discussion, I sit on the committee that has jurisdiction over this Department, the Energy and Natural Resources Committee. In that committee, we have had a great many hearings on the Chinese espionage problem. We have had six hearings in that committee alone. We have had one joint hearing with the Armed Services Committee, which I also sit on. That is serious hearings.

In none of those hearings have we considered any of this set of recommendations. In none of those hearings have we asked the Secretary of Energy to come forward and explain why changes he thinks might be appropriate or whether or not these kinds of proposals might be appropriate as a way to fix the problem.

My friend, the Senator from Arizona, said we would be a derogation of our duty if we didn't go ahead and pass this legislation. I say it is almost a derogation of our duty if we do pass it this afternoon, because we will not have given the administration a chance to react. We will not have given the administration a chance to explain why they oppose this. I think that is the only reasonable course to follow.

Another suggestion was made by my colleague from Arizona that although Secretary Richardson had objected to an earlier draft, he was fairly confident that those problems had been resolved in the latest bill, which is the one we received at 1:15.

I have in my hand here a letter from Secretary Richardson just received a few minutes ago in which he says:

I have reviewed the latest version of the amendment being offered by Senator Domenici to the Defense Authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve
security in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the Defense Authorization bill if this proposal is adopted by the Congress.

He goes on to explain in more detail why that is his view. I ask unanimous consent that the letter be printed in the RECORD. There being no objection, the letter was ordered to be printed in the RECORD, as follows:


HON. JEFF BINGAMAN, U.S. Senate, Washington, D.C.

DEAR SENATOR BINGAMAN: I have reviewed the latest version of the amendment being offered by Senator Domenici to the defense authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment and want to reiterate my intention to recommend to the President that he veto the defense authorization bill if this proposal is adopted by the Congress.

As I stated in my letter of May 25, 1999, our security posture deserves a senior, permanent advocate, with no missions “conflict of interest” to focus full time on the security mission. The requirements of the security posture would not compete with other programmatic priorities in Defense Programs for the time and attention of the senior management of that program, as well as for budgetary purposes. Resource allocation has been a core problem of Department of Energy security for decades, and we have seen firsthand that inherent conflicts arise and that the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. It is critical that we have a separate office setting security policy and requirements in order to avoid financial and other pressures from limiting security requirements and operations.

Also, it is important to recognize that the Environmental Management Program has significant security responsibilities for securing large quantities of nuclear weapons materials at its sites—Rocky Flats, Hanford, and Savannah River. Under this proposal, if the security function were exclusively located in other programs, it would undermine my ability to hold my top line manager for the clean-up sites accountable.

In short, the security mission cuts across the entire department, not just Defense Programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line managers responsible. I appreciate your attention to this serious matter.

Yours sincerely,

BILL RICHARDSON.

Mr. BINGAMAN. So procedurally, we should not be here on a Thursday afternoon, where the very distinguished manager of the bill, the chairman of the Armed Services Committee, has said we need to finish this bill in the next hour and a half. We need to leave town. Everyone has their plane reservations. We have to fly out. And by the way, before we leave, let’s reorganize the Department of Energy.

This is not a responsible way for us to proceed. Accordingly, I do object to the procedure.
against it happening here, but it is very clear that the head of this Nuclear Security Administration has all authority, and exclusive authority, for what goes on in his department, and there is very little incentive for anyone else to try to get into those laboratories or interact necessarily with those laboratories on nonnuclear weapons activity.

As a result of this, I fear very much—and I know my good friend and colleague, Mr. DOMENICI, who is a cosponsor of this amendment, says he believes that something like this amendment should be adopted by the Senate because it will keep the Congress, ultimately, after we conference with the House, from going even further and taking a step toward shifting some of these nuclear weapons responsibility to the Department of Defense.

My fear is somewhat different. My fear is that this is a first and sort of a logical place in this direction, and that if you are going to set up all of this nuclear weapons activity in a stovepipe and it is going to be cordoned off from the rest of the Department of Energy, as is proposed in this bill, I cannot think it is very easy to go from that point to the point of saying let’s just cut this loose entirely from the Secretary of Energy and make it responsible to the Secretary of Defense.

I think that would be a serious mistake. That is a mistake that our predecessors had the wisdom to avoid. President Truman had the wisdom to avoid that. Those who set up the nuclear weapons program in this country decided early on that it should not be in a civilian agency. It should not be in a Department of Defense agency; and, clearly, the closer we move toward making this defense-specific, defense-only, I think we would be making a mistake.

Creating a stovepipe in the way, does threaten the long-term vitality of our laboratories. I believe it threatens the long-term ability to attract people we need to those laboratories, to keep them world-class, cutting-edge scientific institutions.

I may be overdramatizing, but my own view is that we have seen the stovepipe model in action. Two years ago, I went to the Soviet Union and visited Chelyabinsk-70, also referred to as Shnezinsk. Shnezinsk is one of the nuclear cities, one of the secret cities. When you go there, you see how stovepipe organizations function. There is nobody there doing any research on solar energy. There is nobody there worrying about environmental problems that might be a result of research or work going on at that facility. There is nobody there interacting with much of anyone.

That is one of the big problems. That is why in the nuclear cities initiative in this bill that we are trying to get going, to help these laboratories in Russia break out of the stovepipe and begin to interact with other elements in the society, with other scientists, and begin to apply their talents to other activities.

So I am sure this is well intentioned. I am sure this proposal is well intentioned, and I would like very much to have some experts in some of these nuclear cities, organizations function, to tell us what they think of this and allow the administration to give us their point of view. I think that is an appropriate course for us to follow. But my initial reaction, after reading it here for the last hour and a half, or two hours, or this, is that it does not do what the sponsors intend. It does not solve the problem of Chinese espionage. It does create or result in many other unintended consequences that will be long-term adverse to our nuclear weapons program.

Mr. President, I have great problems about it. I have a series of questions I was going to raise about it. I see my colleague from New Mexico wishing to speak. Maybe he would like to speak on this and ask me a few questions about this.

I yield the floor.

Mr. DOMENICI. Mr. President, how much time has been used on the other side of the aisle with reference to this amendment?

The PRESIDING OFFICER. There is no time limit on this amendment.

Mr. DOMENICI. I understand that, but did somebody keep time?

The PRESIDING OFFICER. We will check the records.

Mr. DOMENICI. There is no need to do that. Let me say to Senator BINGMAN, first of all, I believe that over the past 15 years—certainly within the last 6 to 7—our nuclear weapons program has got it now. It was a very complicated concept. It was imposed on a stovepipe, and it has been decided not to do anymore underground testing. And I believe what Senator REID spoke about, which has the very fancy words surrounding it—“science-based stockpiled stewardship”—you have no idea how long it was difficult for me to put all four of those words together. I used to leave half of them off. But I think I have got it now. It was a very complicated concept. It was imposed on a laboratory system that, I regret to say to you and everybody, was broken down.

In fact, I am going to quote from some reports—all current ones—because they go back years—saying the Department of Energy, in terms of doing its work right for the nuclear weapons part—I have not seen an analysis about solar, but that is a little program, whether they run it or fund it. I have not seen a report in the last decade, and there are two within the last 6 years, that have the heads of both the Department of Energy’s ability to handle nuclear weapons development is not broken to the core. That is principally because it is stuck in a department with so many other things to do that are, with reference to urgency, much different and much easier and not as important as nuclear weaponry and all that goes with it.

Yet, decisionmakers are making decisions right here, for a reason, and then they move over and make a decision on nuclear weapons. I would almost say with certainty—but I am not going to say I will predict—if they don’t adopt this amendment—and we then go to the House there and see if we are going to adopt it. Maybe some of you want to filibuster it. Some of you haven’t filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons is going to be the aftermath of this espionage.

I am not worried that it is going to be the Department of Energy managing this because I think too many people have spoken out about that. But when we are thinking about putting in something, not end up saying it cannot fit in a department of the type that is the Department of Energy and be run in a regular, ordinary chain of command decision-making, which is what I call this proposal. You can all throw a stovepipe. I choose the Marine concept that is chain of command—I almost would predict today—but not quite—that it will be one of those, freestanding.

When, finally, it is determined what it been frustrated in the years about the ability to manage that Department, perhaps you can manage the other aspects that are not so critical, but you can’t manage the nuclear part under the current environment. It needs dramatic change.

The reason we are on the floor and the reason we are going to finally get it done is because we are scared, because now it is not a question of efficiency and how long it takes to make weapons for nuclear weaponry. It is because we are frightened that we are getting kicked to death. So being frightened, we are going to fix something. This fix is not going to be a little tiny fix as we have done in the past. If anybody chooses to say this is the most dramatic change in 22 years since it was created from its former underpinnings called ERDA, which was another department put together with bits and pieces from everywhere, they are right. It is the significant change to streamline nuclear weaponry that has ever been put forward.

But let me suggest that this administration has had two reports, or three, suggesting that dramatic changes ought to be made and nothing has been done of any significance.

Secretary Richardson, in the aftermath of what some have called the “greatest espionage” in our whole history, is busy and is to be admired and respected for trying to reform. But if you try to reform it, and you are the Secretary of Energy, and you are as diligent as Bill Richardson—and one who likes to run a lot of things, which
I admire him for, and one who is a good politician, so he wants to do things politically acceptable, especially for the White House and those he works for— you will never come to the conclusion that this Department should be streamlined, such that the Secretary only has one person to be responsible for the nuclear weapons and they will run it inside out, because in a sense it diminishes the role of the Secretary.

I don’t know whether Secretary Richardson does or not. But they are not taking seriously DARPA. It has been more than 6 months, and they run around calling these great laboratories, including those in my State, “my laboratories.” It is just like: Isn’t this great? The Secretary of Energy has this big, $3 billion laboratory, and he calls it “my laboratory.”

I did not say Secretary Richardson does that. I have not heard him. But, if he did, he would be consistent with the other ones.

We have a suggestion here that is probably going to make it a little more difficult for Secretaries of Energy to run around and call them “my laboratories,” because they are going to be a laboratory system run by an administrator within the Department, who may be an Under Secretary or an Assistant Secretary who is going to run the whole show.

For those who do not think there are models such as this, there are. You can take a look within the Energy Department at the nuclear Navy. It is different than this, but if you want to look at a model that is within a big department where you have something structured to handle a very important role and mission, there are such models. As a matter of fact, there are experts who say this is a good model, if you want to keep it within the department.

I want to address two other things, and I want to read some notes.

First, if this Senator thought for 1 minute that the implementation of this approach would minimize the diversification and versatility of these three major laboratories to do outside work for the government and others, I would pull it this afternoon. I don’t believe that will happen. I don’t believe it is inherent in this amendment. I believe that if there is concern it can be fixed with language, because the fact that it is so poorly managed under this structure and that we have is not what is contributing one way or another to its versatility. It is the efficiency and effectiveness of the scientists that are making these laboratories multiuse, multipurpose, multifaceted and that do work a look in DARPA.

Since my colleague asked that his first speech not be counted as two speeches, which I didn’t object to, I gather that the other side doesn’t intend to let us vote on this. I don’t know how this should be done about this time, but I will meet with the leadership. If it is just up to me, I will debate it as long as we can tonight, and I will go home without the bill completed and bring it up and take another week on it when we come back.

The time is now to fix this tremendous deficiency in terms of how our nuclear weapons and everything attendant to it are managed. Secretary Richardson is doing a mighty job, but he will never fix it without reorganization and streamlining and chain of command that is provided in this amendment, which is not perfect but not on one line. But this is what it is intended to do.

Let me just read a couple of things. This is Admiral Chiles’ report, the so-called Chiles report of March 1, 1999.

Establish clear lines of authority in DOE. The commission believes that the disorderly organization within DOE has a pervasive and negative impact on the working environment. Therefore, on recruitment and retention, accordingly the commission recommends that the Secretary of Energy organize defense programs—

That is what we are talking about— consistent with the recommendations of the 120-day study. We recommend three structural changes.

They recommend three, for starters. I use this because anybody, including my colleague, Senator R. J. BINGAMAN, who has today spoken about how well the laboratories have done, would almost have to admit that they have done well in spite of the absolute chaotic condition with reference to sustained accountability within the laboratories as a piece of DOE.

Frankly, I have appropriated for 5 years—this is my sixth—the Committee on Energy and Water, which funds totally the laboratories, to some extent, not totally, with reference to nuclear work and to some extent on nonnuclear.

There were Congressmen asking that we create some new regional centers for headquarters, Albuquerque for example, or a greater region somewhere in Texas and the like. We asked, rather than do that, that the appropriations fund a 120-day study. That was done. I am sure my colleague has that. If he doesn’t, his staff will.

I am going to quote from the executive summary of this, which is dated, incidentally, February 27, 1997. Still reports are saying “fix it, fix it.”

At the bottom of the ES-1, “These practices”—after describing practices within this Department of Energy as it pertains to nuclear weaponry—“are constipating the system.” I am quoting.

They undermine accountability, making the entire system less safe. Further, the process prevents timely decisions and their implementation. Untold millions of dollars are wasted with plants and equipment awaiting approvals of various types, or on investments which age and become obsolete without ever having been used or productive purposes. Finally, the defense program has a job to do—maintenance of a nuclear deterrent, which is the mission of the ESmP review and approval process that drags on forever.

That is the current system of environmental safety and health review in this Department.

People worry about what this amendment is going to do.

Let me tell you. This report says that we are not well served by that which exists in the Department now, and an approval process that drags on forever helps no one.

There is much more to be read in the most current studies that kind of clamor for doing something dramatic and different.

The greatest problem [says this same 120-day study on page ES-1 uncovered is that] the defense program practices for managing safety, health and environmental concerns are nonproductive, centrally and decentralized management practices that have evolved over the past decade. It goes on to say that because they have evolved doesn’t mean they are effective or operative.

I very much am pleased that Senator BINGAMAN yielded so I could have a few words. Senator, I will be back shortly, but I am called to the majority leader’s office to discuss that. It will not take me over 15 minutes, and I will return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I rise to speak on behalf of an amendment I sponsored that was agreed to previously as part of the managers’ package.

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

Mr. HUTCHINSON. Mr. President, I rise in support of the Kyl amendment, which brings new security accountability and intelligent administration to the Department of Energy’s (DOE) nuclear weapons program.

The Cox report has shown us that we have ceded design information on all of our most sensitive nuclear warheads and the neutron bomb to China. These designs, our legacy codes, and our computer data have been lost because of lax security at our national labs (Los Alamos, Lawrence Livermore, Oak Ridge, and Sandia), incompetent administrations, and possibly, obstructions of investigations.

What have we lost because of this espionage? According to the Cox report, “Information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the U.S. ballistic missile arsenal.” These warheads are the W-88, W-87, W-78, W-76, W-70, W-62, and W-56. China has also obtained information on a half-dozen of assumed warheads and a nuclear vehicular. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the public, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to deploy a mobile nuclear force, with its first deployment as soon as 2007.

The cost of these nuclear thefts is the security of the U.S. and the security of our allies in the Asia-Pacific.
The ability to miniaturize and place multiple warheads on a single ballistic missile will have serious destabilizing effects in the region. India is watching China warily, as are Japan, South Korea, and Taiwan. I have heard that some leaders in the Asia-Pacific will not have to suffer for a domestic security failure. I hope that we will not have to pay for these thefts in American lives.

But the costs will not be limited to the already drained region. We can bet that this information will not stay in the hands of China. China has supplied Iran, Pakistan, Saudi Arabia, North Korea, and Libya with sensitive military technology in the past. We have no real guarantees that China will not spread our lost secrets again.

This fiasco of security did not happen by accident. There was a concerted effort on behalf of the Chinese government to obtain this information and a lack of effort on part of certain individuals in our own government. I am not sure if Reno must be held accountable if she denied her own FBI the authority to investigate suspected spies. Likewise, Sandy Berger must be held accountable if he delayed notification of the President of the United States or if he delayed action on these security breaches.

Mr. President, for two decades we have left the door to our DOE facilities open to thieves. We have exposed our most sensitive details to China. It is time to secure the door of security.

We cannot reverse what has taken place. We cannot take back the information that has been stolen. But we must prevent further theft of our secrets.

The Kyl amendment takes necessary steps in enhancing security at our DOE facilities. It establishes increased reporting requirements to Congress and the President, as well as layers of checks to prevent further breaches. It gives the Assistant Secretary of Energy for Nuclear Weapons programs statutory authority to competently administer our nuclear programs and enforce regulations.

But we must also recognize that this measure is not an iron sheath for our weapons secrets. Beyond espionage at our national labs, there have also been illegal transfers of sensitive missile designs to China. Now we have learned that China has supplied Iran with the Loral and Hughes two U.S. satellite manufacturers, to China. With this information, China can improve its military command and control through communications satellites.

In its efforts to engage a "strategic partner," the Clinton Administration loosened export controls, allowing satellite and high performance computer experts. Within two years of relaxing export controls, a steady stream of high performance computers flowed from the U.S. to China, giving China 600 supercomputers. Once again, China is using these supercomputers to advance its military capabilities. These high performance computers are useful for enhancing almost every sector of the military, including the development of nuclear weapons.

We have not reached the bottom of this pit of security failures. The investigation of Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

Ms. SNOWE. Mr. President, Members of the Senate, last night the Senate did pass an amendment I drafted establishing a policy that would require the President to establish a multinational embargo against adversary nations once our Armed Forces have become engaged in hostilities. I thank the chairman of the Senate Armed Services Committee, Senator WARNER, and Senator LEVIN, as well as minority and majority staffs of the Armed Services Committee and the Foreign Relations Committee for working with me on this amendment.

This amendment would impose a requirement on Presidents to seek multilateral economic embargoes, as well as foreign asset seizures, against governments with which the United States engages in armed hostilities. After 1 month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's interior oil-refining capacity. At approximately the same point in time, we had the Secretary of State acknowledging that the Serbians had continued to fortify with imported oil their hidden armed forces in the province.

Just 3 weeks ago, the allies first agreed to an American proposal, one which had been put forward by this administration, to intercept petroleum exports bound for Serbia but then declined to enforce the ban against their own ships.

On May 1, 5 weeks after the Kosovo operation had begun, the President finally signed an Executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet, NATO and the United States have paid a steep price for failing to impose a comprehensive economic sanction on Serbia from the beginning of the air campaign, which started in March.

As recently as May 13, a Government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water. At the end of April, General Clark gave the alliance a plan for the interdiction of oil tankers coming into the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, the Yugoslavians had imported 100,000 barrels containing 400 million gallons of petroleum vital to their war effort. I hope that we will hold the Administration accountable for what happened.

Unfortunately, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24 the beginning of the NATO campaign and set a goal of deterring a bloody offensive against the Moslem civilians. We know what happened.

I have a chart that illustrates a chronology of the situation. When it comes to economic business as usual, we started the air campaign March 24. Then on April 13, while we were adding more aircraft to the engagement, Serbia had reached the midpoint of receiving 11 shipments of oil from abroad. As mentioned earlier in this chronology, we are still bringing in the aircraft, they are still bringing in the oil.

Interestingly enough, just today, in the Financial Times of London, General Wesley Clark was understood to be expressing concern about the oil issue when he briefed NATO ambassadors yesterday on the progress of the 9-week-old air campaign. He has expressed disappointment with proposals for using force to support the embargo, at least in the Adriatic, were rejected by other allies—notably France. NATO is still working out how the details of a voluntary "visit and search" regime under which the alliance ships would check on ships sailing up the Adriatic Sea. Let me repeat, they are still working out the details of a voluntary visit and search regime.

As we are in the ninth week of the campaign, well over 400 aircraft, 23, 24 Apache helicopters, the President has called up 33,000 reservists, and they have yet to establish procedures for an oil embargo. They are still working out the details.

The article goes on to say the North Atlantic Council agreed this week to introduce the regime but has to approve the rules of engagement.

It is clear that the air campaign is still being operated, and, obviously, the oil embargo, according to committee...

On May 1, when the President signed the Executive order barring oil and...
...were conducting—initiating an air campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus of a hostile State, but as the Persian Gulf war taught us, it should also be starved of its resources.

No laws mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat President Carter's mistake. The alliance's mistake of waiting a month—and actually it is even more than that, because we do not have it in full force. There is no immediate impact of a voluntary embargo currently, as we have obviously heard today, with General Clark's concerns about this issue that continues to fortify Milosevic's defenses. So we do not want future Presidents to repeat the mistake of waiting a month, waiting longer to allow the military machine to get more fuel and to be able to become more entrenched on the ground as we have seen Milosevic has done in Kosovo, and to cloud the prospects for victory.

The United States, as a matter of standing policy, should pursue an international embargo immediately. In fact, that should have been done even before the campaign had been initiated. That should have been part of the planning process. It should not have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It would be done immediately. If we are willing to place our men and women and weaponry in harm's way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know their military machine should cease. Dictators, tyrants, would further know their military machine should cease. That should have been done. That should have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm's way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know their military machine should cease. That should have been done. That should have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm's way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease.

This amendment is not micromanaging policy, but it provides increased assurances of victory and averts a delay in the interception of war materiel. In the case of Kosovo, the administration and the alliance admits this was helpful to the enemy. We keep seeing that time and time again. We keep hearing it is helpful. That should have been done long ago. It does beg the question why this was not considered as part of the planning process before we initiated the air campaign. It seems to me it would be very logical. This amendment will not constrain but strengthen future Presidents in organizing the international community against relentless zealots like Milosevic. We must remember the European Union states declined to enforce the Adriatic Sea embargo, against the advice of the United States. Obviously, the war commander, General Clark is stating it in terms of his concerns. Obviously, the NATO alliance does not have the rules of engagement for even doing a voluntary search and seizure process.

I think this amendment will be helpful to lend the force of law to future Presidents in order to strengthen their hand in implementing an embargo and to seek international agreement with those countries with whom we are engaged in a military effort so we can force an aggressor into military and economic bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this amendment signifies that the United States will not only remember these tools, but take decisive action to break them. It signals we should not bomb only so the enemy can trade and hide and can conduct business as usual. It has been business as usual for Milosevic, regrettably.

So I hope this amendment will enforce greater clarity in our strategies of isolating our adversaries of tomorrow.

I am pleased the Senate has given its unanimous support of this amendment.

I yield the floor.

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

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

Mr. LEVIN. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

Mr. LEVIN. Object.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. REID. I object.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the quorum call be put in effect after I finish this statement. It will take about 5 minutes as in morning business.

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

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The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. REED. Mr. President, I rise today in support of S. 1059, the fiscal year 2000 defense authorization bill. As a new member of the Senate Armed Services Committee, I would like to thank Chairman WARNER and Ranking Member Levin for their leadership on this legislation and, also, the subcommittee chairmen and ranking members who have been very helpful.

The staff of the committee has also given us able support and assistance throughout this process.

This bill represents a significant increase in funding for national defense, $288.8 billion. This is an $8.3 billion increase over the request of the Administration. I must admit that although I recognize the need for increasing defense spending, this is a substantial increase that puts tremendous pressure on other priorities of the nation. Nevertheless, I think at this time in our history it is important to reinvest in our military forces in order to give them the support they need to do the very critical job they perform every day to defend the United States.

I am also pleased that, given this increase, the committee has very wisely allocated dollars to needs of the services that are paramount. We have been able, for example, to increase research and development by $1.5 billion. In an increasingly technological world, we have to continue to invest in research and development so our military forces are going to have the technology, equipment and the sophisticated new weapons systems that they need to be effective forces in the world.

In addition, we have added a billion dollars to the operation and maintenance accounts. These are critical accounts because equipment needs to be maintained and our troops need to be trained. All of these operations are integral parts of an effective fighting force, and we have made that commitment.

In addition, we have tried with those extra dollars to fund, as best we can, the Service Chiefs’ unfunded requirements. Those items they have identified—the Chiefs of Staff of the Army, Air Force, CNO of the Navy, the current systems they think are vital to the performance of their service’s mission.

In addition, we have also looked at and dealt with a very critical problem, and that is the failure to adopt a base closing law. We have an ongoing problem with the military, with the Services, and with the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I hope that our unanimous support of this provision today in this legislation will be a beacon of hope as we consider this provision today in this legislation. I hope that our unanimous support of this provision today in this legislation will be a beacon of hope as we consider this provision today in this legislation. I hope that our unanimous support of this provision today in this legislation will be a beacon of hope as we consider this provision today in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize $475 million, an increase of $35 million.

The crucial area of concern obviously is the stockpile of nuclear weapons in the newly independent states of the former Soviet Union. We want to make sure that they safeguard that system. We want to also make sure that we can have a nonproliferation strategy that does not step on our programs which will lead both to their security and our security and the security of the world.

I am somewhat regretful, however, that the Senate chose to table Senator Kerrey’s amendment, which would strike the requirement that the United States maintain strategic force levels consistent with START I until START II provisions come into effect. We all agree that the United States needs to maintain a robust deterrent force, although I argue that this can be best accomplished at the START II level. Mandating that the United States maintain a START I level is another example of how we sometimes overmanage and hobble the Department of Defense.

I think we should have, adopted the amendment of the Senator from Nebraska, Senator Kerrey. It would have been a valuable contribution to this overall legislation. We also are fortunate that we have in fact pushed ahead on another provision which touches on our nuclear security and a strategic posture, and that is the approval of the decision of the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I am also pleased that this bill will authorize funding to begin design activity regarding the conversion of those four Trident ballistic nuclear submarines to conventional submarines which are more in line with the current situation in the world. In fact, when I have talked to commanders in chiefs throughout the world, they say they are continually asked to use those Trident submarines for mis-striking, a program that is a step in the right direction.

This will give us four more very high quality platforms to use in conventional situations. I think that is an improvement, both in our strategic posture in terms of nuclear forces and also in terms of our conventional posture.

I am, however, also disappointed with respect to another issue. And that is the failure to adopt a base closing amendment as proposed by Senator CLELAND and Senator ROBB. We are maintaining a cold war infrastructure in the post-cold-war world. We reduced our forces but we can’t reduce our real estate. It is not effective.

Until we give our Secretary of Defense and our military chiefs the flexibility in the base closing process to identify and to close excess military installations, we will be spending money that we don’t have. And we will be taking money from readiness, from modernization, from our forces in the field. They do not deserve that reduction in resources, but in fact deserve the shift of those resources from real estate that is excess to the
real needs of our fighting forces. The real needs are taking care of their families, being ready for the mission, and having equipment to do the mission. And every dollar that we continue to invest in resources and installations that are one dollar less that we don't have for the real needs of our soldiers, sailors, airmen and marines who are out in harm's way standing up and protecting this great country.

I hope we can pass a base closing amendment. I am encouraged that we have more support this year than last year. I hope that we can do so, because it is the one way we cannot only eliminate excess space but also do it in a way that is not political. I know there have been many charges on this floor about politicization. As I hear these charges and these arguments against base closings, I fear that we are the ones that are letting politics get in the way of our national security policy. The ones that are that we are the ones that are the issue, that we are the ones that are the problem, I fear that we are the ones that are being held back, that we don't have the real needs of our fighting forces. The real needs of our fighting forces. The real needs of our military forces.

Again, let me say in conclusion that this amendment, led by Senator KYL and Senator LEVIN, by the ranking Members, and the Chairpersons of the subcommittees and assisting agencies, results, I think, in excellent legislation. I encourage all of my colleagues to support it. I yield the floor.

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

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

Mr. LOTT. Mr. President, I have a unanimous consent request that I will propound at this time. I do think the issue which has been before the Senate is a very important issue. I have shown my interest and my concern regarding security and more reports with regard to China, satellite technology, and security of our labs. We have added a significant amount of language into this bill. I also think an important part of making sure we have secure labs in the future and that the administration is handled properly will involve reorganization at the Department of Energy. Obviously, what is now in place is not working. But this is not about organization; this is about security.

I ask unanimous consent that there be 1 hour for debate to be equally divided on amendment No. 446, the amendment by Senators KYL, DOMENICI, and others; following that time, the Senator from Virginia in his opening statement by the manager, Senator KYL be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if objection is heard.

Mr. LEVIN. I object. The PRESIDING OFFICER. The objection is heard. Mr. LEVIN. I object. The PRESIDING OFFICER. The objection is heard. Mr. LEVIN. I object.

The PRESIDING OFFICER. What about the amendment to the amendment, with no amendments in order prior to the vote. I might add before the Chair rules, this agreement is the same type of agreement that we have been reaching for dozens of amendments throughout the consideration of the DOD bill. The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. I ask consent that a vote occur on or in relation to this amendment with the same parameters as outlined above, but the vote occur at a time to be determined by the majority leader after consultation with the Democratic leadership.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard. Mr. LOTT. I inquire of the assistant Democratic leader, is the Senator objecting because he does not want a direct vote on the amendment No. 446, or is there some other problem with that request?

Mr. REID. I say with the deepest respect for the majority leader, I have spent considerable time here this afternoon indicating why I think this is the wrong time for this amendment. I have stated there are parts of the amendment that I deplore and are not agreeable to the minority, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate. For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the intelligence authorization bill—following the opening statement by the manager, Senator KYL be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this agreement is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators KYL and DOMENICI and REID and LEVIN, or their designees.

Mr. REID. Reserving the right to object, and I shall not object, I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body, I think, at an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators KYL, DOMENICI, MURKOWSKI, we look forward to that debate and express our appreciation for resolving this most important legislation today. There is no objection from this side.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, would you take the time you have allotted to the two of us, the Arizona Senator and myself? And LOTT, Senator MURKOWSKI, equally divided?

Mr. LOTT. I will so amend my request.

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

Mr. LOTT. Mr. President, in light of this agreement, then we will continue. The managers have some work they need to do with regard to some amendments that are still pending. During this 60 minutes of debate, I hope that can be resolved. We are expecting that final passage on the Department of Defense authorization bill would occur this evening, hopefully before 8 o'clock. If we can make it any sooner than that, certainly we will try to, but 8 o'clock is still our goal.

Mr. LEVIN. I must say, I do not like having to pull aside this amendment. I thought we should have full debate, that it was a very important amendment and we should have had a vote on it. But we will have one anyway. This is an issue that is important. It does go to the fundamental question of security at our energy and nuclear labs. But I think this Department of Defense authorization bill is the best defense authorization bill we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank both leaders for arranging for this bill to go forward now.

Senators will recall, pursuant to an earlier unanimous consent, we asked Senators to send to the desk such amendments and file them, as have not been as yet cleared by the managers. We are continuing to work on those amendments, but we cannot guarantee we will be able to include all of them into the package.

So once we finish this debate, it is the intention of the managers to move to third reading unless Senators come down with regard to these amendments that are pending at the desk.

I will be on the floor, as will Senator LEVIN, continuously to try to work out as many as we possibly can. But it is essential, as the majority leader said, we try to vote this bill at 8 o'clock if we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

Mr. LEVIN. If the Senator will yield, I concur with his suggestion that those who have amendments that have not been cleared come over. We do not want the Senate to face the possibility that we will be able to clear many more of them because we have cleared, I believe, a good number.

Mr. WARNER. There were about 40.
Mr. LEVIN. We are doing the best we can, but it is going to get more and more difficult to clear additional amendments. We have, I believe, cleared about 25 of the 40, roughly, that were sent to the desk. We just may not be able to clear any more because of differences on both sides.

Mr. WARNER. But we both want to be eminently fair to our colleagues. The bulk of the amendments remaining at the desk are ones that we, at this time, either on Senator Levin’s side or my side, we could still consider.

Mr. LEVIN. At this moment that is correct. We are going to do our best to see if we cannot get a few more to be acceptable, but it is getting difficult.

Mr. WARNER. I thank the Chair and yield the floor.

AMENDMENT NO. 446
The PRESIDING OFFICER. Who yields time on the pending Kyl amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe the Senator from New Mexico.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when we have used up 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. DOMENICI. Mr. President, I first want to say how sorry I am at the treatment of this amendment, the first major, significant effort to put our nuclear weapons development house in order and stop the espionage we have been hearing about. The American people are now very fearful of the consequences of this situation. There can be all the talk the other side wants that the Secretary of Energy is going to fix this. The truth of the matter is, the Secretary of Energy is lobbying very hard against this, even calling the President about it. I think it is because the Secretary wants to fix it himself.

As good a friend as I am of his, and as complimentary as I am about his work, the truth of the matter is he cannot fix what is wrong with the Department of Energy as it pertains to nuclear weapons development and maintenance.

Second, he cannot correct the lack of accountability among those various elements of the Department that are charged with security transgression activities. It is impossible under the current structure of the Department.

Some have said this is being done too quickly with not enough notice. One of my fellow Senators was saying the Chinese did not give us very much notice when they set about to steal our secrets. We already know the right hand doesn’t know what the left hand is doing. We already know about that. It is not going to get better until we decide to change things dramatically and raise, within the Department, the concern about the tremendous value of nuclear weapons development information. It cannot any longer be dealt with in the same way we deal with all the other things in the Department of Energy. There are hundreds of energy issues in that Department that take up the same time of the people, the same regulators who are supposed to be concerned about nuclear weapons. That must stop. Sooner or later something like we proposed here is going to come. You might call it a water project, a symptom of the Department of Energy, bar none, second to none, at the highest elevation, not fettered or burdened by all these other functions of the Department.

If you can imagine that the bureaucracy within that Department worries about the floor—refrigerators and their ability to be more energy efficient, and those who worry about that are the same group of people who worry about the very kind of things as pertains to nuclear energy. They do not belong in the same league. They should be separated.

Our suggestion, for accountability and more direct reporting, more opportunity for committees in Congress and the President himself to know when serious violations are occurring, is serious, must at some point be adopted.

Frankly, none of this is said with any idea that my good colleague, Senator Bingaman, is anything but totally concerned about this issue. He has different views than I tonight, but clearly I do not in any way claim that he has anything but the highest motives in his lack of support for the amendment on which I have worked.

Neither do I think the distinguished minority whip in his remarks should have said about this amendment that it will put the national security at risk and that it will put our nuclear weapons and development of them at risk. He should retract that statement and take it out of there. If anything, an any management team would say it would improve the situation.

I yield the floor and reserve my 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not know if the other proponents of the amendment want to speak at this time. I gather they do not since they are not on the floor, so I will take a very few minutes of my time and make a few moments.

First of all, I think this is a good result we have come up with that allows for a reasoned and deliberate consideration of this proposal. I certainly repeat what I said earlier today, which is, I question nobody’s motives. I am sure everyone’s motives are the same as mine, and that is, how do we improve the security of our nuclear weapons program and, at the same time, maintain the good things about our nuclear weapons program in our National Laboratories in our Department of Energy?

I, for one, started this from the proposition that the Stockpile Stewardship Program, which is the program that is essentially responsible for maintaining
our nuclear deterrent, has been a success. That is my strong impression, and the suggestion that it has been fettered and burdened—I believe that is the language that was used—by other activities in the Department, I do not believe is true.

My strong impression is that the Stockpile Stewardship Program is alive and well, that our nuclear deterrent is secure and reliable, and that in fact there is a lot we can point to with pride in that regard. Clearly, there have been security lapses. Clearly, classified information has been stolen. We need to put in place safeguards against that ever recurring. I favor that, and I believe we have some strong provisions in this underlying bill which will accomplish that and will move us in the direction of accomplishing that.

Maybe there should be more. I am not totally averse to considering reorganization in parts of the Department of Energy. That may be a very constructive thing for us to look into. But I do believe that the way to do it is through hearings.

Hopefully, we can have hearings in the Armed Services Committee. This is the appropriate committee. I believe I serve on that committee. Perhaps Senator WARNER can schedule some hearings as early as the week after next when we return, if there is a sense of urgency, and I share a sense of urgency about doing all that is constructive to do.

I am not in any way arguing that we should not look into this issue. I believe if we have hearings, we should give the Secretary of Energy the opportunity today as well as the week after next to testify. I do believe that if we are going to embark upon a major reorganization of the Department of Energy, the logical thing to do is to ask the Secretary of Energy his reaction to our proposed reorganization. That is the kind of responsible, deliberative and thoughtful reaction that we expect of us. That is what the Secretary of Energy has a right to expect. That is what the President expects. I hope that is the course we follow.

I will briefly respond to the point my colleague, Senator DOMENICI, made about a 1990 report by the Clark task force. I am not personally familiar with that report, but I point out to my colleagues that in 1990 the Secretary of Energy was Admiral Watkins. That was the first Secretary of the Department of Energy, a Republican administration. Admiral Watkins was a very, very qualified individual to be our Secretary of Energy. His credentials for line management and command and control and maintaining military security cannot be questioned.

Admiral Watkins, of course, evidently did not think the recommendations from that Clark task force should be followed up and implemented. He did not do that. There have been a lot of capable people in the Department of Energy, some in the position of Secretary, who have spent substantial time looking at this problem. They have made some improvements. Perhaps more are needed, and I certainly will embrace additional improvements if that is the case.

I do, once again, make the point I made earlier today, and that is that we are not looking at the Department of Energy, at the problem that has not been thoroughly discussed, has not been analyzed, and which can have very, very adverse consequences, unintended adverse consequences, on the strength of our National Laboratories, on our ability to attract the top scientists and engineers in this country to work on these programs and to work in these laboratories.

Mr. President, I yield the floor and reserve the remainder of my time to see if other of my colleagues wish to speak on this issue as well.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT OF THE SENATE from Alaska.

Mr. MURKOWSKI. Mr. President, I am really appalled at the state of affairs on the floor. Earlier today, I asked that an order for a quorum call be rescinded in order to discuss further the Kyl amendment. The Kyl amendment, the ammonia amendment, Senator DOMENICI, Senator KYL, and I have participated in developing. I was really disappointed we were denied that opportunity. I am pleased we have this limited time available to us.

When we offered the amendment, we each had 10 minutes. That is not very much time to explain it. I had hoped the minority would have granted more time. I can only assume the minority is very much opposed to a full discussion of the circumstances surrounding the greatest breach of our national security, as evidenced by the Coxe report which came down yesterday.

I am further shocked that the administration has succeeded in temporarily derailing this amendment. And that is why we are here today. We continue to have participated in developing the amendment. The administration seems to be more concerned about how the bureaucracy within the Department of Energy is organized than whether the national security of the United States is protected. We had an obligation prior to this recess to initiate a corrective action within the Department of Energy. The minority has precluded us from proceeding with that opportunity today.

As chair of the Energy and Natural Resources Committee, I have held seven hearings. These hearings have revealed the shocking, dismal state of security at our weapons labs. Those on the other side do not want to repair it now; they wanted to study it. How long have they studied it? It has gone through at least four Secretaries, that we know of. It has gone back a decade. Why, for the life of me, do we delay now? I don’t know.

The pending Kyl amendment would have provided some assurances to the Congress and the American people that this will not happen again. This amendment was about accountability—accountability by the Department of Energy, accountability by the Department of Energy laboratories, accountability by the Secretary of Energy, accountability by the President—because it would provide, if you will, reporting to the Congress and to the President.

This would have provided accountability to the people of the United States. They are entitled to it. But not now. The administration and the minority have succeeded in derailing it. The opponents of the amendment claim that it would make the DOE, the Department of Energy, bureaucracy unworkable. Well, I have news for you. It is already unworkable. That bureaucracy is so unworkable, it has allowed all our secrets—all our secrets—that we have spent billions of dollars on, to simply pass over to the Chinese, and perhaps other nations as well.

The Department of Energy’s bureaucracy has proven time and time again that no matter how diligent any individual Secretary of Energy is, the bureaucracy can outwait the Secretary, the bureaucracy can outwait the Secretary. And guess what? The bureaucracy can do whatever it pleases without fear of any consequences.

Let me just give you one example. In 1996, the Deputy Secretary of Energy, Charles Curtis, implemented the so-called Curtis Plan. It was a security plan. It was a good plan. It was a plan to enhance security at the DOE laboratories.

But in early 1997 he left the Department of Energy. And guess what? Not only did the Department of Energy bureaucracy ignore the Curtis Plan, the DOE bureaucracy did not tell the new Secretary about the Curtis Plan.

I have had the opportunity in hearings to personally ask the new Secretary if he was familiar with the Curtis Plan. The specific response was: Well, it was never transmitted. Why wasn’t it transmitted? Well, we don’t know. We just have fingers pointing the fingers back and forth.

I certainly commend Secretary Richardson for his efforts to improve security. He has improved security. But the plans, the traditional Department of Energy security plans, seem to have the life of a fruit fly.

The loss of our nuclear weapons secrets is just too important to ignore or to trust to the bureaucracy an agency that has time and time again proven that it simply cannot be trusted, because the bureaucracy does not work, the checks and balances are not there. So I am extremely disappointed that the Secretary has said he will demand that the President veto the bill because Congress is taking action—Congress is taking action—to fix the problem. Can you imagine that? We are taking action to fix the problem, and they are saying it is too hasty, we should not fix the problem.

This is just part of the problem. This amendment is just part of the answer.
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But at least we are trying to do something. The Democrats on the other side say: Oh, no, you’re too early.

The pending amendment would have created accountability and responsibility for protecting the national security at the Department of Energy; but not now, as a result of the administration’s objections.

The pending amendment would have created three new organizations within the Department of Energy to protect our national secrets; but not now, as a result of the objections from the minority and the administration.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of national security information; but not now, as a result of the objections of the minority and the administration.

President Clinton will rightfully be able to claim ignorance—claim ignorance—again on what is going on, because he will be ignorant of what is going on.

The amendment would have prohibited anyone in the Department of Energy or the administration from interfering with reporting to Congress about any threat to or loss of our Nation’s national security information; but not now, as a result of the objections of the minority and the administration.

The amendment would have required the Department of Energy to report to Congress every year regarding the adequacy of the Department of Energy’s procedures and policies for protection of national security information and whether each DOE laboratory is in full compliance with all DOE security requirements; but not now, as a result of the objections of the minority and the administration.

The amendment would have required each Department of Energy laboratory director to certify in writing that the laboratory is in full compliance with all departmental national security information protection requirements; but not now, as a result of the objections of the minority and the administration.

In short, this amendment would have gone far—not all the way—but it would have gone far in preventing further loss of our nuclear weapons secrets to China; but not now—well, it is evident—as a result of the objections by the minority and by the administration.

I suggest that the administration has made a tragic mistake, that the minority has made a tragic mistake. The American people expect a response from the Congress, the Senate, now in this matter—not next week or next month.

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

I ask what the time remaining is.

The PRESIDING OFFICER. Two minutes. Mr. KYL.

Mr. KYL. Mr. President, might I inquire, was the time on the Republican side equally divided, 10 minutes each, among Senators MURkowski, DOMENICI, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. In that event, I suggest that Senator MURkowski yield the remainder of his time to Senator HUTCHINSON—he has comments to make—unless Senator MURkowski has further comments.

Mr. MURkowski. I will need another 30 seconds to a minute at the end. You have the floor.

Mr. KYL. Mr. President, let me yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HUTCHINSON. I thank Senator KYL and Senator MURkowski for their efforts in this area.

I, along with every Member of this body, received the three volumes of the Cox report. I share the absolute shock at the indescribable breach of our national security at our labs. I think it is inexcusable that we would leave for the Memorial Day recess without taking even this step.

Senator KYL has presented to us—and I am glad to cosponsor the amendment—an amendment that makes eminent good sense. It calls for the head of DOE counterintelligence to report immediately to the President and the Congress on any actual or potential significant loss or threatened loss of national security information. That is an indisputable need. It is clear in the Cox report that that was one area of failure.

For the Democrats, at a time when this Nation is at war, to threaten that they are going to block, through filibuster, a national security reauthorization bill because they do not want us to debate an amendment to address this shocking failure of security, I think is inexcusable, disappointing, and is going to be hard to explain to our constituents.

I wish we had debated the Kyl amendment. Had we the time to spend on it, have a vote on it, and take the kind of step Senator Kyl has proposed in this amendment.

I leave with disappointment and disavow the language that is included in this bill. We have 24 pages in the defense authorization bill which is the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in place more safeguards.

We start on page 540, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy facilities. We go on; that commission is established on failure on this vote to increase the background investigations of certain personnel at the Department of Energy facilities. We move on to requiring a plan for polygraph examinations of certain personnel at the Department of Energy facilities. We go on to establish civil monetary penalties for violations of the Department of Energy regulations related to safeguarding and security of restricted data.

We have a moratorium on lab-to-lab and foreign visitors and assignment programs unless there is a certification made by the head of the FBI, the head of the CIA, the Secretary of Energy himself as to the fact that safeguards are in place. We increase penalties for misuse of restricted data. We establish the Office of Counterintelligence in statute, which is essentially a third of the amendment that the Senator from Arizona is proposing. So two of the three parts of the amendment the Senator from Arizona and my colleague from New Mexico are proposing are included in this amendment.

It is just not accurate to say we are leaving here without having done anything. We also propose increased protection for whistle-blowers in the Department. We provide for investigations and remediation of alleged reprisals for disclosure of certain information to Congress. We provide for notification to Congress of certain security and counterintelligence failures at the Department of Energy facilities. All of these provisions are in the bill the way it now reads.

I say again what I said before: Maybe there should be a few of us who very much will have some hearings in the Armed Services Committee, perhaps on the Energy Committee. I know my colleague from Alaska, the chairman of...
the Energy Committee, expressed his great concern that we are not moving ahead this afternoon on this. Since we have already had seven hearings on this China espionage issue, we should go ahead and have the eighth hearing, hopefully this next, and we should look at this proposal and similar proposals to see what can be done.

One other minor item: There has been reference made to the failure to implement the recommendations that Charles Curtis, our former Under Secretary, made with regard to security. Mr. Lott, I agree, this was a failing. The information was not properly passed from one group of appointed officials to the next group of appointed officials when they came into office. That is a very unfortunate lapse. Under this amendment, Secretary Curtis would have been stripped of any authority over the nuclear weapons program. It would be prohibited for the Secretary of Energy to allow the Under Secretary any authority over that program under this proposal.

One of our outstanding Secretaries of Energy, since I have been serving in the Senate, has been Secretary Watkins. He is known for his attention to the detail of management and administration. During the time he was Secretary of Energy, he issued a great many management directives or "notices," as he called them. I have here a notebook containing 37 of these management directives that Secretary Watkins issued. They are all related to the organization and management of the Department of Energy. None of them contain the provisions or anything like the provisions that are contained in here.

I hope when we have hearings in the Armed Services Committee, in the Energy Committee, in whatever committee the majority would like to hold hearings, let's call Secretary Watkins, Admiral Watkins, to come and explain to us how this proposal, strictly we cannot question his commitment to dealing with safeguards and security and with the problem of Chinese espionage. If some of my colleagues want to imply that Members on the Democratic side are less than concerned, let us call Secretary Watkins and see whether he is less than concerned about some of these issues.

I am persuaded that he is very concerned. I am persuaded that all of my colleagues in the Senate, Democrat and Republican, are very concerned. We need to do the right thing. We need to be sure that whatever we legislate helps, rather than hinders, our ability to deal with this problem.

I yield the floor at this point and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I just address the Senate to say that Senator Levin and I are still working with regard to the managers' package and reviewing such amendments at the desk when Senators come and discuss them. It is the intention of this Senator to move to third reading very shortly, just minutes following the debate on the current amendment by the distinguished Senator from Arizona, Mr. Kyl.

Mr. KYL. Mr. President, is there anybody else on the Democratic side who wishes to speak at this point?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the time now is being controlled by Senator BINGAMAN. I ask him for 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BINGAMAN. I yield the Senator such time as he wants.

Mr. LEVIN. Mr. President, Senator BINGAMAN has just put in the RECORD the extensive and thoughtful amendments that are taken in the bill in order to enhance security at the labs, actions which were taken after some very thoughtful debate and discussion by the Armed Services Committee. Senator BINGAMAN has outlined those for the RECORD and for the Nation.

I want to put in the RECORD at this time the summary of the amendment that we adopted here today. Senator LOTT offered an amendment earlier today. It was modified somewhat. In essence, it does some of the following things:

First, it requires the President to notify Congress whenever an investigation is undertaken of an alleged violation of export control laws. It would require the President to notify Congress whenever an export license or waiver is granted on behalf of any person who is the subject of a criminal investigation. It would require the Secretary of Defense to undertake certain actions that would enhance the performance and effectiveness of the Defense Department program for monitoring so-called satellite launch campaigns. It would enhance the intelligence community's role in the export license review process. It proposes a mechanism for determining the extent to which the classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security investigations of DOE laboratory employees.

These are a long list of actions which are now in this bill, that started off in this bill from the Armed Services Committee that had been improved on the floor today. To suggest that we are not doing anything relative to trying to clamp down on espionage activities which have been going on for 20 years at these labs, it seems to me, is a total misstatement of what is in this bill that we will be voting on in a few minutes.

I ask unanimous consent that a summary of the Lott amendment, again, slightly modified since this list has been prepared, but that a summary of the Lott amendment be printed in the RECORD at this time.

Mr. WARNER. Reserving the right to object—I do not intend to—could you describe who prepared the summary?

Mr. LEWIN. The summary was prepared by Senator LOTT's staff. Again, there were some slight modifications in this, which Senator LOTT agreed to, which I proposed prior to the adoption of the amendment. This, in essence, is the summary of the Lott amendment. This, plus the numerous provisions in the Senate bill that came out of the Armed Services Committee, a commission on safeguarding security, counterintelligence at the facility, background check investigations now going on that had not been taking place, polygraph examinations, monetary penalties to be added to the criminal penalties, moratorium on laboratory-to-laboratory and foreign visitors in assignment programs, counterintelligence and internal program being organized, whistleblower protection, notification of Congress of certain security and counterintelligence failures at these labs.

This is a significant effort on the part of the Armed Services Committee. It was supplemented by the full Senate today. I don't think we ought to denigrate this effort on the part of the Armed Services Committee or of the Senate in adopting the amendment we adopted today. I am just suggesting we are not doing anything because in a few hours prior to a recess, without one hearing on the subject, we are not reorganizing the Department of Energy without even hearing from the Secretary of Energy. I think that suggestion is a denigration of what is in this bill, which was thoughtfully placed in this bill by the Armed Services Committee, and a denigration of the amendment of the majority leader, which was adopted here this morning on this floor.

We should not characterize these kinds of efforts and diminish these kinds of efforts by sort of saying we are not doing anything before we are going home on recess. We are doing an awful lot, and there is more to be done. But we ought to do it in a way that will do credit to this institution, the Senate. We ought to do it promptly after the recess. We ought to do it after a hearing, where the Secretary of Energy is heard. The head of the Department should at least be heard. We received a letter from him today. Do we not want to hear from him prior to reorganizing the Department? That is not thoughtful.

That is not the way to proceed to close the hole. That is a way of precipitously trying to do something and trying to get some advantage from the refusal of others to go along with that kind of precipitous action. More important, I believe it would denigrate the significant steps that are in this bill, both as it came to the floor and as it was added by the majority leader.
with modifications, which I suggested, and that work is significant. It will close, we hope, most of the holes that have been in these labs in terms of trying to protect against espionage for 20 years, where nothing was done until finally President Bush signed a Presidential directive that started the process of tightening up the security at these laboratories.

We should be proud of these efforts. They were done thoughtfully in committee by the majority leader, by Senator Lott and Senator DeWine. We should not grate them and simply slough them off because there is not a precipitous reorganization of the entire Department 2 hours before the recess, without even having a hearing on the subject and hearing from the Secretary of the Department.

That is more than 1 minute, Mr. President. I ask unanimous consent that the summary of the Lott amendment be printed in the Record.

Mr. WAGNER. Mr. President, I send a modification of amendment No. 458 to the desk.

The PRESIDING OFFICER. The amendment will be so modified. The amendment (No. 458), as modified, is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) In general.—It is the sense of the Senate that the Federal Republic of Yugoslavia, as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) Yugoslavia Defined.—In this section, the term "Federal Republic of Yugoslavia" means the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. KYL. Mr. President, will you advise us as to the time remaining?

The PRESIDING OFFICER. The junior Senator from New Mexico has 11 minutes; the Senator from New Mexico has 2 minutes; the Senator from Alaska has 2 minutes 13 seconds; and the Senator from Arizona has 8 minutes 25 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have had a lot of conversation here on the floor as we have looked at the export control laws and regulations. It is apparent also that we have had bungling at the very highest level.

I'd like to share a couple of examples with my colleagues. Why wasn't Wen Ho Lee's computer searched to prevent the loss of our secrets? Because the FBI claims that the DOE told the FBI that there was no waiver. The FBI then assumed they needed a warrant to search.

Well, Wen Ho Lee did sign a computer access waiver. This is the waiver on this chart. I can't tell you how many days of communication it took to get this waiver, because the first explanation was that it didn't exist. When the FBI asked the Department of Energy if there was a waiver on Wen Ho Lee, the Department of Energy examined their records and they could not find a waiver. Here is a waiver signed by Wen Ho Lee, April 19, 1995. It says:

These systems are monitored and recorded and subject to audit. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties. I understand and agree to follow these rules.

There it is. We found it. What is the result? Lee's computer could have been searched, but instead was not searched for 3 long years. There was a waiver. Why wasn't it searched in a timely fashion? What is the excuse of the bureaucrats for that? They point to one another.

Then there is the role of the Justice Department. The Justice Department thwarted the investigation by refusing to approve a warrant twice, but three times. We still have not heard a reasonable explanation. The Attorney General owes to the American people and the taxpayers an explanation as to why it was turned down.

What is frightening, as well as frustrating, is that nobody put our national security as the priority. The FBI and the Department of Justice were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history. It is unconscionable.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BINGAMAN. Mr. President, I agree that there was substantial bungling by various officials and, clearly, that computer should have been investigated. Maybe we ought to have an amendment out here to reorganize the FBI. Maybe that is the solution to this problem, and we can consider it tonight before we leave town. Clearly, there is no disagreement between Democrats and Republicans about the fact that serious problems exist and they need correcting.

The question is, Should we do a major reorganization of the Department of Energy with no hearings, no opportunity for the Congress to bring this Energy to come forward, and do so here as everyone is trying to rush out to National Airport and fly home? In my view, that clearly is not the responsible way to proceed. Accordingly, we did object to that portion of the amendment. I think that is the right thing to do. After hearings, after consideration and meaningful discussion with the Department and with other experts about how to proceed, we may well find some ways to improve that Department and its organization. If we do find those, I will certainly be the first to support such a proposal. But I do think it is appropriate for us, at this stage, to stay with what we know will help and continue to look for other ways to help in the weeks and days ahead.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I suggest that the example of the FBI and the Department of Energy not knowing that this waiver existed that Senator

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MURKOWSKI spoke about is the perfect case of the right hand not knowing what the left hand was doing, and it is precisely what this amendment seeks to correct. There is an old debate technique called the "red herring." If you want to deflect the real argument of your opponent, throw something out there that you can defeat and pretend like that is the issue.

Members of the Democratic side have said, why, there are all kinds of security provisions in this bill. How does the Republican amendment? The Republicans suggest that we haven't done anything about security in the bill. They are asking to go home, is to quit way before this problem is solved. The security provisions in the bill were put there by Republicans. We know full well that we have security provisions in the bill. Virtually every one of them were put there by Republicans. And I am informed that in the Armed Services Committee, Democrats fought many of them. Now they come to the floor very proud of what is in the bill. They are going to sponsor them, having opposed some of them, but now contend that we have solved the problems, because the Republicans on the Armed Services Committee put some provisions in the bill, and because the Republican minority leader, Senator Lott, brought a whole series of things to the floor. Much of what was quoted by the Democrats came from the Lott amendment. In fact, Senator LEVIN even put into the RECORD a summary of the Lott amendment.

I am glad. These are all very good provisions. Republicans are serious about our national security. But to suggest that what was done there is the end of it, now we can go home, is to quit way before this problem has been solved.

The Kyl-Domenici-Murkowski amendment is an amendment that seeks to get to the core of the problem. As Senator BINGAMAN said, two-thirds of the provisions in the bill were put there by Republicans. The security provisions in the bill, and because the Republicans on the Armed Services Committee put some provisions in the bill, and because the Republican minority leader, Senator Lott, brought a whole series of things to the floor. Much of what was quoted by the Democrats came from the Lott amendment. In fact, Senator LEVIN even put into the RECORD a summary of the Lott amendment. That is true. We did that for stylistic purposes.

What is the problem? It is the remaining one-third. They don't want to get to the core of the problem, which is the organization of the Department of Energy.

Here is what it boils down to: Who do you trust? Do you trust the Clinton administration with the national security of the United States saying: Trust us; we will do the reorganization here at the Department of Energy. We are going to get this figured out.

Is that who you trust?

I don't think the American people can afford to continue to put their trust in an administration which has known about this problem since 1995, and only in 1999 did it begin to do anything about it because of public pressure. From the management review report of the Department of Energy itself, as recently as last month, it recognized that, "significant problems exist in that the roles and responsibilities are unclear."

That is precisely what we are trying to fix—to get these roles and responsibilities straight.

Only a month before, a congressionally created administration said, "The Assistant Secretary of Defense for preparedness is the department's management over all aspects of the nuclear weapons complex." That is our amendment.

The GAO report—a whole list of reports, all highly critical of the management of the Department of Energy and the defense weapons complex. I finally conclude with this point: The GAO testified that the continuing management problems at the Department were a key factor contributing to security problems at the laboratories and a major reason why DOE has been unable to develop long-term solutions to the recurring problems reported by advisory groups.

Is that who you want to trust to clean this up and fix it up, and make sure there don't have any more problems? I think not. I think it is time for Congress to get involved.

What is so amazing to me tonight is that the Democrat minority would hold up the defense authorization bill at any time when we are at war in Kosovo, because they don't even want to debate our amendment. They called a quorum call and wouldn't take it off so that Republican Members couldn't even come to the floor. Senator DOMENICI asked to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

So not only will they not allow us to vote on our amendment, but they won't even allow it to be debated. Yet their ostensible reasoning for opposing it is not because they don't think it has some good ideas in it but because we have to have a lot more discussion and debate about this; we haven't had hearings on this.

We have offered them the opportunity to talk about it, but they don't want to talk about it. They don't want to talk about it because it gets right to the guts of the problem—the Department of Energy has to be reformed. This amendment does that.

The national security of the United States cannot be protected until we do that. And the suggestion of the distinguished minority whip that now is not the time, the Memorial Day recess, is astounding. What is more important, that Members get to go home for the Memorial Day recess, or that we act with alacrity to fix the problems of national security at our laboratories?

I am astonished that the Democratic minority would take this kind of cavalier approach to the national security of the United States—we need to talk about it more, but we are not going to let you talk about it. We need to get out of town for the recess. So withdraw your amendment.

Only because the Department of Defense needs the authorization bill are the authors of this amendment willing to withdraw it at this time. There is a war in Kosovo. It is irresponsible for the minority to threaten to filibuster this bill until kingdom come while that war is going on, because we want to talk about an amendment that would guarantee the security at our National Laboratories.

This is a sad day for those who are opposing this amendment. It is a sad day for those of us whose plan is to prevent this Senate from letting their colleagues talk about this amendment, won't allow a vote on it, and can't wait to get out of town to brag about whatever it is that they have done, but without doing the unfinished business of protecting the security of our National Laboratories.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent not to take from the time of the debate and to continue to work on the bill.

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

Mr. WARNER. Mr. President, the distinguished Senator from Florida has debated an amendment today. Senator SHELBY and Senator Robert KERREY replied to that debate.

I am now informed that they will consider the amendment of the Senator from Florida at such time as the intelligence bill is brought up, and that basically meets the requirements of the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 447

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate agrees to this amendment, it be stricken from the bill.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I will shortly send a managers' package to the desk. I don't know that that package is ready at this moment. We hope very much to start the final vote before 8 o'clock. There are a number of our colleagues whose plans can be changed, but we can still start this vote as quickly as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Nine minutes 40 seconds.

Mr. BINGAMAN. Mr. President, let me say that some amendments want to be prepared to yield the remainder of our time. Perhaps I will not be able to with my colleague from Nevada here.
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Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senate rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that it appears there was some kind of game playing here, that late in the day, this amendment would be offered and because people wanted to go home—and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which has filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in to that.

We are not talking about Memorial Day recess. We are talking about good legislation. This is not good legislation. We have acknowledged that there are certain pieces of this amendment we are willing to accept, but the rest of it we are not. We are not going to be compelled to do so. We complied with the Senate rules, as we always try to do.

And I think it is highly improper, in my view, to try to legislate something here without allowing him to give his input into it, and without looking at how other Secretaries of Energy feel about some of these major, far-reaching changes as well.

We should do it right. We should do it quickly. We should take whatever action we determine makes sense for the country's good, and we should not play politics with this issue. This is not a Democrat or Republican issue. We are all very concerned about national security. We are all anxious to do the right thing—Secretary Richardson as much as anyone in this body, and we need to ask his advice. We need to talk to all the experts we can find.

I hope we can come up with some good solutions here. I yield the floor.

Mr. REID. Parliamentary inquiry. How much time remains on this unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes.

Mr. REID. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, we are ready to begin AMENDMENTS NOS. 482 THROUGH 536, EN BLOC.

Mr. REID. Mr. President, the Armed Services Committee and the Intelligence Committee, the Cox-Dicks report dealing with the espionage at one of the National Laboratories was done on a bipartisan basis. If we are going to do something to change the way the Department of Energy is administered, it should be done on a bipartisan basis. There may be feelings hurt in this matter; certainly my feelings are not hurt. I did what was appropriate to protect the prerogatives of a Senator and a minority. That is a reason the Senate has taken so long over the two centuries or more that it has been in existence—that the rights of the minority can be protected. This is the body to do it. We did protect our rights.

I look forward to the day when we can deal with this again. I think it will be an interesting debate.

I have said this before: I commend and applaud the managers of this bill. They have done an outstanding job to get rid of this very, very important, big bill, legislation. They could not have done it with this amendment pending.

I reserve the remainder of my time.

Mr. WILSON. Mr. President, I reserve the remainder of my time.

Mr. WARNER. Mr. President, I thank the assistant Democratic leader, Senator Levin, and I have been able to move this bill, but it is because of the cooperation we have had from the leadership and all Senators. This is not a partisan bill, and services authorization bill and Senator Levin's 21st. I don't know of a smoother one. We have had few quorum calls and excellent cooperation.

I wish to say to my distinguished friend and assistant Democratic leader, the timing of the bringing up of the Kyl-Domenici amendment I am largely responsible for. I worked with them and said I recognized that this could begin to slow the bill down. It wasn't a last-minute type of thing.

Mr. REID. I accept that explanation, but I think it underscores what I said about the capabilities of the two managers of this bill. Had this come up earlier, this bill would not be completed now.

Mr. WARNER. Mr. President, and I certainly want to pay my respect to Senator Lott. He has worked on this issue knowing the interest of all parties relating to this important amendment. He has worked with us for some several days on it.

Mr. President, we are ready to begin to wrap things up.

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Michigan, I submit amendments to the desk. This package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.
I send the amendments to the desk at this time and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

AMENDMENT NO. 482

(Purpose: To add an exception to a requirement for a member firm under the Mentor-Protege Program)

On page 273, line 20, strike "a period;" and insert "," except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000".

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2304(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

AMENDMENT NO. 484

(Purpose: To provide for the repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah, to the Central Utah Water Conservancy District)

On page 453, between lines 10 and 11, insert the following:

SEC. 2022. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOR, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the "District"), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DISCLOSURE.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 485

(Purpose: To add $3,000,000 (in PE 62234N) for the Army Digital Information Technology Testbed)

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, increase the amount by $3,000,000.

AMENDMENT NO. 486

(Purpose: To add $3,000,000 (in PE 65226A) for the Army Digital Information Technology Testbed)

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

Mr. ROBERTS. Mr. President, housed at Fort Leavenworth's Center for Army Lessons Learned (CALL), the Digital Information Technology Testbed (DITT) established the pilot test bed and core capabilities for the Army's University After Next (UAN) and the Joint and Army Virtual Research Library (VRL). In May 1997, the Office of Secretary of Defense designated the DITT as the Army's national testbed and pilot project to conduct concept exploration, operational prototyping, and full requirement definitions for multimedia research libraries (multimedia national and tactical imagery) in support of technology-assisted learning, intelligence analysis, C2, and operational decision making. DITT systems can further support warfighting capabilities by fielding innovative systems and methods to store, retrieve, declassify, and destroy DoD-held data. In FY 1997, the Congress authorized and appropriated $3.5 million for the DITT program. However, continued funding is needed in FY 2000 and I ask colleagues' support for adding $3 million to the Army FY 2000 budget specifically for the DITT program.

AMENDMENT NO. 487

(Authority:—(1) Chapter 71 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003").

AMENDMENT NO. 488

(Purpose: To authorize payment of special compensation to certain severely disabled uniformed services retirees)

At the end of subtitle D of title VI, add the following new section:

SEC. 659. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

§ 1413. Special compensation for certain severely disabled uniformed services retirees.

"(a) AUTHORITY.—The Secretary concerned shall pay to the recipient of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

"(1) For any month during which the retiree has a qualifying service-connected disability rated as total, $300.

"(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

"(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

"(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who

"(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

"(2) has a qualifying service-connected disability.

"(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term "qualifying service-connected disability" means a service-connected disability that—

"(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

"(2) is rated as not less than 70 percent disabling.

"(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

"(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

"(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

"(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated to the availability of appropriations payable by the Secretary concerned for that fiscal year.

"(g) OTHER DEFINITIONS.—In this section:

"(1) The term "service-connected" has the meaning give that term in section 101 of title 38.

"(2) The term 'disability rated as total' means:

"(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs,

"(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability to follow a substantially gainful occupation as a result of service-connected disabilities.
The Military Coalition, an organization of 30 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retirees receive $1 for every $2 in veterans' disability compensation is inequitable. I firmly believe that non-disability military retirement pay is post-service compensation for services rendered in the United States military. Veterans' disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered while in service for physical or mental "pain and suffering." This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only Americans who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. I am dismayed with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing limitations on concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide concurrent receipt for severely disabled veterans, who deserve our ongoing support and gratitude.

AMENDMENT NO. 489

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests for replacements of military medals and decorations)

In title V, at the end of subtitle D, add the following:

SEC. 352. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.
(2) The Bureau of Naval Personnel.
(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate the sums and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "replacement" means a medal or other decoration.

Mr. LOTT. Mr. President, I offer this amendment to clarify the relationship between the pilot program for commercial services and existing law on the transportation of supplies by sea.

On page 283, line 18, strike "(h)" and insert the following:

(h) RELATIONSHIP TO PREFERENCE ON TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impeding, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

(i) Mr. LOTT. Mr. President, I offer this amendment to clarify the applicability of the Cargo Preference Act to the acquisition, streaming authority found in section 805 of S. 1059. Section 805 creates a new pilot program for commercial services, one of which is "transportation, travel and relocation services." Although cargo preference or preference waivers are not mentioned, this pilot program could potentially be used to permit waivers of cargo preference law.

In the absence of cargo preferences, DOD would have to acquire an immense organic fleet and use very scarce unified manpower at enormous cost of more than $900 million per year. This would dwarf any acquisition reform savings. This amendment would ensure the waivers of 10 U.S.C. 2631 for commercial service contracts are not authorized under this pilot program.

AMENDMENT NO. 491

(Purpose: To require a report on the use of the facilities of electric power suppliers by the National Guard for support of the provision of veterans services)

On page 357, between lines 11 and 12, insert the following:
SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.

(a) REPORT.—(1) The Chief of the National Guard Bureau shall, in consultation with the Secretary of Veterans Affairs, submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1) together with any comments on the report that the Secretary considers appropriate.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

Mr. BINGAMAN. Mr. President, I rise to offer an amendment that promises to extend to the Nation's veterans an improved, more accessible way to submit and process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefits reached high volume. Billboards appeared around the city of Albuquerque that the Albuquerque regional office of the Veterans Administration was the “worst VA office in the country.” I was very concerned about those charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average; the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. “Cases Pending Over 180 Days” in Albuquerque are about 31 percent of the total. Nationwide, only about 22 percent in that category. The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans’ problems.

I recently received a briefing that I thought might go a long way to serving veterans’ needs, particularly in rural States such as New Mexico. The proposal suggested that veterans be permitted to use National Guard armories and communications infrastructure to receive services. That was a more accessible way to submit process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefits reached high volume. Billboards appeared around the city of Albuquerque that the Albuquerque regional office of the Veterans Administration was the “worst VA office in the country.” I was very concerned about those charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average; the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. “Cases Pending Over 180 Days” in Albuquerque are about 31 percent of the total. Nationwide, only about 22 percent in that category. The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans’ problems.

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(b) **REPORT ELEMENTS.—** The report shall address the following:

1. How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

2. Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

3. Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

4. The developments, if any, since the April 1999 report of the Comptroller General that would alter the pace of the closure of the site.

5. The possibility of closure of the site by 2006.

6. The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

**AMENDMENT NO. 495:**

(The text of the amendment is printed as of today's Record under 'Amendment No. 495).

Mr. CLELAND. Mr. President, this dynamic legislative year has seen some monumental events. This body began the year by passing S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. With an overwhelming vote of 91-8, the United States Senate did not hesitate to show this great Nation that we appreciate the sacrifices and contributions of our service men and women. We also sent a message to the senior leaders of our military services that their pleas for assistance in stemming the flow of highly qualified service members from the military would not go unanswered.

The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 included a 4.8% pay raise, pay table reform, REDUX repeal, a thrift savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from $250 to $600 per month, elimination of the now-required $1200 service member contribution, permission to accelerate lump sum benefits and finally, authority to transfer GI Bill benefits to immediate family members. While the bill we are considering today addresses pay and retirement system reforms, it does not address the GI Bill enhancements. You, my distinguished colleagues, showed your support for these GI Bill enhancements earlier this year.

Since the end of the Cold War, our military services have been reduced by one-third, yet worldwide commitments have increased fourfold. Our forces are poised in Asia, standing guard of the Sinai, providing assistance in south America and Haiti, flying combat missions in Iraq, and engaged in war in Kosovo. They are providing invaluable humanitarian assistance to those who have been devastated by a number of natural disasters occurring around the world.

And, members of our Guard and Reserve components will be this country's sole providers of a "Homeland Defense" against the challenge of weapons of mass destruction presented by this uncertain world.

Sadly, these men and women who sacrifice so much for our country are bearing the brunt of these competing demands. By improving pay and benefits, and by increases in equipment upgrades, weapons procurement and replenishment, and spare parts funding, we can show America's brightest that we value their service and recognized their sacrifices.

In my opinion, the amendments to the GI Bill may be the single most important step the Congress can take in assisting the recruiting and retaining of America's best. Data we are seeing indicate that education benefits are an essential component in attracting young people to join the armed services. As the costs of college tuition rise, we must remain in step by increasing in GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.

**AMENDMENT NO. 496:**

(Purpose: To amend title 10, United States Code, to increase the minimum Surviving Benefit Plan basic annuity for surviving spouses age 62 and older)

In title VI, at the end of subtitle D, add the following:

**SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.**

(a) **INCREASED BASIC ANNUITY.—** In section 1451 of title 10, United States Code, is amended—

(1) by striking "35 percent" and inserting "40 percent".

(2) by striking "5, 10, 15, or 20 percent" and inserting "10, 20, 30, or 40 percent".

(3) by striking "the applicable percent" and inserting "the applicable percentage".

(b) **ADJUSTED SUPPLEMENTAL ANNUITY.—** In section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "5, 10, or 15 percent".

(2) by striking "20 percent" and inserting "25 percent".

Mr. President, my amendment is the text of S. 763 as introduced on April 12. It would increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older. I am pleased to have join me as co-sponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, McCAIN and SNOWE.

Mr. President, as our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to consider a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase the supplemental Survivor Benefit Plan basic annuity for surviving spouses over the age 62 the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay after October 1, 2004.

As the costs of college tuition rise, we must remain in step by increasing GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.
that they would not be receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that the late law mandated that at age 62 this amount be reduced either by the amount of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to some of those retirees who joined the plan when it was first offered in 1972. These service members informed me that they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the anomaly reduction.

Mr. President, when the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although federal civilian premiums are 10 percent retired pay compared to 65 percent for military retirees, the difference in the percent of cost covered by the executive agent is significant. I wrote to my state's Senator and to the Under Secretary of Defense for Personnel and Readiness and the Chief Information Office for Manpower and Personnel Information. As a result of my correspondence, I was successful in gaining approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivor's Benefit Plan and providing the surviving spouses of our military personnel earned and paid for benefits.

Mr. President, I urge the adoption of the amendment.

Thank you, Mr. President.

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon established by the Secretary of the Navy Notice 1650, dated February 17, 1969, to a member of the Navy and Marine Corps for participation in ground or surface combat during any period before December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

Mr. DORGAN. Mr. President, I rise today to offer an amendment for myself and Senator SMITH of New Hampshire, to ensure that Navy and Marine Corps Combat veterans get the recognition they deeply deserve.

The ongoing action in Kosovo reminds us of the dangers our men and women in uniform face when called upon during a time of conflict. In recognition of their service, they are awarded campaign and combat decorations to identify those who have faced this nation's fiercest challenge—enemy fire. America's combat veterans risk their lives to preserve our freedoms, and carry out the orders of the President in answering the challenges to our nation's security.

During World War II, the Army created the combat infantry badge to identify those soldiers who had faced combat. The Navy had no similar award until the 1960's. Although the Navy awarded Combat Stars prior to that point, the Combat Action Ribbon was created as a way to better recognize those who had served in combat. Recently, legislation was introduced in the House of Representatives to make Navy and Marine combat veterans who served in combat for any period after July 4, 1943, and before March 1, 1961, eligible for the Navy Combat Action Ribbon. In response to this legislation, a Pearl Harbor survivor from my state wrote to me and pointed out that the dates included in the legislation exclude many of the combat veterans who served in the war's fiercest naval battles, Pearl Harbor and Midway among them.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after December 6, 1941, and before March 1, 1961. The Secretary of the Navy will review those who apply for these awards to ensure that those who have not yet been recognized are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives for this country.

Amendment No. 498

(Purpose: To designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information.)

In title V, at the end of subtitle F, add the following:

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Marine Corps, the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense as the executive agents for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 581 of title 10, United States Code, for Department of Defense benefits.

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

Ms. LANDRIEU. Mr. President, just a little over a week ago, I had the privilege of traveling with the Secretary of Defense to my home state of Louisiana. It was a terrific trip and I believe the Secretary was very impressed with the work that we are doing in Louisiana at our military installations and with our defense industry. One of the real highlights of the trip was the ribbon cutting ceremony for the Information Technology Center in New Orleans. This facility, hosted by the University of New Orleans, is home to the
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Defense Integrated Military Human Resources System, as well as other personnel software projects for the Navy.

The DIHMRS project is one of those rare proposals that instantly captures the support of those that understand it. The DIHMRS project seeks to develop countless billions of dollars in developing and supporting “stove pipe” personnel software systems, that were out-of-date before they were complete, had no capacity for interconnectivity and did not empower the breadth of personnel information to be of real utility to our military leadership.

DIHMRS seeks to change all of that. It will provide an integrated system of personnel information, that will ultimately tie all the services to all the personnel systems and records, and do so in a easily accessible fashion that will give commanders the information about training and experience that they need to make deployment decisions. This project fits perfectly into our goal of creating smaller, more flexible structures. One of the key ingredients to creating smaller, more effective forces, is the ability to quickly identify individuals with the experience and training that needed for particular missions. This is the key to the task for any service now; it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

The advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track, only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which emphasizes the Senate Armed Service Committee’s support for this effort. It is important to note that a project like DIHMRS requires innovation and division. Thus, the management structure for the program has also required a degree of innovation and flexibility. I believe that the upline structure adopted for the DIHMRS project is critical for its ultimate success. For that reason, the amendment reemphasizes the support for the present management structure expressed in Section 8147 of Public Law 105-270. Amendments directed the Department to establish a Defense Reform Initiative enterprise program for military manpower, personnel, training and compensation using a revised DIHMRS project as the baseline. Additionally, the amendment also expresses the intention that the DoD maintain this enterprise project, and the management and executive responsibility be contained within the Systems Executive Office for Manpower and Personnel software projects. The President’s budget request includes $65 million dollars for DIHMRS. I believe that these monies must be used according to the direction given in last year’s Defense Appropriation’s conference report to maintain the success of the program. Specifically, these funds should be used to: (1) address modernization and migration systems support for service information systems within the enterprise of manpower, personnel and compensation; (2) to continue support for infrastructure improvements at the Naval Information Technology Center; and, (3) to continue Navy central design activity consolidations and relocations and the Systems Executive Officer and the Naval Reserve Information Systems Office.

The consolidation of the personnel information reform efforts is necessary for both budgetary concerns, and valuable as a tool for managing our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the backers for accepting this amendment, and I look forward to working with the Navy to make this project a real success.

AMENDMENT NO. 500

(Purpose: To authorize a demonstration program on open enrollment in managed care plans of the former uniformed services treatment facilities.)

In title VII, at the end of subtitle A, add the following:

SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end:

"(O) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program where beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover an area selected by the Department of Defense and the service areas of the designated providers.

(2) Any demonstration carried out under this section shall commence on October 1, 1999, and end on September 30, 2003.

(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.

Ms. SNOWE. Mr. President, access to quality health care services are a concern of many of our military service members, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed health care plans for military retirees at 2 sites selected by the Defense Department.

The term “continuous enrollment” means the opportunity for military beneficiaries to join the Prime option in TRICARE at any time. Currently, military retirees and their beneficiaries wishing to enroll in the Uniformed Services Family Health Plan (USFHP) may only do so during an annual 30-day enrollment period.

This arrangement inconsistent with the enrollment rules under TRICARE Prime option. These same beneficiaries can join TRICARE Prime on a continuous basis, but are restricted from joining the USFHP to joint once a year for a three year period.

Coupled with the many changes in TriCare, including new enrollment fees and higher copayments, many military beneficiaries are confused and unsure if the HMO option in TriCare, either Prime through the managed care support contractor of the USFHP, is right for them and their families. Thus, as I have been informed by physicians from my own state, many beneficiaries and their families have decided not to join the USFHP.

While this restriction means in practical terms for retirees is that they are not able to take advantage of health care providers that may practice in close proximity to their residences, but instead travel long distances to a military treatment facility. In locations where there are no TriCare Prime network providers, the retirees are faced with limited choices and higher costs.

The Department of Defense has indicated that this open enrollment would be too costly; however, there is limited data to support their contention that this provision will generate a significant influx of new enrollees in the program. DOD’s key concerns are based on two factors; the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicare program scheduled to take effect January 1, 2000. However, based on a review of the actual number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

This trend represents a decline of 7.6% over eighteen months and an annual rate of decline of 5.0%.

As of June 1, six of seven designated providers which operate the USFHP will have completed “open season” enrollment. The preliminary results show a net increase of 3,754 individuals enrolled in the USFHP. Of this number, approximately 18% or 676, were 65 and older. This is a much lower percentage—18% compared to 28%—than the 65 and older enrollees were as a percentage of enrollment before the current open season started.

This amendment would authorize the Department of Defense to conduct the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluating the benefits of the program and a recommendation concerning
whether the authorize open enrollments in the managed care plans on a permanent basis.

This proposal is supported by numerous organizations such as the National Military Family Association and the National Association of Uniformed Services. The national Military and Veterans Alliance includes organizations such as: The Retired Officers Association, Non-Commissioned Officers Association, Naval Reserve Association, National Association of Uniformed Services, the Reserve Enlisted Association and the Korean War Veterans Association.

In testimony before the Personnel Subcommittee earlier this year, representatives from many of these organizations have emphasized that access to quality health care is one of their primary concerns.

Finally, I believe that this amendment is a measured step, but one that leads us toward a fair and good faith effort to address the inconsistency in providing our retirees access to health care on an equal basis with TriCare Prime.

AMENDMENT NO. 501

(Purpose: To require a report on the D-5 missile program)

On page 28, below line 21, add the following:

SEC. 143. D-5 MISSILE PROGRAM.

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of—

(A) terminating procurement of D-5 missiles for each fiscal year prior to the current plan,

(B) reducing the flight test rate for D-5 missiles; and

(C) an assessment of the capability of the Navy to comply with the logistic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles;

(3) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D-5 and Trident Submarines under START II and proposed START II, and whether requirements for such missiles and submarines would be reduced under such treaties.

AMENDMENT NO. 502

(Purpose: To provide $10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Operational Meteorology and Oceanography and UNOLS, and to provide an offset.)

Of the funds authorized to be appropriated in section 301(2), an additional $10 million may be expended for Operational Meteorology and Oceanography and UNOLS.

AMENDMENT NO. 503

(Purpose: To require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education programs and training programs of the Armed Forces)

In title X, at the end of subtitle D, add the following:

SEC. 106L. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.

(a) FINDING.—Congress finds that it is in the national interests of the United States to fully integrate Poland, Hungary, and the Czech Republic as new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Mrs. HUTCHISON. Mr. President, I am offering this amendment on behalf of myself and Senator L'AUTENBERG.

The purpose of this amendment is to encourage the Secretaries of each military department to give due consideration to providing a higher priority to the officers from Poland, Hungary and the Czech Republic for attendance at our military schools and training programs.

Our professional military schools and training programs including the service academies, the senior service colleges and the command and general staff colleges provide an outstanding opportunity for future foreign armed forces officers to become fully immersed in our military doctrine and develop a deeper understanding for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully integrated as quickly as possible. The professional friendships and the mutual understanding which results from attendance at these courses is invaluable for both American officers and for foreign military personnel.

I recently led a Congressional delegation to the Balkans. In Budapest we met with Hungarian Chief of Defense Staff, General Ferenc Vegh, who was proud to inform the delegation that he was a graduate of the United States Army War College in Carlisle, Pennsylvania. As a direct result of the professional association gained as a student at the War College, General Vegh has been key in directing Hungary’s rapid integration into NATO. His story is one example among many of how the United States and the NATO Alliance has reaped an enormous benefit by providing the opportunity for foreign officer attendance at our military schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future officers from our new NATO allies to foster long-term military-to-military relations. Numerous foreign cadets who have graduated from our service academies have gone on to serve at the very highest levels as military and civilian leaders, including many heads of state.

It is my expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hungary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

AMENDMENT NO. 504

(Purpose: To enhance the technology of health care quality surveillance and accountability)

In title VII, at the end of subtitle B, add the following:

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a Department of Defense Center for Medical Informatics to carry out a program to support the Assistant Secretary of Defense for Health Affairs in efforts—

(A) to develop parameters for assessing the quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;

(D) to develop a capability for conducting research on quality of health care;

(E) to conduct research on matters of quality of health care;

(F) to develop decision support tools for health care providers;

(G) to refine medical performance report cards; and

(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary source for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.
Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs
(B) The Director of the TRICARE Management Activity of the Department of Defense.
(C) The Surgeon General of the Army.
(D) The Surgeon General of the Navy.
(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care information systems within the Department of Defense and Veterans Affairs, to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(3) The Secretary of Defense shall consult with the Council and the private sector.

(4) The Secretary of Defense shall appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(5) The Informatics Council shall be to coordinate the development, deployment, and maintenance of health care information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(6) The Informatics Council shall be to coordinate the development, deployment, and maintenance of health care quality information for the Department of Defense and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government and with the private sector. Specific areas of responsibility shall include:

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government and with the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Department of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Secretary of Defense shall report to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care information systems within the Department of Defense and between the Federal Government and with the private sector.

(4) The Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council.

(7) The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of care provided to beneficiaries and the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factored by the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.
(2) Extent of use of health report cards.
(3) Extent of use of standard clinical pathways.
(4) Extent of use of innovative processes for surveillance.

(8) In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal years ending after fiscal year 1999, there is appropriated for the Department of Defense for fiscal year 1999, and for the development, deployment, and maintenance of health care technology to Iran can provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the United States on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United States to provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the United States on this issue.
States to take every appropriate measure to encourage the Russian government to seek out and prevent the illegal transfer of fissile material or missile equipment or any other technology necessary for the acquisition or development of nuclear weapons or ballistic missiles.

I offer this amendment because I believe that there may be no greater long term threat to peace and stability in the Middle East than an Iran actively seeking ballistic missile and nuclear weapons.

Preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

There have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes by rogue operators. Either way, the Russian Government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-cold war international system. There is ample reason for concern. According to a Congressional Research Service report:

Despite pledges by Soviet leaders in 1990 and by various Russian leaders since then to ban missile exports, President Yeltsin’s 1994 agreement to refrain from sales to Iran, and Russia’s entry into the Missile Technology Control Regime in October 1995, there are recurring reports that Russian companies are selling missile technology to Iran and other countries.

On February 6, 1997, Vice President Gore issued a diplomatic warning to then-Premier Chernomyrdin regarding Russian transfers to Iran of parts and technology associated with SS-4 medium-range ballistic missiles. Over the next several months, press reports indicated that Russian enterprises provided Iran specialty steels and alloys, tungsten coated graphite, wind tunnel facilities, gauges and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

Russian assistance has apparently helped Iran overcome a number of obstacles and advance its missile development program faster than anticipated. The Rumsfeld Commission said, “The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefitted from broad, essential assistance from Russia.”

In February 1998, the Washington Times reported that Russia’s Federal Security Service (FSB, a successor to the KGB) was still working with Iran’s intelligence service to pass technology through a joint research center, personnel, and facilities in St. Petersburg and Tehran.

In March 1998, the State Department listed (but did not make public) 20 Russian entities suspected of transferring missile technology to Iran. Lastly, there are still unanswered questions about Russian-Iranian nuclear cooperation raised by the January 1995 contract signed by the Russian government to finish one unit of the Bushehr nuclear power project. Although the Bushehr plant itself is not considered a source of weapons material, the project is viewed as a proliferation risk because it entails massive involvement of Iranian personnel in advanced technology, and extensive training and technological support from Russian nuclear experts.

Last year, the American Jewish Committee released a report, “The Russian Connection: Russia, Iran, and the Proliferation of Weapons of Mass Destruction” which provides an excellent overview of Russia’s record in this area, as well as U.S.-Russian cooperation.

In addition to the troubling questions raised by Russia’s past actions, however, there are also indications that the Russian government is making efforts to control the proliferation of missile and nuclear technology to Iran. Although initially Moscow denied that its missiles or missile technology had been transferred to Iran, in September 1997, Russian officials reportedly stated that such transfers were being made without the consent of the government.

In January 1998, in response to concerns raised by numerous U.S. officials, Yuri Koptev, head of the Russian space agency, said of 13 cases raised by the U.S. Government, 11 had no connection to technology transfers related to weapons of mass destruction (nuclear, biological, or chemical) that were banned under a 1996 agreement.

On July 15, 1998, Russian authorities announced that nine Russian entities were being investigated for suspected violation of laws governing export of dual-use technologies. The nine include the Inor NPO, Polysus Research Institute, and Baltic State Technical University (the latter was cited earlier, plus the Grafit Research Institute, Tikhomirov Institute, the MOSO Company, the Komintern plant, Novosibirsk, Europalace 2000, and Glavcosmos. Also last year, Russia announced the cancellation of a 1997 contract between a Russian entity, NPO Trud, and Iran, in which rocket engine components were to have been shipped under the guise of gas pipeline compressors.

According to an April 15 letter I received dated April 15, 1999, from the Vice President, which I ask unanimous consent the letter I have received dated April 15, 1999, from the Vice President be printed in the RECORD, the Vice President, in his capacity as U.S. Special Ambassador Gallucci and Yuri Koptev, head of the Russian Space Agency, agreed to a work plan that addresses some of the issues raised by Russia’s nuclear and missile programs. Because of intelligence and security considerations, the letter will outline only the core elements of the work plans in this letter. My staff can arrange a classified briefing if that would be helpful.

I ask unanimous consent the letter I received dated April 15, 1999, from the Vice President be printed in the RECORD.

The Vice President

The Vice President, Washington, DC, April 15, 1999.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your recent letter requesting that I raise the issue of non-proliferation with Russian Prime Minister Primakov during his planned visit to Washington. Cutting off the flow of missile and nuclear technologies from Russian entities to Iran is one of the Administration’s most important national security objectives. As you know, I have engaged my colleagues in support of this amendment.

I believe this amendment is rather simple and straightforward in its make-up. But it is also essential and far reaching in its impact. I urge my colleagues to support this amendment.

I believe that we should try to build the best and most effective way to cooperate, there will also be a price to be paid for non-cooperation on this critical issue.

This amendment, I believe, is rather simple and straightforward in its make-up. But it is also essential and far reaching in its impact. I urge my colleagues to support this amendment.

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agreed to cancel a contract with Iran's missile program and to establish on a priority basis internal compliance offices at several entities of concern. These internal compliance offices are to be staffed by individuals specially trained in export control procedures and techniques, and would have access to the records and files of the United States Government. The United States Government has offered technical assistance to help these entities set up the necessary export control procedures. The Russian Government has committed to effective measures to prohibit Iranian missile specialists from operating in Russia and to facilitate the early adoption of the Russian export control law.

The missile work plan represents some forward movement and in my judgment reflects Russia's desire to see the launch quota increased and sanctions lifted. It is not, however, a complete accounting for past problems. It may create a credible foundation for future cooperation. I have underscored that we will be watching Russian implementation of the agreement closely. I have also made clear that a solid track record would be considered an increase in the launch quota.

United States experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran. Again, the key principle in this work plan is performance, which we are in a position to judge through our intelligence information. If we are satisfied that Russia's commitments are being implemented, we can begin to incrementally lift our sanctions against NIKIET, beginning with the nuclear reactor safety projects that have been suspended.

The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means suggesting that we have solved either the missile or the nuclear proliferation problem. However, we now have a clear delineation of steps in that direction which we are in a position to verify. Positive, concrete actions by Russia will be the basis for any decisions we take to increase commercial and other forms of cooperation with Russia, with respect to our nuclear entities.

I will continue to raise this issue in discussions with my Russian counterparts until I am satisfied that all our concerns have been addressed.

Sincerely,

AL GORE.

May 27, 1999

At the appropriate place in the bill, insert the following:

The funds in section 30a(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

AMENDMENT NO. 507

(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out joint telemedicine and telepharmacy demonstration projects)

On page 272, between lines 8 and 9, insert the following:

SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) PURPOSE TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.
(2) Diagnostic services.
(3) Referral services.
(4) Clinical pharmacy services.
(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in concert with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. CLELAND. Mr. President, I am offering an amendment to create a Department of Defense (DoD) and Department of Veterans Affairs (VA) collaborative demonstration research pilot for at least five sites nationwide. These funded projects would create and expand current telemedicine and telepharmacy research efforts. These times of concern over health care resources and potential future telepharmacy studies are crucial to determining the best use of health care clinicians.

My amendment would authorize $5 million a year for three years for five DoD/VA telemedicine and telepharmacy demonstration projects. Under my proposal DoD/VA researchers and clinicians will develop rigorous, outcome-oriented telemedicine and telepharmacy research projects that will benefit military and veteran study participants and potentially future servicemembers and veteran recipients of health care.

Telemedicine is technology's version of the "doctor's housecall." Many recipients of care, such as the homebound, find making a visit to the doctor very difficult and often painful experience. Health care outreach is needed in the home, remote deployment sites, rural clinics and other underserved areas. I also propose a telepharmacy project, which will study the efficiency of bringing drug and pharmaceutical expertise, as well as supplies, to the patient. For example, the Navy has reported its Battlegroup Telemedicine Program as cost-saving and groundbreaking in providing onboard medical treatment of military personnel, thus preventing unnecessary transport.

Support of collaborative endeavors between DoD and VA to reduce escalating health care costs and for more accessible, quality care has already been strongly advocated and discussed in the 1999 Report of the Congressional Commission on Servicemembers and Veterans Transition assistance and endorsed by the Congress in the Cleland-Kempthorne Bill, S. 1334, which was made part of the Strom Thurmond National Defense Authorization Act (P.L. 105-261).

I urge my colleagues to support my amendment to further advance DoD/VA collaboration, to explore innovative ways of providing health care for veterans and members of the Armed Services and possible cost-reduction strategies, and to help military and veterans' health care set an example of quality health care.

AMENDMENT NO. 509

(Purpose: To permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program)

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter IV of chapter II of title 38, United States Code, is amended by inserting after section 3018 the following new section:

§ 3018D. Opportunity to enroll; certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(I) either—

"(AA) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(BB) is disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A) on the date of the enactment of this section; or

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree,

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or service rendered by the individual as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, is discharged with an honorable discharge or service rendered by the individual as honorable by the Secretary concerned; or

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this title.
the election made under section 3011(c)(1) or
3012(d) of this title, as the case may be, pursuant
or a procedure which the Secretary of each military department shall provide in
accordance with the regulations prescribed by the Secretary of Defense for the purpose
of carrying out this section or which the Secretary of Transportation shall provide for
such purpose to the Coast Guard when it is not operating as a service in the Navy;
is entitled to basic educational assistance under this chapter—

`(b)(1) Exception provided in paragraphs (2) and (3), in the case of an individual who
makes an election under subsection (a)(5) to become entitled to basic educational assistance
under this chapter—

"(A) the basic pay of the individual shall be reduced (in a manner determined by the
Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) $1,200, in the case of an individual de-
scribed in subsection (a)(1)(A); or

"(ii) $1,500, in the case of an individual de-
scribed in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so
reduced before the individual’s discharge or
release from active duty as specified in sub-
section (a)(5), the Secretary shall reduce from
the individual an amount equal to the dif-
fERENCE between the amount specified for
the individual under subparagraph (A) and the
total amount of reductions with respect to
the individual under that subparagraph, which
shall be paid into the Treasury of the United
States as miscellaneous receipts.

`(2) In the case of an individual previously
enrolled in the educational benefits program
provided by chapter 32 of this title, the Sec-
tary shall reduce the total amount of the
reduction in basic pay otherwise required by
paragraph (1) by an amount equal to so much of
the unused contributions made by the in-
dividual to the Montgomery GI Bill Education Account pursuant to section 3222(a)
of this title as do not exceed $1,200.

`(3) An individual may at any time pay the
Secretary an amount equal to the difference
between the total of the reductions other-
wise required with respect to the individual
under this subsection and the total amount of the
reductions with respect to the indi-
vidual under this subsection at the time of
the payment. Amounts paid under para-
graph (1) or (2) shall be paid into the Treasury of
the United States as miscellaneous receipts.

`(c)(1) Except as provided in paragraph (3), an
individual who is enrolled in the edu-
cational benefits program provided by chap-
ter 32 who makes the election described in subsection (a)(5) shall be
desenrolled from the program as of the date of
such election.

`(2) For each individual who is disenrolled
from such program, the Secretary shall
refund—

"(A) to the individual in the manner pro-
vided under section 3017(a) of this title, to
the extent that the individual was entitled to
participate in such program or VEAP, an amount
equal to all of the unused contributions made by the
individual under such program or VEAP; and

"(B) to the Secretary of Defense the un-
used contributions (other than contributions made
under section 3022(c) of this title) made by
such Secretary to the Account on behalf of
such individual.

`(3) Any contribution made by the Sec-
tary of the Post-Vietnam Era Veterans
Education Account pursuant to section
3222(c) of this title on behalf of an
individual referred to in paragraph (1) shall re-
main available to make payments of benefits to the individual under section
3015(f) of this title.

`(d)(1) The requirements of sections
3012(a)(3) and 3012(a)(2) of this title shall apply to
an individual who makes an election
described in subsection (a)(5), except
that paragraph (3) of section 3012(a)(2) of
this title and of subparagraphs (B), (C), and (D)
of section 3012(a)(3) of this title. Receipt of such
notice shall be acknowledged in writing.

`(2) The procedures provided in regulations
referred to in subsection (a) shall provide for
notice of the requirements of subparagraphs
(B), (C), and (D) of section 3012(a)(2) of this title.

The injustice that my bill attempts
to address is that new recruits are eli-
gible for a better education program
than the noncommissioned officers re-
sponsible for their training and well-
being. Expanding Montgomery Bill eli-
gibility to those currently eligible for VEAP and mid-
career and senior noncommissioned of-
ficers, who are the backbone of our
force and set the example for younger
troops, become better educated. This
legislation is modest in its scope and
but is essential for the individual
attempts to better himself through education.

Moreover, this legislation sends a
meaningful message to those serving to
protect the American interest that Congress cares. S. 4, the Soldiers, Sail-
or, Airman, and Marines Bill of Rights
Act which I was proud to cosponsor was
approved in a one year period of
eligibility for enrollment.

I believe that if we are to maintain
the best trained, and most capable
military force in the world, we must be
committed to allowing the people that
comprise our armed forces to pursue
further education opportunities. I be-

conclude that the completion of service referred to in
such section shall be the completion of the
period of active duty being served by the indi-
vidual on the date of the enactment of this
section.

The Montgomery GI Bill offers those
serving in the military a significant in-
crease in benefits over its predecessor
and has been one of the most impor-
tant recruiting tools in the last dec-
ade. It is essential that active military
still covered under VEAP but not by
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into the fold.
I have no doubt that this very simple fix will be well-received by our veterans and the educational institutions that operate under the quarter system. I already know that Wright State University, Bowling Green State University, Ohio University and Methodist College in Ohio have expressed their support for this legislation.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they have earned.

AMENDMENT NO. 512

(Purpose: To authorize payments in settlement of claims arising from the accident described in subsection (a).

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, or other arrangement, which does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the Secretary of the Navy shall, as a condition of the transfer of the vessel to the Government of Thailand under this section, require of the shipyard in Thailand any repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States naval shipyard or other shipyard located in the United States.

(d) Expiration of Authority.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

AMENDMENT NO. 513

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers

In title V, at the end of subtitle B, add the following:

Sec. 522. Chiefs of Reserve Components and the Additional General Officers at the National Guard Bureau.

(a) Grade of Chief of Army Reserve.

Section 3638(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) Grade of Chief of Air Force Reserve.

Section 5143(c)(2) of such title is amended by striking "rear admiral (lower half)" and inserting "vice admiral (lower half)."

(c) Grade of Commander, Marine Forces Reserve.

Section 5144(c)(2) of such title is amended by striking "brigadier general" and inserting "major general".

(d) Grade of Chief of Air Force Reserve.

Section 8038(c) of such title is amended by striking "major general" and inserting "lieutenant general".

(e) The Additional General Officers for the National Guard Bureau.

Subparagraphs (A) and (B) of section 1060(a)(1) of such title are each amended by striking "major general" and inserting "lieutenant general".

(f) Exclusion From Limitation On General and Flag Officers.

Section 526(d) of such title is amended to read as follows:

"(d) Exclusion of Certain Reserve Component Officers.

The limitations of this section do not apply to reserve component general or flag officers:

(1) An officer on active duty for training.
"(2) An officer on active duty under a call or order specifying a period of less than 180 days.

(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 327 of title 32.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

I will introduce legislation after Me-

remorial Day to implement this Sense of the Senate.

This Sense of the Senate addresses the new realities of the post-cold war world that repeatedly affects the members of our armed forces and their fam-

ilies. As the Naval War College's 1992 study all too well, the end of the cold war brought with it a significant drawdown in the size of our armed forces and a withdrawal from overseas based force to one based primarily in the United States. Almost concurrently, our national sec-

urity strategy took us into an era of seemingly continuous deployments. In the 40 years between 1950 and 1990, the U.S. Army was deployed 10 times. In the less than 10 years since the fall of the Berlin Wall, the Army has been deployed 33 times. The Navy's re-

sponses have doubled in the 90's. The Air Force has seen its deployed forces rise 400 percent while its active duty personnel dropped 33 percent. Some of these deployments are a few months in duration, but the cumulative presence—such as our forces in the Sinai. All work hardship on both the members deployed and their families, particularly when there are repeated or back-to-back deployments.

Again, the Senate well knows these demands are contributing to both recruitment and retention problems. In recognition of these demands and of the likelihood that we will continue to see more of these deployments, this Sense of the Senate recognizes that we should bring up the Tax Code so that it too acknowledges these new realities.

As we approach Memorial Day, I ask the Senate to approve this amendment as a means of acknowledging the sac-

rifices demanded of our service mem-

bers and their families.

AMENDMENT NO. 515

(Purpose: To increase the funding for the Formerly Used Defense Sites account)

(1) On page 56, line 16, add "$40,000,000.

(2) On page 55, line 15, reduce "$40,000,000.

AMENDMENT NO. 516

(Purpose: To strike the portions of the mili-

tary lands withdrawals relating to lands located in Arizona)

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), re-
spectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), re-
spectively.

In section 2904(a)(1A), strike "(except those lands within a unit of the National Wildlife Refuge System)

In section 2904a(1A), strike subparagraph (B).

In section 2904, strike subsection (g).

In section 2905, strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2913 respectively.

In section 2907(h), as so redesignated, strike "section 2902(c) or 2902(d)

In section 2907(b), as so redesignated, strike "section 2902(c) or 2902(d)

In section 2908, as so redesignated, strike "section 2909(g)" and insert "section 2909(j)".
year, both because of its vital importance to military readiness and the environmental and cultural resources that will be preserved and protected by its continued withdrawn status.

I offer this amendment reluctantly, but in full recognition of the intent and controversy caused by its inclusion in the bill at this time. My intention in including these provisions in the Defense Authorization bill this year was to create a meaningful placeholder to ensure that legislation withdrawing the Goldwater Range could be enacted during this session of Congress. Based on repeated assurances and testimony before Congress, I believe the Administration shares that goal, and I intend to pursue inclusion of a final legislative package, developed with input from all interested parties, in the conference agreement on this legislation.

Unfortunately, my attempt to craft language which remained neutral on the difficult aspects of the proposed withdrawal appears to have been inadequate. In addition, concerns about the process by which this legislation was developed have also been raised. Therefore, in order to ensure that all interested parties have the opportunity to participate in the drafting of the final legislation withdrawing the Goldwater Range, I am proposing this amendment to replace the existing language with a “sense of the Senate” provision that expresses the desire to complete the withdrawal process this year.

As I have said, there has been some controversy about the language of title 29. I appreciate the concerns raised by the leadership of the Energy and Natural Resources Committee and the Environment and Public Works Committee concerning their jurisdiction, respectively, over public lands management and wildlife refuges. In no way was I aware of the full scope of this language in the bill intended to preclude the ability of those Committees to conduct oversight hearings and provide input in the final legislation to withdraw the Goldwater and other ranges covered in title 29. In full respect, however, of these Committees’ interest in ensuring this bill in no way prejudices the outcome of the legislative process, I agree that a placeholder which simply expresses the desire to ensure that legislation enacting this provision is enacted this year in this bill.

Mr. President, it is vitally important that the Administration complete the process for renewing the withdrawal of these lands and provide a final legislative proposal to Congress this year. Delaying this issue unnecessarily puts at risk both the tremendous efforts to protect the unique environmental and cultural resources on these lands and the critical need to conduct military training, both of which would end with the expiration of the current law.}

The Administration has stated their desire to complete the legislative process for withdrawal of these lands during this session of the Congress—a goal which I and the Committee fully support—and has now committed to send a final legislative proposal to Congress by approximately June 9. I urge the Administration to finalize and submit a legislative proposal as early as possible so that all interested parties may review it carefully and efforts can be undertaken quickly to achieve a consensus on legislation that can be enacted this year in this bill.

Mr. President, I hope this amendment can be accepted. I believe I have the support of the able Chairman of the Armed Services Committee, Senator WARNER, to try to work out acceptable language on the Goldwater Range withdrawal, as well as the Chairman of the Environment and Energy Committees. I look forward to working with the relevant committees and interested parties to reach a consensus on a final legislative package regarding the Goldwater Range that can be included in the conference agreement on this bill.

AMENDMENT NO. 517

(Purpose: To increase by $2,000,000 the amount authorized for the Navy for procurement of M) U-52/B air expendable countermeasures and to offset the increase by a decrease by $2,000,000 of the amount authorized for the Army for UH-1 helicopter modifications)

On page 16, line 17, strike “$1,500,188,000” and insert “$1,498,188,000”.

On page 17, line 18, strike “$540,700,000” and insert “$542,700,000.”

AMENDMENT NO. 518

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting-facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC: ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOlis, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the radio transmitting towers described in subsection (b) during the one-year period beginning on the date of enactment of this Act.

(b) Covered Towers.—The radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of TOWers.—The Secretary may transfer to the State, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the towers described in subsection (b) to the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agree to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).
THE ARMY. (1) The Secretary of the Army, in consultation with the Secretary of Defense, and in an effort to recover, identify, and account for the remains of United States servicemen from World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army.

Case In Point:
FRED HAGEN, 1943

On November 8, 1943, Private Fred Hagen, of Philadelphia, Pennsylvania, was flying a P-47 Thunderbolt in the Pacific Theater of Operations during World War II, when his plane went down. His plane was never to come home. He was lost over the jungles of New Guinea flying in the 48th Fighter Group. Private Fred Hagen died in action on November 8, 1943, and there have been no signs of his remains to this day.

In 1996, Dino Carluccio, an executive agent for this kind of recovery, found the remains of Mr. Hagen. He is being buried at his residence of his widow and daughter.

Mr. President, to honor those who made the ultimate sacrifice, and their family members, is ensure that the Army works diligently to recover remains from these crash sites. This amendment instructs the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army.

Mr. President, this amendment makes a lot of my colleagues for their support. Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

The amendment also calls for the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in New Guinea, which to lay flowers during a future Memorial Day. It’s the least we can do, Mr. President, to honor those who made the ultimate sacrifice, and their aging family members.

Accounting for missing servicemen from World War II is just as important as accounting for missing servicemen from the Vietnam or Korean Wars. Each of these brave men made the ultimate sacrifice for their country. This amendment makes sure every effort is made to account for these missing servicemen.

I ask unanimous consent to have the letter printed in the RECORD.

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

ALFRED (FRED) HAGEN, Philadelphia, PA.

Senator SMITH (for Dino Carluccio).

DEAR SIR: In September, 1996, I literally flew over the site of a B-25 that I found in New Guinea, 1997 and decided that the site should not be left unattended. Such work on the Pacific Theater. If CID-HI does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B-25-1, #41-25392, 38th Bomb Group, 75th Bomb Squadron. The B-25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944 on 0907. There were nine persons aboard:

- Navigator, Richard Hurst, 1st Lt.
- Co-Pilot, James Henderson, 1st Lt.
- Pilot, Richard Hurst, 1st Lt.
- Aloyisius Steele, 2nd Lt.
- Radio/Gunner, John Creighton, Pfc.
- Gunner, Henry Miga, Sgt.
- Passenger, A. Milazzo, TEC 5
- Passenger, B. Durham, Pfc.
- Passenger, S. Miga, Sgt.
- Passenger, G. Norris, Pfc.

Their exact fate had been unknown until Friday, November 7th, 1997. I picked up the bones of what turned out to be partial remains of three men and put them in my backpack. The remains had already been disturbed, and the integrity of the remains was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

After years of searching, I also located the wreckage of the B-25 in which my late relative Bill Benn was killed in 1947. The spot was located in very rugged terrain in 1997 and was visited by an Australian Air Force pilot utilizing today's DNA technology. It would be very meaningful to my family to be able to give Bill Benn a proper burial in Arlington, minutes away from the residence of his widow and daughter.

I don't think that is too much to ask for a man who received the following commendation from General Kenney "No one in the theatre made a greater contribution to victory than Bill Benn". He has subsequently been forgotten by the world but not by his family.

Our focus will not be a high priority for CID-HI because the case is supposedly already resolved. The bulk of remains appear to still be in New Guinea, however, and the question is if CID-HI is good enough to recover remains or whether the US military is committed enough to recover all possible remains. I cut a large heli-pad nearby and the site is readily accessible. I am also willing to accompany the team to guide them and render any assistance possible.

I appreciate your interest and assistance. I understand that you are busy and probably not available on short notice but I want to invite you to attend the burial of another P-47 pilot that I discovered in New Guinea named George Gaffney. He is being buried at Arlington on June 9th, 1999. After I found Desilets, Gaffney's daughter contacted me and asked me to look for her father. In what can only be described as a "miraculous" turn of good fortune, I succeeded in finding his remains.

Thank you so much.

FRED HAGEN.

AMENDMENT NO. 520

(Purpose: To make technical and clarifying amendments)
May 27, 1999

CONGRESSIONAL RECORD — SENATE

S6247

On page 414, line 6, strike "$2,078,015,000" and insert "$2,072,585,000".
On page 414, line 9, strike "$673,960,000" and insert "$668,530,000".
On page 420, line 20, strike "$179,271,000" and insert "$189,639,000".
On page 420, line 21, strike "$115,185,000" and insert "$124,875,000".
On page 420, line 23, strike "$23,045,000" and insert "$32,487,000".
On page 420, line 25, strike "$892,659,000" and insert "$889,000,000".
On page 420, line 26, strike "$1,309,200,000" and insert "$1,300,200,000".
On page 420, between lines 16 and 17, insert the following:
Project 00-D-____, Transuranic waste treat-
ment, Oak Ridge, Tennessee, $12,000,000.
Project 00-D-400, Site Operations Center, Idaho National Engineering and Environ-
mental Laboratory, Idaho Falls, Idaho, $1,306,000.
On page 541, line 22, strike "The" and in-
sert "A" before lines 24 and 25.
On page 541, line 23, strike "and" and in-
sert "in" before lines 24 and 25.
On page 541, line 24, strike "their" and in-
sert "their" before lines 24 and 25.
On page 541, line 25, strike "and" and in-
sert "in" before lines 24 and 25.
On page 577, line 16, strike "PROJECT" and in-
sert "PLANT".
On page 577, line 23, strike "Project" and in-
sert "Plant".
On page 578, line 3, strike "PROJECT" and in-
sert "Plant".
On page 578, line 6, strike "Project" and in-
sert "Plant".
On page 578, line 14, strike "Project" and in-
sert "Plant".
On page 578, strike lines 17 through 21, and in-
sert the following:

AMENDMENT NO. 521

(Purpose: To require a report on military-to-mili-
tary contacts between the United States and the People's Republic of China.)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON MILITARY-TO-MILITARY
CONTACTS WITH THE PEOPLE'S REPUBLIC
OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on mili-
tary-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:
(1) A list of the general and flag grade offi-
cers of the People's Liberation Army who have visited United States military installa-
tions since January 1, 1993.
(2) The itinerary of the visits referred to in par-
graph (1), including the installations vis-
it, the duration of the visits, and the ac-
tivities conducted during the visits.
(3) The involvement, if any, of the general
and flag officers referred to in paragraph (2)
(4) A list of facilities in the People's Rep-
ublic of China that United States military of-
cers have visited as part of the military-to-
military contact program between the United States and the People's Republic of China.
(5) A list of activities conducted during the visits.
(6) A list of facilities in the United States and the People's Rep-

AMENDMENT NO. 522

(Purpose: To authorize the Secretary of De-
Fense to transfer to the Attorney General para-
mount to training at the Chemical Defense Training Facility at the Center for Domestic Pre-
paredness, Fort McClellan, Alabama.)

In title X, at the end of subtitle D, add the follow-
ing:

SEC. 1061. CHEMICAL AGENTS USED FOR DEFEN-
SIVE TRAINING.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of the Air
General, shall determine the amount of lethal chemical agents
that shall be transferred under this section.

(b) ANNUAL REPORT.ÐThe Secretary of De-
Fense shall prepare an annual report to Congress with a list of the
chemical agents transferred under this section.

AMENDMENT NO. 524

(Purpose: To require a study and report re-
garding the options for Air Force cruise mis-
siles.)

In title II, at the end of subtitle C, add the follow-
ing:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MIS-
SILES.

(a) STUDY.—(1) The Secretary of the Air
Force shall conduct a study of the options for meet-
ing the requirements being met as of the date of the enactment of this Act by the
conversion of the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:
(A) Restarting of production of the conven-
tional air launched cruise missile.
(B) Development of a new weapon with the same lethality characteristics as those of the conventional air launched cruise missile.
(C) Utilization of current or planned muni-
sions, with upgrades as necessary.
(2) The Secretary shall submit the results of this study to the Armed Services Commit-tees of the House and Senate by January 15, 2000, the results might be—
(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and
(B) reported to Congress as required under subsection (b) of this section.
(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a) (1) in a timely manner as described in that subsection.

AMENDMENT NO. 525
(Purpose: To encourage reductions in Russian nonstrategic nuclear arms, and to require annual reports on Russia’s nuclear arsenal

In title X, at the end of subtitle D, add the following:

SEC. 1001. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.
(1) SENSE OF CONGRESS.—It is the sense of Congress that—
(A) in lieu thereof the following:
(2) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress shall include, regarding Russia’s arsenal of tactical nuclear warheads, the following:
(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.
(B) An assessment of the strategic relevance of the warheads.
(C) A summary of the current and projected threat of theft, sale, or unauthorized use of the warheads.

<table>
<thead>
<tr>
<th>State</th>
<th>Air Force Base</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base $8,100,000</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Cannon Air Force Base $3,850,000</td>
<td>$3,850,000</td>
</tr>
</tbody>
</table>

On page 417, in the table preceding line 1, strike out “$562,133,000” in the amount column of the item relating to the total and insert “$640,233,000”.

On page 418, in the table following line 5, strike the item relating to Holloman Air Force Base, New Mexico.

On page 419, in the table following line 5, strike “$1,917,191,000” and insert “$1,919,451,000”.

On page 419, line 15, strike “$1,917,191,000” and insert “$1,919,451,000”.

On page 419, line 19, strike “$628,133,000” and insert “$639,733,000”.

On page 420, line 7, strike “$343,511,000” and insert “$333,671,000”.

On page 420, line 17, strike “$343,511,000” and insert “$333,671,000”.

On page 420, line 5, strike “$12,742,000” and insert “$10,000,000”.

On page 429, line 17, strike “$628,133,000” and insert “$639,733,000”.

On page 419, line 15, strike “$1,917,191,000” and insert “$1,919,451,000”.

On page 419, line 19, strike “$628,133,000” and insert “$639,733,000”.

On page 420, line 7, strike “$343,511,000” and insert “$333,671,000”.

On page 420, line 17, strike “$343,511,000” and insert “$333,671,000”.

On page 429, line 5, strike “$12,742,000” and insert “$10,000,000”.

On page 430, in the table following line 5, strike “$12,742,000” and insert “$10,000,000”.

On page 429, in the table following line 5, strike “$12,742,000” and insert “$10,000,000”.

AMENDMENT NO. 529
(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 429, line 5, strike out “$172,473,000” and insert in lieu thereof “$172,472,000”.

On page 430, line 6, strike out “$2,081,865,000” and insert in lieu thereof “$2,081,864,000”.

On page 441, line 9, strike out “$667,960,000” and insert in lieu thereof “$667,810,000”.

On page 441, line 18, strike out “$665,299,000” and insert in lieu thereof “$665,851,000”.

AMENDMENT NO. 530
(Purpose: To authorize $11,000,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF 98304))

On page 446, in the table following line 13, strike the item relating to Nellis Air Force Base, Nevada, the following new item:

New Hampshire NSY Portsmouth $3,850,000
The Department of Defense has been introduced with seven of my Senate colleagues. The conveyance by the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Amounts so credited shall be available to the appropriation, fund, or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

AMENDMENT NO. 532

(Purpose: To authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdrug activities of the Department of Defense.)

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDCTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT. Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS. Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the United States Pacific based in the continental United States.

(3) $2,700,000 shall be available for foreign looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

Mr. DEWINE. Mr. President, last year the Congress provided an $800 million down payment to drive us toward the 100 percent counter drug eradication and interdiction strategy in the region. This funding was the first installment of the Western Hemisphere Drug Elimination Act, which was passed as part of last year’s omnibus appropriations bill. Our goal is to reduce significantly the flow of cocaine and heroin flowing into the United States. This would be done by driving up drug trafficking costs, reducing availability, and ultimately keeping these horrendous drugs out of the reach of our children.

We made great progress last year to secure the funds for an enhanced counter drug strategy. Today, I am seeking additional resources for this important national security interest.

Today, Senator CORDdüLL and I are offering an amendment that would authorize more funds for Defense counterdrug programs. This amendment is taken from a provision contained in S. 5, the Drug Free Century Act, which I introduced with seven of my Senate colleagues.

Mr. President, since the late 1980’s, the Department of Defense has been called upon to support counter narcotics activities in transit areas in the Caribbean, and these dedicated members of our armed services have done an extraordinary job. Unfortunately, we in the Congress, and those all over the United States, are aware that the Armed Forces of the United States are being stretched too thin. With the ongoing hostilities against Saddam Hussein in Iraq, and the enormous air campaign against Slobodan Milosevic in Kosovo, material and manpower dedicated to the interdiction of drugs entering our country have been diverted to these “higher priority” duties, leaving the drug transit areas vulnerable and undetected.

In addition, this year we have seen the closure of Howard Air Force Base in Panama, which causes the United States to lose a premier airfield for conducting counter-drug aerial detection and monitoring missions. Without this aerial surveillance of the coca fields and production sites in Colombia, and the major transit areas for bringing cocaine into the United States, military intelligence cannot be relayed to the Colombian government forces in time for seizure and eradication actions.

Fortunately, the current bill already would authorize $42.8 million for the creation of forward operating locations to replace the capability lost with the closure of Howard Air Force Base. These sites will be critical to the continued ability of the U.S. Armed Forces and interdiction agencies to effectively detect and interdict illegal drug traffic. However, it will take time to get these sites identified and operational.

Mr. President, that is why this amendment is timely and important. Our amendment would shore up deficient funding in the critical areas of intelligence gathering, monitoring, and tracking of suspect drug activity heading toward the United States.

This amendment would provide authorization for an additional $59.2 million in counter-drug intelligence gathering and interdiction operations.

We need to establish reliable and efficient means of monitoring, identifying, and tracking suspect traffickers before assigning interdiction aircraft or marine craft to intercept. The key to our success is accuracy. Without accurate intelligence, we are wasting time and valuable resources.

This amendment would enable such intelligence gathering technologies as a CONDENS, open detection radar that could be used in detecting and tracking both air and maritime targets in the eastern Pacific and Mexico. This technology would greatly enhance the ability of law enforcement agencies of Pacific and land enforcement Mexico to interdict and disrupt shipments of narcotics destined for the United States.

This amendment also would authorize funds for enhanced intelligence capabilities for law enforcement agencies, collections, and translation that would significantly improve the overall effectiveness of the counter drug effort.

Mr. President, it is time to renew drug interdiction efforts, provide the necessary equipment to our drug-enforcement agencies, and make the issue a national priority once again. I urge my colleagues to support this amendment and help turn the tide of the drug crisis in our country.

AMENDMENT NO. 533

(Purpose: Expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

At the appropriate place insert the following:


(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Dawn A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrigh, 28, pilot, Byrons Road, Maryland; Airman 1st Class Justin R. Cooper, 18, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Romney, 27, pilot, South Boston, Virginia; Staff Sergeant Steven A. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, for the sake of an investigation into a possible violation of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commander of the Luftwaffe Tupolev TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) The Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States
Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolov TU-154M aircraft off the cost of Namibia on September 13, 1997, and
(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AMENDMENT NO. 53H

(Purpose: To commemorate the victory of freedom in the Cold War.)

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:
(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.
(2) Whether millions of people all over the world lived in freedom hinged on the outcome of the Cold War.
(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.
(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.
(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.
(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.
(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.
(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—
(1) designates November 9, 1999, as “Victory in the Cold War Day”;
(2) requests that the President issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities; and
(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

``1133. Cold War medal: award.''

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

``1133. Cold War medal: award.''

(d) PARTICIPATION IN ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated under this section are available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.
(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall not exceed $15,000,000.
(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).
(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).
(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War” (in this subsection referred to as the “Commission”).
(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.
(B) Two shall be appointed by the Minority Leader of the Senate.
(C) Two shall be appointed by the Minority Leader of the House of Representatives.
(D) Three shall be appointed by the Majority Leader of the Senate.
(E) Three shall be appointed by the Speaker of the House of Representatives.
(F) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.
(2) In addition to the duties provided for under paragraph (1), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts contributed to United States victory in the Cold War.
(3) The Commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2);
(B) one selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

Mr. LEVIN. It is my understanding that the creation of a medal under this section is solely at the discretion of the Secretary of Defense.

AMENDMENT NO. 53L

(Purpose: To provide for the implementation of the Department of Defense special supplemental nutrition program.)

In title VI, at the end of subsection (b), add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 106a of title 10, United States Code, is amended by striking “may carry out a program to pro-
vide special supplemental food benefits’’ and inserting ‘‘shall carry out a program to pro-
vide special supplemental food benefits’’.
At this moment we will withhold that, but the balance of the staffs on both sides have done magnificent work.

Mr. LEVIN. Mr. President, I join my dear friend, the chairman, in that sentiment about our staffs and our colleagues. If we are prepared to help, I think we have done it in record time, but it has taken the cooperation of all of our colleagues, the leadership on both sides, and of course our staff made it possible. We will have more to say about that after final passage. I think we are now waiting for the final high sign from our staff that everything has been cleared.

Mr. WARNER. Mr. President, of course we include Les Brownlee and David Lyles in those accolades.

Mr. KYL. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. There remain 1 minute 42 seconds.

Mr. KYL. The minority has yielded back its time.

Mr. REID. We have not yielded it back, but I don't think we will use it. We will wait and see what the Senator has to say.

Mr. KYL. I ask unanimous consent that Senator Domenici's time be folded in with this request for time and then I will close our side of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 3 minutes 42 seconds.

Mr. KYL. Mr. President, let me just clarify about three things that were said by Members of the minority a moment ago.

Senator Bingaman said we should not be playing politics with national security. We could not agree more with that. He, then, began discussing how these problems have been around a long time, under Republican administrations as well as Democrat administrations. That is true. It is not political; it is true. Of course, that is what the Kyl-Domenici-Murkowski amendment was about. It was important to conclude the work on the defense authorization bill, we were required to withdraw our amendment. That important piece of unfinished business to protect the security of the American people was for us to withdraw this important amendment.

I hope all of our colleagues and the American people understand what happened here. Because we could not discuss or vote on the Kyl-Domenici-Murkowski amendment, because it was important to conclude the work on the defense authorization bill, we were required to withdraw our amendment. That important piece of unfinished business to protect the security of the American people was for us to withdraw this important amendment. I do not know of a higher priority for the Senate at this time than trying to ensure the security of our National Laboratories, which are our most sophisticated weapons. This amendment would go a long way toward doing that. It is not the total answer. I am just hopeful in the days and weeks to come we will not hear the continuing wails that it is not time, we do not have time to discuss this, we should have lots of hearings about it.

We are prepared to have all kinds of discussions. We need to have those discussions. If we are not able to have those discussions before the next time, then the next time it will not be withdrawn and we will have to deal with it one way or the other.

I urge my colleagues to work together, try to resolve these important security issues for the safety and defense of the United States of America. The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 399

Mr. HARKIN. Mr. President, I want to briefly speak on an amendment I offered today that was accepted by unanimous consent in the Defense authorization bill. My amendment will address an unfulfilled obligation to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. At the moment our troops are engaged overseas, and with the Memorial Day weekend approaching, it is all the more important to ensure we are recognizing the sacrifices of our veterans. Whether it is yes or no, it can take years for veterans to receive medals earned through their service to our nation. My state offices are involved in a number of current cases where veterans have been waiting two to three years for medals they earned, but were never awarded. While my staff and I pursue these cases aggressively, the reality is that no amount of pressure and follow through can overcome what is essentially a resource problem.

The medal issue revolves around a huge backlog of requests. The personnel centers, which process applications for the separate services for never-issued awards and replacement medals, have accumulated huge backlogs of requests. In one personnel center alone, 98,000 requests have been allowed to back up, resulting in years of waiting time. These time delays have denied veterans across the nation the medals and honors they have so rightfully earned through heroic actions.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. I have shared this story on the floor before, but I think it bears repeating. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years on her own, through the normal Department of Defense channels, to get the medals her father served so courageously for. Groff returned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve this issue favorably until September 1997.

Ms. Groff made a statement about the delays that sum up my sentiments perfectly: "I don't think it's fair. My dad deserves, everybody deserves, better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better from the country they served so courageously.

DOD claims that it does not have the people or resources to speed up the process. But it would not take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had five personnel working cases. Now that it has only three people in the office, it is having an hard time keeping up with the volume of requests. DOD must make putting resources towards this problem a priority. However, it seems like the same old story—our government forgets the
sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

Last year, during the debate over the FY99 Defense Appropriations bill, the Senate passed my amendment urging the DOD to end the backlog of unfilled military medal requests. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to my information, the problem has worsened.

Therefore, here I am again. My amendment directs the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in medal requests.

Specifically, my amendment says the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem.

My amendment also directs that funding and resources should not come at the expense of other personnel services activities within DOD. It is a commonsense approach which will allow DOD to structure a quick and direct solution to the problem.

Our veterans are not asking for much. Their brave actions in time of war deserve our respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

I thank the leaders of the Defense Authorization committees, Senator Warner and Senator Levin, for their cooperation and understanding in agreeing to accept this important amendment.

While this is only a small change to the Defense authorization bill, it will send a clear message to our Nation's veterans and active duty personnel: we recognize and value the sacrifices you have made on our behalf.
Less than four weeks later, with more than 400 planes flying over 400,000 internally displaced Kosovars, Belgrade reached the mid-point of receiving 11 shipments of oil from abroad.

By the close of April, General Clark confirmed that Yugoslavia's oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported fuel. And on May 1st, when the President signed the order banning U.S. trade with Yugoslavia, Milosevic had received the last of the 11 April oil shipments for a total of 450,000 barrels.

As of three weeks ago, the number of displaced Kosovars had topped one million and NATO acknowledged the continuation of energy imports by the enemy.

These imported energy reserves play a significant role in supporting Serbian ground operations. The U.S. Energy Information Agency estimates that Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only one-half of the imported fuel just from April, they could have operated for nearly two months.

It took barely one month after the start of the NATO campaign, however, for President Milosevic to propt the vast majority of the ethnic Albanian population of the region. So by the time frame that NATO had claimed to destroy Serbia's oil refining capacity, mid-to-late April, the Yugoslavians still managed to perpetrate Europe's worst humanitarian crisis since World War II.

We now face the strategic and operational challenge of uprooting disperse tank, artillery, and infantry units in Kosovo. This example, Mr. President, teaches us that military campaigns and military campaigns have a significant role in supporting Serbian ground operations. The U.S. Energy Information Agency estimates that Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only one-half of the imported fuel just from April, they could have operated for nearly two months.

The wartime coalition subsequently confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example, Mr. President, teaches us that military campaigns involve more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the European states and its allies.

Iraq invaded Kuwait on August 1, 1990. Five days later, on August 6th, the United Nations Security Council, with only Cuba and Yemen in opposition, had passed a resolution directing “all states to cease all commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian Peninsula.

We must always try to damage or destroy the offensive military apparatus of a hostile state. But as the Persian Gulf War taught us, it should also be starved of resources.

Efforts to establish multilateral embargoes will always encounter resistance and lapses in enforcement. My amendment, however, puts the tyrants of the globe on notice that as a matter of policy, the United States will take immediate steps to deprive them of the finances and the imports to wage war should America and its international partners engage in hostilities against them.

The language of this provision instructs the President to seek the establishment of a multinational economic embargo against an enemy government upon the engagement of our Armed Forces in hostilities. If the conflict continues for more than 14 days, the President must also report to Congress on the actions taken by the administration to implement the embargo and to publish any foreign sources of trade and revenue that sustain an adversary’s war-making capabilities.

This amendment will not constrain, but strengthen, future Presidents in organizing the international community against regional zealots like Milosevic. We are rememhering that the United States declined to enforce the Adriatic Sea embargo against the advice of the United States. But if we lend the force of law to administration’s embargo efforts from the outset of a war, we could gain more allied partners to force an aggressor into military bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this new world teaches us that military campaigns involve more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the European states and its allies.

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It is important to reflect on NATO’s mission under changed circumstances. It is crucial to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April, we celebrated NATO’s 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decisionmakers sought to construct European structures for integration, peace, and security. U.S. policy was focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.
The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first 50 years of this century, America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalin's expansion into Central Europe. Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changing world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I have just described should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time, was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with both, both Germany and Russia operated in what would be described as a world different than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocs do not exist today. Serb's aggression against Kosovo Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregard the views others of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security. These gains are steadily unraveling.

The administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next few years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next. According to the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 99 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obligate the United States.

We feel we are in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of the security needs of others and perceptions may cumulate in a Eurasian bloc aligned against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's present reflects poor policy decisions and an ineffective military approach.

I also take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our nation's security in the years since the Cold War.

I was one of many Senators during the 1980's who supported seeing our Nation's defense bolstered in order to build the Soviet Union's. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unravelled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. military action demonstrated their ability to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

At that time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than 60 days of an air campaign in Kosovo, NATO was not able to meet NATO's needs in the Balkans. Our transport capabilities are insufficient.

We have been forced to divert resources from other regions in the world to meet NATO's needs in the Balkans. Our transport capabilities are insuffi- cient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining “superpower.” Our global economic and military dominance was unquestioned. That time was short. The respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of
complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to the imperative that our nation’s defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I’m committed to ensuring that our nation’s defenses are not further eroded. I’m fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense authorization bill before us takes additional steps in the right direction. See the efforts of Senator Warner and his diligent staff on the hard work they have done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military’s most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it is one thing we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This must be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for a strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

THE NUCLEAR CITIES INITIATIVE

Mr. BINGAMAN. Mr. President, I would like to clarify a provision, section 3136(b), of the National Defense Authorization Bill for Fiscal Year 2000, concerning the Nuclear Cities Initiative (NCI). The Nuclear Cities Initiative is a Department of Energy cooperative effort with Russia to assist Russia in downsizing its nuclear weapons complex. The report accompanying the Defense Bill, Senate Report 106-50, states that Russia has not agreed to close or dismantle weapons-related facilities at the nuclear complexes required to receive U.S. financial assistance.

As a result, Section 3136 of the Defense Authorization bill contains a provision the would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to the Congress that it has agreed to close some of its facilities engaged in work on weapons of mass destruction.

Because several past interpretations by the Department of Defense of the wording similar to that in section 3136(b), I believe that the wording of this provision would effectively prevent the implementation of the Nuclear Cities Initiative.

While I share the goal of Senator Roberts and Senator Warner to pressure the Russian government to participate equitably through in-kind contributions and through the closure of weapons of mass destruction facilities, I believe the provision contained in this bill will afford benefits to the U.S. national security and will assure that the program is on firm footing. The Congress should look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. BINGAMAN. I thank the Senator from New Mexico that it is not the intention behind this provision to result in the termination of this program. Rather, it is to secure a commitment from the Russian government to do more to support the nonproliferation goals of the NCI effort. It is important to ensure that the Russians participate in the implementation of this program in an equitable way. I believe that the requirement for an agreement will ensure that the Russians participate equitably through in-kind contributions and through the closure of weapons of mass destruction facilities. I believe the provision contained in this bill will afford benefits to the U.S. national security and will assure that the program is on firm footing. The Congress should look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. ROBERTS. Mr. President, I thank the Senator from Kansas for that assurance, and promise to work closely with you and the Department of Energy to see that the Nuclear Cities Initiative continues to move forward.

Mr. KERRY. Mr. President, I too want to thank the Senator from Kansas for clarifying his intentions with regard to the language in this bill as it relates to funding for the Department of Energy’s Nuclear Cities Initiative.

There is no more important national security issue facing America today than preventing the proliferation of weapons of mass destruction. Through the Nuclear Cities Initiative, the United States and Russia are working together to downsize Russia’s nuclear weapons complex and prevent the development of nuclear weapons technology and the scientific and technical legacy that remains in Russia today. In the short term, this will require the creation of alternate industries and...
new employment for as many as 50,000 scientists and technicians who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Over the long run, it will require sustainable economic development to allow Russia's scientific and technological assets to be put to peaceful, prosperous use. Mr. President, the Nuclear Cities Initiative is an integral part of our ongoing counterproliferation efforts. I join my colleague from New Mexico in pledging counterproliferation efforts. I join my

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my strong support for National Defense Authorization Bill for Fiscal Year 2000. As Chairman of the Strategic Subcommittee, I want to briefly summarize the Strategic Subcommittee portion of the Armed Services Committee's national philosophy that it is based on. As in the past, the Strategic Subcommittee has reviewed the adequacy of programs and policies in five key areas: (1) ballistic and cruise missile defense; (2) national security space programs; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of Energy activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

This year, the subcommittee's review included two field hearings—one at the Lawrence Livermore National Laboratory on DOE weapons programs, and one at U.S. Space Command in Colorado Springs on U.S. national security space programs. In addition, the subcommittee included the U.S. Army Space and Missile Defense Command in Huntsville Alabama, Barksdale Air Force Base in Louisiana, the Capistrano High Energy Laser Test facility in California, Beale Air Force Base, a variety of military facilities in the Denver and Colorado Springs area. These visits greatly enhanced my understanding of the issues under the subcommittee's jurisdiction and significantly influenced the bill before us today.

The Strategic Subcommittee recommended funding increases for critical programs under the subcommittee's jurisdiction by approximately $850 million, including an increase of $500 million for ballistic missile defense programs, $220 million for national security space programs, $110 million for strategic forces, and $50 million for military intelligence.

The Strategic Subcommittee also supported the full amount requested by the Department of Energy with the exception of the Formerly Utilized Sites Remedial Action Program. Let me highlight the key funding and legislative issues.

In the area of missile defense, the Strategic Subcommittee included the following funding: An increase of $120 million to accelerate the Navy Upper Tier program and provide for continued development of advanced radar concepts. An increase of $212 million for the development of advanced radar control technology. An increase of $92 million, which the Administration requested, to fully fund the revised Space Based Infrared System (High) program. An increase of $111 million for advanced space technology development, including funds for space control technology, microsatellite technology, and space maneuver vehicle development.

In the area of strategic nuclear delivery systems, the Strategic Subcommittee included the following funding: An increase of $40 million for the Minuteman III Guidance Replacement Program to put the program on a more efficient production schedule. An increase of $52.4 million for bomber upgrades based on the Air Force's unfunded priorities list, including funding for the B-2 Link-16 program and B-52 radar upgrades.

In the area of military intelligence, the Strategic Subcommittee included a number of funding increases, including an increase of $25 million for U-2 cockpit and defensive system upgrades. I would note that the Strategic Subcommittee toured the U-2 base at Beale Air Force Base and witnessed first hand the serious deficiencies associated with the U-2.

In the area of DOD legislative provisons, the Strategic Subcommittee included the following: A provision addressing DOD's proposed decision to compete Navy Upper Tier and THAAD. A provision establishing a commission to assess U.S. national security space organization and management, which is modeled after the Rumsfeld Commission. A provision limiting the Retirement of strategic nuclear delivery systems, which extends last year's law on this matter, but also allows the Navy to retire 4 older Trident submarines while modernizing the remaining fleet to carry the D-5 missile. A provision regarding the Airborne Laser program, which requires a number of tests, certifications, and dispositions of actions before the program can move into successive phases of its development. A provision regarding the Space Based Laser program, which requires near-term focus on an Integrated Flight Experiment.

In the Department of Energy section of the markup, the Strategic Subcommittee provided the full amount of the Administration's request with the exception of the Formerly Utilized Sites Remedial Action Program. I took great pains to examine the budget request and eliminate those funding items that do not support organizational mission requirements. In the weapons program, my goal was to ensure DOE has a well planned and funded stockpile life extension program that is capable to remanufacturing and certifying every warhead in the enduring U.S. nuclear stockpile. My goal in the cleanup program was to maintain the current schedule of DOE facilities and continue to press for earlier deployment of innovative technologies to lower out-year costs.
The Strategic Subcommittee included the following recommendations regarding DOE funding: An increase of $55 million for the four traditional weapons production plants. An increase of $15 million for the tritium production program in connection with production of $300 million for the Advanced Strategic Computing Initiative. An increase of $35 million to support security and counter-intelligence at DOE. A provision regarding tritium production, which would require DOE to implement the Secretary's tritium production decision.

Mr. President, in closing let me reiterate my strong support for S. 1059. This is a good bill that deserves bipartisan support.

PROPERTY CONVEYANCE AT NIKE BATTER BASE

in East Hanover, New Jersey

Mr. LAUTENBERG. I would like to call up my amendment regarding property conveyance at Nike Batter Base 80 Family Housing Site in East Hanover Township, New Jersey. This provision would convey roughly 14 acres to the Township of East Hanover for the development of low and moderate income housing, senior housing, and parkland. Using this land for these purposes is consistent with the 1994 Base Closure and Community Redevelopment Homeless Assistance Act. The Township needs this land to fulfill its obligation to provide such housing under New Jersey state law. I understand a similar provision exists in the bill reported from the House Armed Services Committee. In the interest of expediting the Senate's consideration of the bill, I add this provision as a substitute for the amendment I have pending on Amendments Act. The amendment is contingent upon a commitment from the managers of the bill that they will give the House position full consideration in conference.

Mr. LEVIN. I thank the senior Senator from New Jersey for his willingness to expedite our consideration of this bill. We understand the House has a similar provision. During conference, we will give full consideration to the project as the Senator from New Jersey has promised.

Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY 2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231-239 within the FY 2000 Defense Authorization Act. The provisions are intended to stimulate intense technical innovation within our military research and development enterprise and hence lay the foundation for revolutionary changes in future warfare concepts. Before giving an extended introduction to these defense innovation provisions, I would like to thank Senator ROBERTS and Senator BINGMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merrilee Mayo, and William Seidman—and the many others who put forth so much thoughtful work on this legislation.

The technical superiority of our military is something we have come to take for granted, yet it is founded in an R&D system that has been little changed since the Cold War. These defense innovation provisions attempt to reposition our R&D system so that it can keep up with the pace of technological change in the very different world we are in today.

It is my belief that the explosive advances in technology may provide the basis for not just a "revolution in military affairs," but a complete paradigm shift. With advanced communication and information systems, it may become possible to fight a war without concentrating forces, making force organizations impossible to kill. With advances in robotics and miniaturization, it may become possible to fight a ground war with far fewer people. With advances in nuclear power, hydrolysis, and other technologies the state may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous developments, also brought by technologies urban warfare, space warfare, information warfare, chemical, nuclear, and biological warfare, and warfare relying on underground storage centers and facilities. As the variety of opportunities and threats continues to climb, and as increasing numbers of nations emerge into the high tech arena, I believe the military arms race of the past will be replaced by a military technology race. Instead of simply accumulating ever greater numbers of conventional arms, as we did in the Cold War era, we will have to concentrate on producing fewer, but ever more rapidly evolving, and ever more specialized weapons systems to counter specific asymmetric threats.

To meet these new challenges, we must transform our R&D enterprise away from its antiquated Cold War structure to a fast-moving, well-integrated R&D machine that can seize the leading edge and be seamless with industry. In the FY 1999 Defense Authorization Act, I have inserted provisions within the Secretary, Title II, Subtitle D of the FY 2000 Defense Authorization Act whose purpose is to stimulate a much greater and faster degree of technical innovation within the military.

The defense innovation provisions address three goals—establishing a new vision for military R&D, changing the structure of the military R&D enterprise, and accelerating military advances for R&D in our current system. For the first task, establishing a new vision, Section 231 of the FY 2000 Defense Authorization Act requires DoD to determine the most dangerous adversarial threats we will likely face two to three decades from now, and what technologies will be needed on our part to prevail against those threats. Given that it takes 20-30 years to translate basic science to fielded advanced capabilities, our R&D vision needs to be founded on a set of required operational capabilities that is equally distant in time, and far beyond the 5 year vision of our current Program Objective Memorandums (POMs). We need not strive for perfect clairvoyance in this exercise; however, we should be able to create an open conceptual architecture which successfully frames the many potential future opportunities and threats. Once the far future threats and hence far future operational capabilities are outlined, Section 231 asks DoD to give Congress a road map of future systems hardware and technologies our services will have to deploy within two to three decades to secure and maintain world dominance. To meet the challenges of the future, the Department of Defense has recommended that at least one third of the technologies pursued by DoD be ones that offer 5 to 10 fold improvements in military capabilities. However, the current structure, which was founded on Cold War realities, will require large organizational change to enable it to pursue revolutionary, rather than evolutionary, technology goals. The segregated and insulated components of the military R&D system will have to be seamlessly interwoven, and the system as a whole will need to be much more flexible in its interactions with the outside world. We can learn from the success of the commercial sector, which takes advantage of temporary alliances between competitors to bring new technologies to market at a breathtaking pace.

The defense innovation provisions ask DoD to formulate a modern blueprint for the structure, of not only its basic science to fielded advanced capabilities policies, institutions, and organizations which together make up its entire innovation system. As noted earlier, the Defense Science Board has
called for the military R&D system to increase its focus on revolutionary new technologies. The overarching goal of the new structural plan requested by Section 233 is to deliver the conceptual architecture for an innovation system that will be both responsive and routine going forward. This section is to drastically reduce hiring times and eliminate artificial salary constraints to the point where defense laboratories can hire new talent in a time frame and at a salary level that is similar to that offered by the private and university sectors. Currently, the two processes are not even close to competitive: the military R&D labs require up to a year to extend an offer, with the result that the laboratories, over and over again, lose the hiring race to private sector interests which can hire top-notch talent in one or two weeks. As noted by the Defense Science Board in its report, the salaries which can be offered by the laboratories are also about 50 percent lower (for higher grade new hires), compared to the salaries those same new hires could obtain in the private sector. It is significant that the hiring time problem, as well as the high grade caps problem, were universally cited by laboratory managers as the key obstacles in upgrading their laboratory talent.

In addition to improving the quality of the laboratories' effort by attracting and retaining highly qualified personnel, the defense innovation provisions ask the Secretary of Defense to improve the quality of work itself by increasing emphasis on business performance metrics which can be implemented within and across all military laboratories (Section 239(b)). Such metrics can help ensure that the best work and the best talent are identified, rewarded, nurtured and used accordingly. As a word of caution, the ultimate impact of science and technology innovation is very hard to measure, especially in the early stages. Overly mechanical assessments inevitably do much more harm than good. Nevertheless, advanced technology companies have been making great strides in better assessing (and assisting) their innovation efforts, and DOD is encouraged to work with industry R&D leaders in implementing these metrics which may be useful for DOD labs include measurement of lab quality through formal annual peer reviews of its divisions, measurement of technical relevance through required customer approval/evaluation of R&D projects both before and after they are undertaken, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The fit of these metrics can help capture and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

The need for structural reform within the laboratory is a pressing one. The above-mentioned reforms are intended to be jump started with a pilot program, found in Section 236 of the Defense Authorization Provisions. This pilot program may address any of the issues raised above but is particularly focused on the problem of attracting and retaining the best possible talent for the laboratories. To be more competitive with working conditions in

the commercial sector, this pilot program may include such innovations as pay for performance, starting bonuses (e.g., in the form of equipment start-up funds) for attracting key scientists, ability to alter reduction in force (RIF) retention rules to favor high performance, broadbanding grades, simplified employee classification, educational programs which allow employees to receive advanced degrees while still employed, modification of priority placement procedures, and creation of employee participation and reward programs.

To attract the best possible outside talent for collaborations with the laboratories, Section 236 also encourages expansion of exchange programs at both the personal and institutional level. Programs for exchanges within DoD, with the private sector, and with academic institutions are encouraged. Examples of such programs include the sponsorship of talented students through college or graduate school in exchange for later work commitments to the laboratories, expansion of the federated laboratory consortium (Section 238), improvement of the military laboratories' ability to participate in the nation's defense laboratories and the war colleges, training programs, and extension of IPA authority to hire commercial sector employees. The Defense Science Board has strongly recommended that the laboratories emulate DARPA in its mix of temporary and permanent workforce in order to be able to quickly bring in relevant talent when needs shift. Section 236(a)(2) creates this option and can be used in conjunction with other provisions in Subtitle D.

A new structure and a new vision are all well and good, but if there is no motivation for the new structure to proceed towards the new vision, nothing is gained. Consequently, the third goal of the defense innovation provisions is to correct current forces which tend to drive DoD away from technical innovation. Three of these driving forces are described below.

The first "counter-innovation" driving force is the lack of a well-defined customer within the military for future military technologies. Ideally, this customer would be at the Joint Chiefs level, so that broadly sweeping strategies which capitalize on novel technologies can be incorporated into our existing military structure, doctrine, and systems. Unfortunately, there is little connection at present between that level and the service laboratories. Section 239(b) should be used to improve this situation. Furthermore, as part of the legislation's mandated study on improving the structure of our R&D system (Section 233), we also request the Under Secretary of Defense to address the issue of a suitable internal customer for truly long range R&D. For maximum impact and credibility, this customer—whether it be a person, position, or organization—should be a bona
fide paying customer who has responsibility not just for the long range technology itself, but for the unconventional military options such technology provides.

The lack of an internal customer for long range R&D is one driving force pulling the military away from technological innovation. The second is the vacuum-like force created by the absence of an intimate connection between the R&D customers and producers within the later stages of R&D. Specifically, there is an insufficient connection between the program managers who sponsor product development and the R&D workforce performing later stage R&D. In contrast, the industrial experience has shown that if the customer, researchers, and designers share in all product development decisions from the very initial stages of concept design, the degree of innovation is much higher, the product acceptance rate is much higher, and ultimately, the pace of technological change is dramatically accelerated. Section 233(b)(5) directs the Under Secretary of Defense to identify how new technologies can be rapidly transitioned into R&D to the development and prepare an appropriate plan for doing so. One sub-issue within this larger problem is this need to create a DoD customer—DoD researcher—DoD designer interaction that is early enough and robust enough to ensure that maturing innovations can be drawn into product lines on a time scale similar to that experienced in the commercial sector. This sub-issue should be addressed in the Under Secretary’s plan under Section 233(b)(5).

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technology. Such a customer present, it might partially make up for the lack of the other two drivers in terms of motivating innovation. Currently, the most important external customer for military R&D is the industrial half of the military-industrial complex. However, the structure of our procurement regulations give virtually identical profit margins to these companies no matter how difficult the technical path or how many risks are undertaken in the process of producing a military product. Therefore, the continued production of legacy systems is guaranteed to be profitable, while gambling with innovative new systems is not. Essentially, our procurement regulations are a direct disincentive to innovation, giving the defense industry a strong vested interest in adhering to incremental change. The resulting lobbying by industry, aimed squarely at preserving the “state-of-yesterday’s art,” then significantly slows the rate at which the military can innovate. Accordingly, one of the defense innovation provisions, specifically Section 234, Subtitle D, Title II of the FY 2000 Defense Authorization Act, calls for DoD to change its profit margins for acquisitions in order to alter the innovation incentives for industry. Given substantially higher profit levels for the development of innovative systems, than for the continued production of legacy systems, industry could become much more willing of cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DoD must have.

In closing, I thank my colleagues Senators ROBERTS and BINGAMAN for joining me in developing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY 2000 Defense Authorization bill. These provisions should launch us towards a new vision, a new structure, and a new set of driving forces for military R&D. In the past 48 years, DoD has funded the pre-award research of 56 percent of this country’s Nobel laureates in Chemistry, and 43 percent of this country’s Nobel laureates in Physics. This is a phenomenal base on which to build. However, we need a new rationale for our R&D enterprise needs to be shed so that leading edge technology warfare can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded on the science of the year 2000.

Mr. KOHL. Mr. President, I come to the floor today to draw the Senate’s attention to the CBO cost estimate on the Defense Authorization bill. In the Budget Resolution Congress agreed that the national defense account would have $288 billion in Budget authority and $276 in outlays for fiscal year 2000.

The CBO estimates that the Defense Authorization bill as it currently stands in the Senate, would exceed the outlay level by almost $7 billion. The Budget Committees of the House and Senate have told CBO to reduce their score of the outlays by $10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend $294 billion next year, $7 billion over the caps.

Whether one agrees with the Budget Resolution or not, these sorts of end runs are destructive to the process by undermining popular confidence in the institution.

If there is not enough money for Defense in the Budget Resolution, then members should not have supported it back in March. If there was enough in March, nothing has changed, and it should be enough now. The Congress recently passed a Supplemental Appropriations bill, that include $11 billion for funding for Kosovo operations, almost $5 billion over the President’s request, so there should be plenty of money for our operation in Europe.

Now, if members grudgingly supported the Resolution because of the assurances of the Budget Committee Chairman that he would “fix the outlay problem” I ask them to show me the fix. It looks as though the Budget Committee did nothing but allow Defense to increase the budget caps without letting any other program do the same.

Congress should own up to the fact that the Budget caps are being exceeded. They are being quietly raised by hiding the increase in a scoring gimmick. Members should take notice that the way to get more money for your appropriations priorities is to petition the Budget Committee for an “outlay fix”.

There is going to be a train wreck at the end of this year, and we all know it. There is going to be a train wreck, and it will happen because no one is driving the train, we are all just nervously looking out the window admiring the scenery and trying not to think of our impending doom.

I have faith that the American people will eventually figure out how much we are going to spend next year. The increase in Defense spending will no doubt be joined by a last minute amount of last minute spending at the end of the year. The American people will look at what Congress told them we would spend at the beginning of the year, and what we will eventually spend at the end of the year, and they will be very surprised at the difference. I hope they hold us accountable.

It is worth noting that we do not have to be in this situation. Congress could take action to cut unnecessary spending in the defense account. This would reduce the pressure on the discretionary budget, and free up resources for other needs around the country.

Another two rounds of base closures for example, while increasing outlays in the short run, would yield savings of $4 billion over ten years according to the Congressional Budget Office. I co-sponsored Senator MCCAIN’s legislation on this matter, and I co-sponsored the McCain-Levin amendment, which would only authorize one additional round. I was disappointed the Senate refused to support this worthy alternative. The military has come to the terms of the times, and agreed with us to give them the authority to close bases through the Commission process in a manner isolated from political pressures. Had we supported base closure rounds when they were initially requested we might not now be pushing so tightly against the budget caps, while straining under draconian cuts in the non-defense accounts.

Senator KERRY has also offered an amendment that could help reduce the pressure on the discretionary budget. I will run out of room before I give you the story. He would simply allow the Department of Defense to reduce our nuclear forces below the START I levels...
of 6,500 warheads. According to CBO, if we reduce our warheads to the START II level of 3,500 the Department of Defense could save $12.7 billion by 2009. All that savings would come without reducing our conventional capability one iota. While it is still important, it can be accomplished with many fewer missiles, and at less cost.

My point, Mr. President, is defense spending does not have to be this high. It is only this high because Congress and the Department of Defense are not willing to make the tough choices to bring the cost of defending our nation and international interests down to a sustainable level. When our troops are deployed overseas, and in harms way, it is hard to critically look at the defense budget for unnecessary or unwise spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done. I would argue, however, that it is even more important now that we can do so by closely examining our spending priorities. We need to stretch every defense dollar as far as it can go, and to do that we need to look for efficiencies and cut wasteful projects and items that contribute little to our defense.

Careful spending is the way to reduce outlays, not budget gimmicks. Congress needs to be more critical, not more clever.

Mr. ASHCROFT. Mr. President, I rise today to speak for a few moments about the F-15 Eagle, the finest fighter plane in the world. The F-15 arguably has been the most successful fighter in the history of U.S. aviation warfare. Unfortunately, the United States is in danger of losing this aircraft. The Administration is well aware of the performance record of the F-15, but in not taking the steps necessary to save the line.

The Senator from Wisconsin, Senator FEINGOLD, and I had a debate this morning on congressional oversight of the Department of Defense. I agreed with the Senator from Wisconsin that Congress has oversight responsibilities for the Pentagon, but disagreed with abdicating that responsibility to GAO. In the case of the F/A-18E/F, Congress has exercised its oversight responsibilities. Three of the four oversight committees already have approved the multiyear contract for the E/F, and 77 of the House appropriators are expected to next month.

But Congress does have a responsibility to address deficiencies in judgment within the Defense Department when it sees them. The loss of the F-15 is just such a case. General Richard Hawley, Commander of the Air Force's Combat Command, stated just this month that “... the F-15 is the most stressed fighter in Air Combat Command's inventory right now in terms of its use in engagements and the operation of aircrews.”

Given the nature of the threats we face today, which require the strike, range, and versatility of the F-15, it is easy to see why this fighter is the most tasked plane in the Air Force. The loss of the F-15 will harm national security and harm my home state of Missouri. Seven thousand highly skilled aerospace workers will lose their jobs if the F-15 line closes. These workers and their knowledge is a national security asset that must not be lost.

On almost every front, the arguments are compelling for maintaining this national security asset. There is plenty of work for the F-15 to do. Pursuant to the Critical War Fighter to the Air Force. Purchasing more planes would preserve the production capability of this critical national security asset. Finally, Congress wants to encourage budgetary discipline in other tactical fighter programs. Purchasing more F-15s would encourage budgetary discipline in the F-22 program.

I and many of the members from the Missouri and Illinois delegations have been administering a meeting regarding the F-15. We have not received a reply. We have asked the President that he take the steps necessary to keep the F-15 line open. Unfortunately, the Clinton administration has been silent on this issue.

The F-15 program was initiated with a Request for Proposal in December 1988. The first model, the F-15A, entered operational service in 1976. The F-15A was a single mission, air superiority fighter with a maximum gross weight of 65,000 pounds.

The F-15 entered the world stage as the dominant air superiority fighter in 1976, and the evolution of the program demonstrates just how much this great fighter improved over the years. After twelve years and subsequent models of the F-15 were developed, the latest model, the F-15E, was delivered to the Air Force in 1988.

The F-15E's gross weight was 45 percent greater than the A model. Engineers increased fuel capacity over 50 percent to 34,000 pounds, giving the aircraft record range. Payload was enhanced and the dominant air-to-air platform was given critical air-to-ground capabilities. Avionics, engine, and weapons technology were also upgraded.

The F-15 is arguably the most versatile and effective fighter in the history of the U.S. Air Force. The F-15 has been in combat since its inception, the F-22 program has been restructured three times, with a 50 percent reduction in the number of planes to be procured. The F-22 is up against a budget cap and has run out of political capital in Congress. Additionally, significant increases in cost could jeopardize the program, which still has five years to go to Initial Operational Capability.

Because the Air Force has had to reduce the number of F-22s it will buy, it will remain to rely on the F-15. Colonel Frederick Richardson, chief of F-22 requirements at Air Combat Command, states “From a pure numbers standpoint, we're clearly not going to
be able to replace the F-15 with F-22s on a one-to-one basis, which means we’ll have to assume some more risks and probably keep the F-15 around for longer than 23 planned.” But if the F-15 line is shut down, there won’t be the production lines to fill the gap. It’s a Catch 22.

To conclude, Mr. President, the F-15 is the best fighter in the world. Its unique capabilities have made it the most heavily tasked aircraft in the force today, according to General Hawley, a member of the Force’s Combat Command.

The RAND study concludes that the F-15E is the kind of airplane we need to meet the security threats of the future. The Air Force is not infallible. The RAND study itself encourages the Air Force to pursue a better mix of fighter aircraft, stating that “To maintain force capability as its force structure contracts, the Air Force may need to strive for a higher quality mix of forces.” The Air Force should be alert to opportunities to maintain and in some cases enhance overall force effectiveness despite cuts in force structure” (from the report “Measuring Effectiveness despite cuts in force structure”.)

By purchasing additional F-15Es, not only are we taking appropriate steps to meet our current force needs, we are preserving a critical national security asset for an uncertain future. I reiterate my call on the President to take the necessary steps to keep the F-15 line open.

Mr. LIEBERMAN. Mr. President, I rise in support of the FY 2000 defense authorization bill. As the challenges facing us today demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern for Congress. The $288.6 billion proposed in this bill is a 2 percent real increase over last year’s budget and is the first real increase in top line defense funding since FY 1995, the middle of the Reagan administration. After fourteen years of declining, or flat defense spending, we increased authorization for readiness programs by $1.1 billion, we increased authorizations for procurement by $2.9 billion, and we increased authorizations for research and development by $1.5 billion. I firmly believe this bill makes an important statement at a critical time, affirming our commitment to having the most trained, best-equipped and most effective military in the world, both today and tomorrow.

Under the excellent leadership of our colleagues, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, and the ranking Democrat, Senator CARL LEVIN, we stepped up to our responsibility to provide what our soldiers, sailors, and airmen need today, and we took some very important steps to move toward the military that will protect our nation in the next century.

The past 14 years of inadequate defense spending has taken a toll on the readiness of our force today. We simply were not able to keep our training and maintenance at the levels that our role as a superpower demands. The struggle to do so, and the increasing need to use our forces to meet the many challenges of the post-cold war world has taken its toll not just on equipment, but on our people in uniform. Simply put, the morale of our forces is suffering. This past year, we not only sought out and listened to our nation’s top military leadership, and to the President’s defense strategy in our authorization bill. As the challenges facing us today demonstrate, the effectiveness of Payload and Radius Differences (From the report “Measuring Effectiveness despite cuts in force structure.”)

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technical innovation faster within the military. It is my belief that the explosive advances in technology provide the basis for not just a “revolution in military affairs,” but ultimately a complete paradigm shift. The opportunities that modern technology promises the promise of achieving an order of magnitude increase in military capability over that which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to develop this year. But to take advantage of this promise and defend ourselves against its use against us by future adversaries, we need to transform our R&D enterprise from its antiquated cold war structure to a fast-moving, better-integrated structure and a process that can seize the leading edge of techno-warfare. The Defense Innovation provisions in this bill establish a new vision for military R&D that is based more on how we want to fight in the future, and begin to change the structure of military R&D to assume that objective through better integration and less inefficiency.

To help establish a new vision, the provisions require the Secretary of Defense to develop a plan that assumes adversarial threats we will likely face two to three decades from now and what technologies will be needed on our part to prevail against those threats. This plan should merge the strategic and technological innovation-making processes. To help lay the groundwork for a new organizational structure for R&D, the Department of Defense is to develop a plan which ensures the cross-flow of technologies into and across R&D labs, and close the gap between the R&D pipeline and the acquisition pipeline, to ensure the customer is involved in the entire R&D process. Our R&D structure needs to be revamped now so that leading edge technologies will re-emerge.

Along the same lines as innovation, this bill has provisions that ensure we continue to step up to our responsibility to oversee the transformation of our military to the future force that will protect our security in the 21st century. We need a permanent requirement that the Secretary of Defense conduct a Quadrennial Defense Review at the beginning of each new administration to determine and express the defense strategy of our nation and establish a revised defense plan for the next 10 to 20 years. Complementing the QDR will be a National Defense Panel that would conduct an assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies established under the previous Quadrennial Defense Review. Based on our previous experiences with the QDR and NDP, and the debate they raised, it is obvious that an on-time assessment is not going to provide all the answers we need. Periodic assessments as prescribed by this legislation will continue to provide Congress with a compelling forecast of the future security environment and the military challenges we will face.

The requirement for the provisions I have mentioned is paramount. The promise of innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the Airland Subcommittee. That committee, under the excellent leadership of the Majority, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today’s force at the expense of tomorrow. I would like to discuss some of the disturbing findings, and some of the important voices we included in the bill to begin to address these concerns.

We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating relevance. The Army force structure is essentially a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force that are often dependent on hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn’t have enough money to maintain an increasingly expensive current force and invest in modernization projects. We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating relevance. The Army force structure is essentially a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force that are often dependent on hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn’t have enough money to maintain an increasingly expensive current force and invest in modernization projects.

The Air Force has fewer apparent modernization problems than the Army, but if their modernization plan is on the right track. Our hearings strongly suggest that the Department of Defense needs to answer several questions about our tactical air requirements, not the least of which is the characteristics, mix, and numbers of aircraft best suited for the future conflicts. Kosovo is an example of how important the right mix of platforms and weapons really is to success on the battlefields of the future. We are embarked on three new TAC air programs that may require increased costs coming dangerously close to the cost caps we have established, and in the case of the F-22 we must be alert to the danger that we will delay critical testing in order to not exceed the caps. And in the next few years, the combined costs of these programs will consume a very large share of the overall procurement budget. We must make sure that we are not sacrificing other leading-edge capabilities, like unmanned aerial vehicles, information technology, or space technology. The specific aircraft programs will require close scrutiny as will the strategy for their use as we attempt to decide on the right course in future authorization bills.

We must overcome our cold war mentality and further our complete and direct our trek into the 21st century. The provisions in this bill concerning innovation and transformation lay the foundation for the required changes in our defense mind set that will become mandatory as we face far different conflicts in the future—and, as we see on CNN everyday, much of that future is already here.

In closing, I express my appreciation to the committee for agreeing to include the bill a provision to expand and expand the highly successful Troops to Teachers program, which I joined Senators MCCAIN and ROBB in sponsoring.

My colleagues may know, this program was initially authorized by Congress several years ago to help transition retiring and downsized military personnel into jobs where they could continue their commitment to public service and bring their valuable skills to bear for the benefit of America’s students.

To date Troops to Teachers has placed more than 3,000 retired or
downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new Troops to Teachers will help in closing what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in the classroom. The legislation we introduced earlier in the year, and which the President has endorsed, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teachers.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the nation’s teacher shortage. The Department of Education estimates that America’s public schools will need to hire more than two million new teachers over the next decade. But Senator Dorgan and Senator Bingaman have pointed out that, in an extremely modest investment, we will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in a way that raises teaching standards and helping our children realize their potential. I can’t think of a better source of teaching candidates than the pool of smart, disciplined and dedicated men and women who retire from the military every year.

What’s more, with this bill, we may well add to our support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools. This really is an ingenious idea, helping us to harness a unique national resource to meet a pressing national need, and I think we would be well served as a country to build on it.

In putting together this bill, once again hard choices had to be made. We closely examined and analyzed the critical defense issues, and we ended up with effective and affordable defense authorization bill which meets the growing readiness and retention challenges facing our armed forces, and augments our investment in the research, development, and procurement of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill provides for the largest investment in our nation’s most valuable resource, our service men and women, plus lays the groundwork for a sensible and executable programs for our military. I urge all of my colleagues to support this legislation and send an unequivocal message of support to our troops and their families.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill, the Senate Armed Services Committee has done a good job of reconciling important yet competing needs for defense funding under daunting fiscal constraints. This bill will be an important contribution to our efforts to strengthen our already first-class military, and enhance important benefits for American military personnel, their dependents, retirees, and veterans.

I am especially pleased that this legislation includes my amendments concerning Russia’s tactical nuclear stockpile, National Missile Defense, and Air Force cruise missiles. I would offer to the distinguished Chairman and Ranking Member my most sincere thanks for working with me on these important amendments, as I would for the senator offering regarding the Navy’s BQM-74 in a coloquy with Senator Dorgan, Senator Bingaman, and myself.

Before reviewing several of the bill’s provisions, I would like to reflect for a moment on a critical component in which the Senate is considering this year’s defense authorization bill.

Mr. President, I have had the honor of serving the people of North Dakota and the nation in the United States Senate for 13 years. However, this is the first time during my tenure that the Senate has taken up a defense authorization bill while our defense forces are engaged in hostilities. I know I am not alone in being especially mindful of the fact that the provisions we approve here today will have a significant impact on our brave men and women in uniform as they do their jobs in the Balkans and over Iraq. I am pleased that several sections of this bill address our already first-class military and needs that have been identified during Operation Desert Fox and the current air campaign against Yugoslavia.

Now, Mr. President, allow me to highlight several particularly good provisions of this bill, for which Chairman WARNER and Senator LEVIN should be congratulated.

First, this measure wisely provides full funding for vital missile defense programs. National Missile Defense that is affordable, makes sense in the context of our arms control agreements, and utilizes proven technology that has always had my support, and it is encouraging to see that it has been fully funded for fiscal year 2000. After damaging cuts in recent years, the revolutionary Airborne Laser program has also been fully supported this year by the Committee.

Chairman WARNER and Senator LEVIN must also be praised for including many of the amendments I offered earlier this year by the Senate as part of S. 4, the Soldier’s Sailor’s, Airmen’s, and Marine’s Bill of Rights. Several of the most beneficial include a base COLA of 4.8 percent for all personnel, coupled with reform of the pay tables. Servicemembers will also now be able to participate in a Thrift Savings Plan.

Third, the bill recommends significant funding boosts for vital strategic forces. The Minuteman III Guidance Research and Development Project is on schedule with a $40 million hike, and $14.1 million has been wisely added for B-52 upgrades identified as top unfunded priorities by the Air Force.

Additionally, the Committee has also supported important housing improvement projects at Grand Forks Air Force Bases in North Dakota, and acted to accelerate construction of a $9.5 million apron extension at Grand Forks.

Finally, I am pleased that the Strategic Forces Subcommittee has recommended a reduction in the minimum START I Trident submarine force level that must be maintained until START II is ratified by the Russian Duma. The Commander in Chief of the U.S. Strategic Command has assured me that we could meet our deterrence needs with 34 Trident boats, and that retirement of four submarines will not adversely affect our nation’s security.

All of these provisions are steps in the right direction, but there are a number of matters in this bill of great concern.

First, the Committee yet again did not provide adequate funding for the B-52H bomber force. Today, part of the fleet is deployed to keep an eye on Saddam, and 15 B-52s are participating in Operation Allied Force. The B-52 is the backbone of the long range bomber force, and it is my hope that the Committee will review its decision not to fund the entire force during conference. As I have said many times before, no other platform offers greater quantity or quality of nuclear and conventional munitions as far without refueling at as little cost to taxpayers than today’s thoroughly modernized, battle-tested B-52. I applaud Senator STEVENS and Senator BINGAMAN—the distinguished Leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B-52s in the fiscal year 2000 defense appropriations bill.

Additionally, the bill unnecessarily increases spending on the Space Based Laser by $25 million. One day we will likely do the NMD mission from space. But that time is not now, when ground-based NMD will soon be available. Today, the SBL is unaffordable, a clear violation of the ABM Treaty, and simply not feasible. I hope the extra funding is reallocated in conference.

Despite these drawbacks, this is a good bill. But it is a better bill in light of the addition of the amendments I offered today. Briefly, I would like to summarize each in turn.

First, the bill provides a Russian tactical nuclear weapons amendment responds to Russia’s extremely disturbing announcement last month that it will not reduce its massive tactical
nuclear stockpile, but rather will retain and redeploy many of these ill-secured thermonuclear weapons.

My amendment includes a Sense of the Senate calling on the President to urge the Russians to match U.S. tactical nuclear cuts. Additionally, my amendment requires regular reports on Russia's tactical arsenal, which could be larger than ours by a factor of eight to one, and is not covered by any arms control treaty. My amendment builds on the bipartisan amendment authored and supported by the Armed Services Committee for studying the advantages of a two-site NMD system, as opposed to a single site, as is now being considered by the Administration.

Although we may be able to defend all 50 states from a single site, there may be advantages from a two-site system related to defensive coverage, system security, and economies of scale. My amendment will make sure these are fully considered. Two sites are also not incompatible with arms control. In fact, the ABM Treaty as originally drafted included two sites, and it may be appropriate to go back to such an idea.

The third amendment I offered here today responds to growing concern on the part of our military commanders about the rapidly diminishing supply of conventional air-launched cruise missiles, or CALCMs.

Simply put, the CALCM has performed brilliantly in Operation Allied Force. Its range of more than 1,500 miles, ability to carry a 3,000 pound warhead, and dead-on accuracy are unmatched by any other air-delivered cruise missile. The problem is that the current CALCM, known as the Block I, represents a capability we will continue to need, long after the 60 or so left in the inventory, and the 320 now being converted from nuclear missions, have been expended.

My amendment will require the Secretary of Defense to report to Congress on how the Air Force plans to meet the long-range, large warhead, high accuracy cruise missile requirement once the CALCMs are expended.

In closing, Mr. President, I would reiterate that the bill before us is a good one, and deserves the support of every Senator.

No bill is perfect in every respect, but I am confident that this defense authorization bill will strengthen our armed forces and require studies that will enhance our national security. At a time when we are at war in the Balkans, ready for another on the Korean Peninsula, and continue an open-ended air campaign against Iraq, we owe our brave men and women in uniform no less.

Mr. FEINGOLD. Mr. President, I voice my strong opposition to the fiscal year 2000 Department of Defense Authorization Act.

It is with urgency and sorrow that we are forced to bear witness to a defense bill that fails, once again, to understand the 21st century reality of national defense. So we set the foundation for our national defense in the new millennium to serve the needs of the Cold War era.

Mr. President, this bill exemplifies the Pentagon's utter failure to adapt its priorities to the post-Cold War era. It promotes a pervasive Pentagon mind set that sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive weapons systems are always better. And even then, the prohibitive cost of the new weapons systems necessary means that we can't replace, on a one-to-one basis, or even use, the older systems. No matter how much money we throw at this problem, we won't find a solution. Short of a true shift in the paradigm at the heart of our national defense strategy, this problem will not go away.

Mr. President, I start with a perennial culprit of misguided defense strategy; that is the continued spending of billions of dollars on wasteful and unnecessary programs. But this year, it's been taken a step further.

For the past year, Mr. President, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortcomings is the large operations and maintenance support, as well as pay and allowances accounts.

This $288 billion dollar bill would have us increase O&M by all of $1.1 billion, with $1.8 billion for a pay raise and a retirement benefit change. That works out to about 1 percent. I'm sure that our men and women in uniform are not impressed.

Mr. President, even the pay raise and retirement change is fraught with uncertainty and was addressed in a less than complete manner. This year, this body passed the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights. We did so without benefit of hearings, prior to the budget resolution, and prior to the issuance of three reports on whether such changes would improve recruitment and retention in our armed forces.

Then, this month, we paid for the entire $1.8 billion price tag for the pay raise and benefit reform in the emergency supplemental bill. Yet we still await reports from the General Accounting Office, the Congressional Budget Office, and the Department of Defense on the efficacy of that action.

Earlier this year, GAO offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military.

Instead, GAO found that issues like lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than pay issues. These are the same concerns that I have heard from the men and women out on the front lines.

Mr. President, there's no question that certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force, and these services are having problems bringing enough new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will authorize and appropriate the entire $1.8 billion in an extraordinary and inappropriate manner. This is a quick fix that fails to address the recruitment and retention problem in a comprehensive and thoughtful manner.

I agree that many service members need a raise. These men and women have chosen to represent our country. They deserve to be paid adequately.

Mr. President, programs that didn't even warrant DoD's request will receive $3.3 billion. Additionally, weapons procurement is up $2.9 billion beyond DoD's request. Missile defense programs, that provide so much for the defense of our nation, are up $509 million. These and other provisions raise the question, just how important does the Pentagon think our men and women in uniform are?

Mr. President, the bill authorizes $2.9 billion dollars for the Navy's F/A-18E/F Super Hornet program. It also authorizes the Navy to enter into a five-year $9 billion multi-year procurement contract for the Super Hornet. It's no secret that I have concerns about the program, but I am also troubled by the manner in which the Pentagon and the Navy have moved the Super Hornet forward. And my concerns are not addressed in the least by this bill. In fact, this bill makes them worse.

The Super Hornet program hasn't even begun its Operational Test and Evaluation, yet we're ready to authorize a five-year, $9 billion procurement contract. The program has 29 unresolved, major deficiencies, yet we're ready to authorize a five-year, $9 billion procurement contract. The program still fails significantly to improve on the existing F/A-18C aircraft, yet we poised to authorize a five-year, $9 billion procurement contract. Mr. President, the logic is baffling.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?
Mr. President, this bill has some remarkable budgetary issues. Essentially, we can't pay for what this bill authorizes, and remain under the budget caps. The bill meets the fiscal year 2000 Budget Resolution target for budget authority. The underlying budget estimates state that the bill exceeds the outlay target in the Budget Resolution by $2 to $3 billion. Even by Washington standards, that is real money.

Mr. President, one concern goes to the heart of the entire debate on our nation's military. The underlying question is this: Why should the Pentagon receive billions of dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. The underlying question is this: Why should the Pentagon be able to pass the test of an independent audit? Throwing good money after bad without accountability is not the answer.

Instead, Mr. President, we will sharply increase defense spending. The fiscal year 1999 DoD authorization bill assumed a budget of $250.6 billion. Since that time, the Congress has added $17 billion in emergency spending for defense. That spending boost is not offset and takes money directly from the Social Security Trust Fund.

Mr. President, we have done a tremendous job of eliminating our budget deficit. We're staring a huge budget surplus in the face, but we can't seem to handle the temptation to spend it. To spend it before we address Social Security and Medicare is irresponsible, Mr. President.

Mr. President, a large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in many areas of government—education, health care, veterans' care, welfare benefits, environmental programs—but not in defense spending, where we continue to build destroyers the Navy does not ask for and continue to build bombers the Air Force does not want. This bill continues this sad tradition.

I yield the floor.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization bill for fiscal year 2000. This past year has demonstrated once again how important it is for the nation to maintain a well-prepared military. There is no doubt that the Nation's armed forces are more active today than they were during cold war. Our servicemen and women are currently conducting combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia, and as humanitarian support personnel in Central America. All of this is taking place in addition to the day-to-day routine operations and exercises in which the military participates throughout the year in this country and in many other parts of the globe.

The Nation is also calling on its National Guard and Reserve units at an increased rate. This past year, Guard and Reserve units from Massachusetts were deployed in support of operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and most recently Operation Allied Force in the Adriatic. The Nation is justly proud of their service and grateful for the sacrifices that they, their families and their civilian employers are making for all of us.

Our armed forces continue to do all that is asked of them. This year, many of us in Congress have been concerned about the effects that these increased operations tempo are having on our service personnel and equipment. We have no doubt about the dedication and skill of our men and women in the Army, Navy, Air Force and Marine Corps who make our military the most capable fighting force in the world today. But there are increasing questions about whether they are receiving the support they need to do their job well.

This bill addresses many of the current concerns about declining readiness, insufficient equipment, and inadequate recruitment and retention. It provides greater support for our military forces, while maintaining a realistic balance between readiness to take care of immediate needs, and the investments needed to develop and procure the best systems for the future.

The cornerstone of the Nation's military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, the Nation would not be able to respond to crises around the globe as it does today. We need to have cutting-edge weapon systems, but we also need dedicated service members to operate these systems. It is imperative for us to provide effectively for our troops and their families. It is imperative for us to provide greater support for our military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specialties. The bill also improves retirement benefits for those who are serving by addressing concerns with the current system and allowing servicemembers and women to participate in a Thrift Savings Plan.

The bill also enhances the very successful Troops-to-Teachers Program. The Troops-to-Teachers was established by Congress in 1993 and has enabled over 3,000 service men and women to go into the teaching profession. These teachers have filled positions in high-need schools in 48 states. The bill shifts the responsibility for this program to the Department of Education in order to see that it is coordinated as effectively as possible with our overall education reform initiatives.

The bill contains a provision which I strongly support to authorize the Secretary of Defense to provide financial assistance for child care services and youth programs for members of the armed services. These expanded provisions will ensure that many more military families have access to adequate child care and worthwhile activities for their children.

The Nation's service men and women operate in a demanding and stressful environment that is being exacerbated by the increased operations of the past decade. One unfortunate result has been an increase in domestic violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year's bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it.

This bill also moves on many fronts to address modernization requirements that have been deferred for too long. As the ranking member on the Seapower Subcommittee, I am pleased that this bill takes needed steps to ensure that the Nation's naval forces have the vessels and equipment they need to sustain naval operations throughout the world.

The bill authorizes the extension of the DDG-51 destroyer procurement for fiscal years 2002 and 2003 and increases multiyear procurement from 12 to 18 ships. The bill also authorizes the Navy to enter into a 5-year multiyear procurement contract for the F/A-18E/F Super Hornet. In addition, it increases the budget request for the Marine Corps' MV-22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Last year, the Defense authorization bill called for a 2 percent annual increase in military spending on science and technology from 2000 to 2008. Unfortunately, the Department's proposed Fiscal Year 2000 budget reduced spending on science and technology programs. The bill increases the Air Force, again, was slated for $9.5 million in cuts in science and technology funding. Such a decline would be detrimental to national defense, particularly when the battlefield
environment is becoming more and more relevant on technology. Fortunately, under the leadership of the Chairman of the Emerging Threats and Capabilities Committee, Senator Robert C. Byrd, this bill restores $70 million in Air and Missile Defense Program funding, to ensure that sufficient scientists and engineers are available to conduct research to address the Department of Defense's technology needs for the future.

One of the most important technology fields is in the area of cyber-security. The growing frequency and sophistication of attacks on the Department of Defense's computer systems are cause for concern, and they highlight the need for improved protection of the Nation's critical defense networks. This bill includes a substantial increase in research and development on defenses against cyber attacks. This increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. The efforts to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Cooperative Threat Reduction Program are essential for our national security. I commend the administration's plans to continue funding these valuable initiatives and the committee's support for them.

One threat to our national security is the danger of terrorism, particularly using weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons and from being able to conduct successful terrorist attacks on the Nation. Significant progress has been made toward strengthening the Nation's response to such attacks, but more must be done. This bill strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

I commend my colleagues on the committee for their leadership in dealing with the many challenges facing us on national defense. This measure is important to our national security in the years ahead and I urge the Senate to approve it.

Mr. REID. Mr. President, I thank my colleagues for their hard work over the last few days on this very important bill. The events in Kosovo underscore the importance of the work that we are doing here.

I think that we have worked to put together a good bill. It doesn't satisfy everyone, I myself have some concerns about parts of it, but overall I think that it is a good bill.

I want to make a brief statement clarifying the substance of one of the amendments in the manager's package that we passed today.

I want to make it clear that the amendment relating to the authorization of $4,500,000 for the procurement and development of a hot gas decontamination facility, is directed to the development of such a facility at Hawthorne Army Depot in Hawthorne, Nevada. That reflects the prior agreement of the managers. The text of the amendment does not specify the location of the facility, and I want to make it clear in the record of the proceedings associated with this bill where that facility is to be located and how that money is intended by this Congress to be appropriated and spent.

Mr. THURMOND. Mr. President, I rise to enter into this colloquy with the distinguished chairman of the Armed Services Committee, Senator Warner, concerning his amendment, No. 439, on radio frequency spectrums.

Mr. WARNER. Mr. President, I am pleased to enter into this colloquy with the distinguished President Pro Tempore and former Chairman of the Armed Services Committee.

Mr. THURMOND. Mr. President, it is important to support the Chair- man's efforts to protect critical DOD systems from harmful interference. Some concerns have been raised whether the amendment is intended to have an adverse impact on cellular, PCS, and other wireless systems that military personnel are using. I ask the Chairman whether I am correct in my understanding that that is not his intended effort.

Mr. WARNER. Mr. President, the gentleman from South Carolina is correct in his understanding.

Mr. THURMOND. Mr. President, I look forward to working with the distinguished Chairman during Conference with the House to ensure the successful use of radio frequency spectrum by the military, appropriate government agencies, and the private sector.

Mr. WARNER. Mr. President, I will be pleased to work with my friend from South Carolina to ensure that this important amendment has its intended affect.

Mr. THURMOND. Mr. President, I yield the floor.

AMENDMENT NO. 492

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, a United States Marine Corps EA-6B Prowler suffered a ski gondola cable near Cavalese, Italy, plummeting twenty people nearly 400 feet to their deaths. We later learned, to our great disappointment, that the pilot and the navigator conspired to destroy evidence of the circumstances leading to the accident.

This amendment, cosponsored by Senators Snowe, Bingaman, Leahy and Kerrey, upholds the honor of the United States Marine Corps and our military both here and abroad, permits the United States to accept responsibility for this tragic accident, and sends an unambiguous message that we will not tolerate efforts to cover-up our mistakes.

The Congress has already authorized payment to rebuild the gondola we destroyed. We have not yet authorized payment to help rebuild the lives of the families we destroyed. This amendment allows the Secretary of Defense to compensate the victims' families both for the accident and the effort to hide evidence of the victims' final moments.

A similar amendment was passed by the Senate during consideration of the Emergency Supplemental. The amendment passed unanimously, but was dropped during Conference consideration. I urge the Senate to adopt the amendment and allow the families of the victims to begin healing.

Mr. THURMOND. Mr. President, I am in opposition to the amendment offered by the Senator from Virginia. I understand his desire to settle claims resulting from the accident involving a Marine Corps aircraft, which resulted in the unfortunate deaths of civilians in Italy. I note, Mr. President, that this case is covered by the Status of Forces Agreement or SOFA, which provides a special mechanism for the settlement of claims. The Robb amendment would provide additional compensation, above and beyond that which might be provided by a SOFA settlement.

While I have sympathy for the families who lost loved ones because of negligence and fault of the German Air Force, I must bring to the attention of my colleagues another tragic occurrence which took the lives of nine American servicemen. I spoke in some detail on this matter last month, when I introduced Senate Resolution 83. Let me summarize the facts of this accident.

On September 13, 1997, a German Luftwaffe Tupolev TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Servicemen were killed. Accident investigations conducted by the United States and Germany both assigned responsibility for the collision and deaths to the German Luftwaffe, who not only filed an inaccurate flight plan, but were flying at the wrong altitude.

The families of the nine victims, having endured tremendous suffering and significant financial losses, are seeking compensation from the German government. Sadly, the German government has not been fully cooperative. Because these claims do not fall under the Status of Forces Agreement, the families were instructed to file their claims with Germany and wait for German adjudication.

The German government has an obligation to these American families who lost loved ones because of negligence and fault of the German Air Force. This is simply a matter of fairness. To address this matter, I introduced a Sense of the Senate Resolution calling upon the German government to make quick and generous compensation to the families of the U.S. Servicemen. In addition, it provides payment to the families of the nine German nationals killed in the gondola accident caused by the United States Marine Corps aircraft until the German government has
made comparable restitution to the families of the U.S. air crew killed in September 1997. My Resolution will not block payment to the families of any victim who is not a German national.

Mr. President, I addressed my concerns to the Secretary of Defense. I requested that he give this matter his attention and raise this issue with the German Ministry of Defense. In addition, I have invited the German Ambassador to meet with me and family members of those killed in the air collision. As of the date of this Resolution, the Ambassador has not accepted my invitation.

Mr. President, the Robb amendment is unnecessary at this time. The claims of family members of those killed in the ski gondola accident should first go through the SOFA process. In the meantime, the German government should quickly and fairly settle the claims of Americans killed as a result of the negligence of the German Air crew. I reiterate that the American claims are under U.S. law.

My amendment expresses the Sense of the Senate that the Government of Germany should promptly settle with the families of members of the United States Air Force killed in a collision between a United States C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU-154M aircraft off the coast of Namibia on September 12, 1997. My amendment also states the Sense of the Senate that the United States should not make any payment to citizens of Germany as settlement of such citizens claims for deaths arising from the accident involving the United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the American service members’ families.

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of today’s security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It’s important to reflect on NATO’s mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defending our capabilities.

In April we celebrated NATO’s 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decision makers sought to construct European structures for integration, cooperation, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The formation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first fifty years of this century America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective of Stalinst expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world. NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I’ve just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The Administration repeatedly suggests that violence in the Balkans ignites the First World War. This is true. A member of the Black Hand, A Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time was a small nation fighting for independence within a crumbling Austria-Hungarian Empire.

Due to Russia’s alliance with Serbia and Germany’s open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente. Such polarized blocks do not exist today. Serbia’s aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting individually or together, we can influence the outcomes outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded others’ views of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed. Furthermore, NATO’s response in Kosovo has accelerated and exacerbated regional tensions. We’ve managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the five months of time we gave President Milosevic to plan, prepare, and position his forces.

One relevant aspect of today’s world that I would fail to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia’s conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We were on a path through arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The Administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next five years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Now, our actions have created enemies. These enemies have historical ties to Russia. Russia’s economy is in tatters, but Russia still controls the means to obliterate the United States.

We feel we’re in the right, because we are fighting a tyrant, one capable of great evil. I don’t disagree with the objective sought. The Administration should have taken into account the possible political consequences of our actions on Russia’s political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO’s terms.

Russia is edging closer to China, and India. Our blatant disregard of other’s security needs and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO’s 50th birthday, they spent much time debating and deliberating on NATO’s future. NATO’s present reflects poor policy decisions and an ineffective military approach.

Mr. President, I’d also like to take this opportunity to discuss the grievous situation of our military today.
Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980s who supported seeing our nation’s defenses realigned in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy. The collapse of the Soviet state was inevitable, but it would have taken a long time without the campaign of our rapid defense buildup. This charge greatly accelerated the break-up in the Soviet Union’s economy. Their political and economic institutions unraveled in light of America’s clear superiority.

In 1991, after years of focus on a strong defense, we won the Soviet occupied Kuwait. U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea, Iraq, or perhaps Iran were to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We’ve been forced to divert resources from other regions in the world to meet O’Sullivan’s 60-day deadline in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining “Superpower.” Our global economic and military superiority was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match threats to our national interests.

Many years of self-indulgence and inattention to our nation’s defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I’m committed to ensuring that our nation’s defenses are not further compromised by the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, adequate training and a level of quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

In addition to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense Authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his diligent staff on the hard work they’ve done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military’s most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also provides over $740 million for DoD and Department of Energy (DoE) programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation concerns.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator STEVENS indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and equipment were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it’s something we can address. As Senator Nunn said, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the soul and strength of our defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

Mr. DODD. Mr. President, I rise to state my views on the Fiscal Year 2000 Defense Authorization bill. First, I congratulate the Chairman, Senator WARNER, and the Ranking Member, Senator LEVIN, for their work on this bill. Together they helped move this bill through the Senate in record time. The broad support for this bill provides a promising beginning to Senator WARNER’s tenure as Chairman of the committee, and it is a tribute to Senator LEVIN’s ability to work with members from both parties on matters of national defense.

This bill provides an increase in defense spending that will maintain this nation’s superpower status as we enter the 21st Century. It also ensures this defense bill relies heavily on Connecticut—the Provisions State. In procurement and modernization, Blackhawk helicopters, Comanche helicopters, the F-22 program, the Joint STARS aircraft, and submarine programs were all funded at or above the President’s request. For our military personnel, this bill authorizes much deserved pay and pension increases. Other important programs that this bill funds include: military construction, cooperative threat reduction and ballistic missile defense.

I commend the Senate Armed Services Committee for increasing the number of H-60 helicopters requested in this bill from 21 to 33. The Committee also added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard’s requirement for 90 Blackhawks. I feel strongly that it is important to fill this requirement, especially as we continue to call up our Guard and Reserve forces to serve in the Balkans. Those forces deserve to have the most modern equipment that this country can provide. The Committee also added three CH-60 helicopters, the Navy version of the Blackhawk. The CH-60 will replace several models of the Navy’s helicopter fleet and will perform all the missions for which those models were responsible.

The committee gave a vote of confidence to the Comanche helicopter program by adding over $56 million in research and development funding to the Administration’s request. Likewise, it supported the purchase of a fifteenth Joint STARS aircraft. Those aircraft are performing magnificently.
in the Balkans, and I feel that this na-
tion should continue to build these air-
craft until the Air Force has the 19-air-
craft it needs.

The guided missile submarine con-
cept received a boost by this com-
mittance of $433 million in needed re-
search and development fund-
ing. The concept proposes converting
four Trident submarines into guided missile submarines which would be ca-
nable of launching more tomahawk missiles than any ship afloat today. As
important as the funding authorization was the provision the committee in-
cluded in the bill to reduce the lower threshold of our Trident submarine
force. That action will allow the Navy to reduce the number of Trident sub-
marines from 18 to 14, an adjustment to the fleet that the Chief of Naval Op-
erations has requested. By including the provision, the committee surmounted
an obstacle to implementing the sub-
marine concept and saved taxpayers billions of dollars which would have
gone towards upgrading Trident mis-
siles.

This bill authorizes important in-
creases in military pay and pensions
that this nation’s servicemen and serv-
icemembers will note that this bill not
calls for more pay and higher
pensions, but it also identifies how this nation will pay for those important in-
creases. Furthermore, through the reg-
ular hearings with Defense Department
officials over the last few months, the
which the United States and NATO for relief from
Slobodan Milosevic’s campaign of
genocide. Approval of the ill-advised
amendment would have likewise sent a
signal to the 1.4 million ethnic-Alba-
nians who have been displaced from
their homes that we were wavering at
the moment needed most.

As I have said time and time again,
we must be mindful of the United
States role as a world leader and the
degree to which our NATO allies look
to us for guidance. The Specter amend-
ment which would authorize Presi-
dent and our military from effectively
responding to urgent military require-
ments and putting an end to Slobodan
Milosevic’s murderous campaign as ex-
peditiously as possible. It would also
have robbed us of the ability to take
the lead on an important poten-
tial avenue to bringing a lasting peace
in the Balkans.

In closing, I again commend the man-
gagers of this bill for their efforts. This
legislation is a fitting tribute to our
soldiers, sailors, airmen and marines
who protect this Nation’s freedom and
liberty. It comes at an appropriate
time—just before Memorial Day when
we will honor the sacrifices that the
members of our armed forces have
made.

Mr. MCCAIN. Mr. President, as my
colleagues in the Senate know, I make
a point of going through spending bills
very carefully and compiling lists of
programs added at the request of indi-
vidual members that were not included
in the Defense Department’s budget re-
quest. I should state at the outset that
I believe Chairman WARNER and Sen-
ator LEVIN, the ranking member,
and their efforts at producing a bill that
addresses a number of very serious readiness
problems. As American pilots continue to
fly missions over Yugoslavia and Iraq
while maintaining commitments in
virtually every part of the globe, the
care and maintenance of the armed
forces cannot be taken for granted—
not if we wish to avoid imperiling our
vital national interests.

I would be remiss in my responsibili-
ties, however, were I not to illumi-
nate the large number of programs that
were added primarily for parochial rea-
sions. With our military stretched peril-
ously thin after more than a decade of
decreasing budgets and expanding com-
mitments, we can ill afford the busi-
ness-as-usual practice of adding pro-
grams not requested by the military. It
is for that reason that the list of unrequested programs that I would like
to point out today—totalling more than $4 billion—is so troubling.

While I continue to have concerns
about the integrity of the process by
which the service unfunded priorities
lists are produced, I have this year cho-
sen to respect their legitimacy and
have excluded from the compilation of
unrequested projects I am submitting for the Record those items added by
members that are reflected on the un-
funded priority lists.

To wit, while I have to question the
reverse economies of scale achieved on
the C-40 program—in effect, why do
two aircraft cost more on a unit cost
basis than did the one aircraft included
in the budget submission—I have not
included the second aircraft, added by
the committee on the basis of its inclusion
on the Navy’s unfunded priority list.

Similarly, I have omitted from my list two KC-130 aircraft because
they are on the Marine Corps un-
funded priority list despite the incre-
ded urgency of their inclusion in the U.S. inventory. I will mention
these programs no more today.

Let me be very clear, however, that
the process by which budgets are put
together is seriously flawed and both
the Defense Committee and the Senate
must continue to allocate significant
amounts of money for a program that the Corps does not even include on its unfunded
priority lists.

I am, for instance, bewildered by the
continued annual addition to the budg-
et request of $18 million for MK-19
automatic grenade launchers. The re-
peated addition by Congress of the MK-
19 to the defense budget forces me to
wonder whether someone hasn’t stock-
aged it. With these programs already
in the budget submission—I have cut
the C-40 program—why do we need to
continue to allocate significant amounts
of money for a program that the Corps
does not even include on its unfunded
priority lists?

For the past year we add funding—
this year, $55 million—for the NULKA
anti-ship missile decoy system. An
Israeli destroyer during the Six Day
War, a British destroyer during the
battle for the Falklands, and the USS
Stark incident are all testimony to the
terrorism of our armed forces. Of these
aircraft, only one U.S. ship has been so targeted
since World War II, however, and under
rather unique circumstances at that,
which makes it difficult to understand why
we spend so much money every year for
defense.

I have been critical in the past about
earmarking funds for the National
Automotive Center, an odd member-
created entity that has taken on a life of its own. The bill includes $6.5 million for development of a Smart Truck, with half of the money earmarked for the National Automotive Center. Presumably, this will be a really smart truck as it is taking us for over $6 million. I can only hope it will be able to change its own oil.

The Administration's military construction request was a true exercise in Byzantine accounting. Incremental funding the entire military construction program was not somebody's better idea, and I applaud the committee’s rejection of that proposal. I must condemn, however, that same committee's decision to add $923 million in projects not requested by the services. A new $3.6 million C-17 simulator building at Jackson Airport; a new $8.9 million C-130J simulator building at Keesler Air Force Base; new $6 million officers’ quarters at Niagara Falls; $17 million to replace family housing at the Marine Corps Air Station at Yuma; and an addition of $10 million for a new education center and library at Ellis-worth AFB—all of the items added to the budget by members for parochial reasons.

Let me note at this juncture that many of these projects may very well be meritorious upon further review. For example, I know there is a dire need for new family housing at the Marine base in Yuma, Arizona. But is that need greater than exists at some other bases? The method by which that project request does not allow for the kind of comparative analysis that should be an integral part of the process by which these budgets are drafted.

Of particular interest is the $241 million for ammunition demilitarization facilities, none of which was requested by the military. I recognize the legitimate need to expeditiously dismantle aging chemical weapons and deal with the environmental contamination resulting from their construction and storage over many years. My concern lies in the perpetually uncertain environment in which spending bills are prepared. Are each of these facilities necessary, and does each one need to be funded during a fiscal year for which funding was not requested? Chemical demilitarization has been an important priority for the Armed Services Committee, but the case has not been made that these programs had to be added to this bill.

Mr. President, I may make light of some of these programs, but the issue is deadly serious. Our armed forces are stretched perilously thin as global threats are not wasted on programs that they deserve $2 million to investigate that program's potential when other higher priority programs already exist to fulfill the requirement.

I have respected the unfunded priority lists this year because they provide the only roadmap as to where the services would allocate additional dollars if such funding were made available. It is far from a perfect process, but it is all we have. That there are still over $4 billion in member adds in this bill is testament to the indomitable will of members of this body to force projects into a strained defense budget in defiance of fiscal prudence and operational requirements. That is not intended as a compliment; it is simple acknowledgment that there is still ample room for improvement. Finally, let me also note for the record my concerns regarding the amendment offered by Senator Lott to narrow the scope of the Pilot Program for Commercial Services. I believe the amendment will restrict the ability of the Secretary of Defense to explore all options for fair and reasonable procurement of transportation services. This will continue to artificially inflate the Defense Department's transportation cost and will directly impact the dealings of military.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000 MEMBER ADDONS, INCREASES & EARMARKS

Army Procurement

Aircraft Procurement, Army (page 25):

- LONGBOW .................................. $45.0
- UH-1 Mods ................................. 12.5
- ASE Mods (ATIRC) ......................... 8.1
- ASE Infrared CM .......................... 6.6

Missile Procurement, Army (page 27):

- PATRIOT mods ............................ 60.0
- Procurement of W&TVC, Army (page 28):
  - M109A2 155mm Howitzer mods ............ 20.0
  - Field Artillery Ammunition Support Vehicle PIP .......................... 20.0
  - MBT Improvement Heavy Assault Bridge mod .................. 14.0
  - MK-19 40mm Grenade Launcher .............. 18.3
  - Procurement of Ammunition, Army (page 31):
    - 40mm, all types .......................... 8.0

60mm mortar, all types .......................... 9.0
102mm HE M934 w/o fuse ........................ 4.0
105mm ARTY DPICM ............................ 10.0
Wide Area Munitions ........................... 10.0
Arms Initiative ............................... 14.0

Other Procurement, Army (page 25):

- Hi-Mobility Multi-Purpose Vehicle ............. 17.0
- Army Data Distribution System ................ 25.9
- SINGERS Family ............................. 70.0
- ACUS mod program .......................... 50.0
- Standard Integrated CMD Post System ........ 9.2
- Light weight Medium Armor closure .......... 3.2
- Combat Training Centers Support .............. 7.0
- Modification of In-Service Equipment .......... 8.1
- Acquisition Stability Reserve Construction Equip .. 29.6

Basic Research in Counter-Terrorism ............ 15.0
- AAN Materials ................................ 2.5
- Scramjet Technologies ........................ 2.0
- Smart Truck .................................. 6.5
- Medteam ...................................... 1.8
- PEPS ......................................... 8.0
- Virtual Retinal Eye Display Technology .......... 5.0
- Future Combat Vehicle Development .......... 10.0
- Digital Simulation Management ............... 2.0
- Acoustic Technology Research ................. 4.0
- Radar Power Technology ....................... 4.0
- OICW ......................................... 14.8
- FIREFINDER Acceler, TBM Cueing Requirement .... 7.9
- Directed Energy Testbed (HELF) .............. 5.0
- HUMSS ........................................ 30.6
- Space Control Technology .................... 41.0

Naval Procurement

- Aircraft Procurement, Navy (page 62):
  - UC-35 (3) .................................. 18.0
  - EA-6 Series ............................... 25.0
  - H-1 Series ................................. 15.0
  - Common ECM Equipment ................... 16.0
- Weapons Procurement, Navy (page 64):
  - Drones and Decoys ........................ 10.0
  - Weapons Industrial Facilities ............. 7.7
- Shipbuilding & Conversion, Navy: LPD-17 (1)  375.0

Other Procurement, Navy (page 71):

- WSN-7 Ring Laser Inertial Navigation Gear ...... 15.0
- Items less than $5 million .................... 30.9
- Radar Support AN/PS-156H ...................... 8.0
- ECDIS-N ..................................... 8.0
- Integrated Combat System Test Facility ........ 5.0
- J EDMICS ..................................... 9.0
- Navy Shore Communications ................... 30.7
- Info Systems Security Program (ISSP) ........ 12.0
- Aviaton Life Support ................................ 18.1
- NULKA Anti-Ship Missile ............ 15.3
- Decoy System ................................ 15.3
- Procurement, Marine Corps (page 83):
  - Comm and Elec. Infrastructure Support ...... 54.5
  - S90 Truck HMMWV (MYP) (666) .............. 40.0

Navy RDT

- Non-Traditional Warfare Initiative ................ 5.0
- Hyperspectral Research ......................... 3.0
- Heatseeker Research .......................... 2.0
- Free Electron Laser .......................... 10.0
- Waveform Generator .......................... 3.0
CONGRESSIONAL RECORD — SENATE
S6271

Power Node Control Centers ................................................. 3.0
Composite Helicopter Hangar .................................................. 5.0
Virtual Testbed for Advanced Electrical Systems ......................... 5.0
Ballistic Systems ........................................................................ 5.0
Advanced Lightweight Grenade Launcher ...................................... 1.0
Vehicle Tech Demo ....................................................................... 0.5
Ocean Mine ................................................................................ 0.5
Submarine Warfare ...................................................................... 0.5
Low Observable Stack .................................................................... 0.9
Vector Thrust Ducted Propeller Intersonic Control Weapons Systems for CM Ships ......................................................... 5.0
Advanced Water Jet Technology ..................................................... 1.0
Enhanced Performance Motor Brush .............................................. 2.6
Standard for the Exchange for Product Model Data ......................... 3.0
Trident SSGN Design ................................................................... 13.0
Common Command and Decision Systems ...................................... 5.0
Advanced Amphibious Assault Vehicle ......................................... 26.4
Non-lethal Weapons—Innovation Initiative ..................................... 3.0
NAVIT ....................................................................................... 4.0
Parametric Airborne Dipping Sonar .............................................. 15.0
H-1 Upgrades, 4BN/ABW Helicopter ............................................ 26.6
Multi-Purpose Processor ................................................................ 11.0
Non-Propulsion Electronic Systems .............................................. 10.0
Small Product Overview .................................................................. 2.0
NULKA Anti-Ship Missile Defense System ...................................... 4.4
Advanced Deployable System ...................................................... 22.0
Battle Force Tactical Training ...................................................... 7.5
Air Force Procurement, Air Force (page 100): ................................. 14.0
EC-130 .................................................................................. 30.0
E-13 .......................................................................................... 46.0
F-15 ............................................................................................ 20.0
T-43 ............................................................................................ 3.1
C-20 Meds .................................................................................. 12.2
DAF/AAU .................................................................................. 82.0
E-4 ............................................................................................. 82.0
导弹, 性能 ............................................................................ 6.9
Missile Procurement, Air Force (page 101): .................................. 40.0
MM III Modifications .................................................................... 4.0
Other Procurement, Air Force (page 110): ....................................... 18.0
Truck Tank Fuel R-1 ...................................................................... 2.4
Items less than $5 million ................................................................ 2.4
Air Force RDT .............................................................................. 3.0
Materials—Resin Systems ............................................................ 3.0
Materials—Titanium Matrix .......................................................... 2.2
Materials—Fusion Welding ........................................................... 2.0
Aerospace Propulsion—Science and Engineering ............................ 0.75
Solid State Electrolyte Oxygen Generator ...................................... 2.0
Variable Displacement Vane Pump ............................................... 4.0
Multi-spectral Battalles Simulation .................................................. 5.0
Hypersonic Technology Programs ................................................... 16.6
Post-boost Control Systems ......................................................... 2.9
Missile Propulsion Technology ..................................................... 1.7
Tactical Missile Propulsion .......................................................... 3.0
Orbit Transfer Propulsion ............................................................ 3.0
Tropo-Weather ............................................................................. 2.5
Space Survivability ........................................................................ 0.6
HIS Spectral Sensing ..................................................................... 0.8
HAARP ...................................................................................... 10.0
Lidar for Standoff/Detection ......................................................... 5.0
Electro-Magnetic Technology ....................................................... 9.3
Polymeric Foam Technology ........................................................ 3.0
Panoramic Night Vision Goggles .................................................... 2.0
Advanced Spacecraft Technology—SMV ....................................... 3.50
Advanced Spacecraft Technology .................................................. 5.0
Standard Protocol Interpreter ....................................................... 5.0
Space-Board Laser ...................................................................... 25.0
Joint Strike Fighter—Alternative Engine .......................................... 10.0
JCM Defense Mine and Submarine Warfare .................................... 19.2
Small Munitions ......................................................................... 19.2
E-W Development—PLAID ......................................................... 7.0
E-W Development—DIRCM ........................................................ 8.9
SRAS—High Energy Laser ............................................................ 9.0
Correction of WCMD Testing Problems .......................................... 10.0
Aircrew Laser Eye Protection ........................................................ 2.3
Inflatable Lifeboat ......................................................................... 6.0
ELV Composite Payload Dispenser ............................................... 3.0
Big Crow .................................................................................... 3.0
Micro Satellite Technology ........................................................... 3.0
B-52 Radar Upgrade ..................................................................... 26.6
COMPASS CALL TRACS .......................................................... 11.0
JSTARS—Radar Technology ........................................................ 5.0
Advanced Program Evaluation Theater Missile Defense— ........................................ 12.0
Death ....................................................................................... 1.0
SOF Ordnance Replenishment ....................................................... 15.75
SOF Small Arms and Weapons ................................................... 18.9
Chemical/ Biological Individual Protection ...................................... 1.5
Chem/Bio Decontamination .......................................................... 3.6
Chem/Bio Contamination Avoidance ............................................. 10.0
National Guard Reserve Equipment .............................................. 136.3
Chem Agents & Munitions Destruction—RDT ................................. 1.0
Chem Agents & Munitions Destruction—Procurement .................... 9.0
Chem Agents & Munitions Destruction—O&M ............................... 5.0
Defensive Work .......................................................................... 4.0
Applied Research—HFSSW .......................................................... 1.0
Applied Research—Wide Band Gap Technologies .......................... 2.4
Medical Free Electron Laser Research ............................................ 5.0
Computer Security ...................................................................... 1.0
Chem/Bio Defense Program—Safeguard ........................................ 5.0
Chem/Bio Defense Program—Prevention ........................................ 5.0
WMD Related Technology—Deep Digger ....................................... 5.0
Advanced Technology—Atmospheric Interceptor Tech. .................. 5.0
Scorpius ..................................................................................... 8.0
Excalibur .................................................................................... 17.0
Special Technical Support—Complex Systems Development—Product Integrating Tools ......................................................... 5.0
Joint Warfighting Program—Joint Experimentation ......................... 17.0
High Performance Computing—Visualization Research .................. 3.0
Joint Robotics Program ................................................................ 3.0
CALS—Initiative—Integrated Data Environment .............................. 2.0
NTW—Acceleration ..................................................................... 70.0
NTW—Radar Development .......................................................... 15.4
Liquid Taps .................................................................................. 2.5
BMD Technical Ops—Advanced Research Center ........................... 3.0
Chem/Bio—CBIRF ...................................................................... 9.2
PATRIOT—MPD ........................................................................ 15.0
Foreign Material Acquisition and Exploitation .................................. 4.0
C3—Information Assurance Test Bed .............................................. 5.0
Joint Mapping Tool Kit ............................................................... 20.0
C3—Strategic Technology Assessment ............................................ 25.0
Maxwell AFB—Off. Transient Student Dormitory .......................... 10.0
Aston AD—Ammo Demilitarization Facility ..................................... 15.0
Redstone Arsenal—Unit Training Equip. Site .................................. 19.2
Department Field—Med. Training .................................................. 7.0
Dining Facility............................................................................. 9.0
Fort Wainright—Ammo Surveillance ............................................... 2.5
Fort Wainright—LRTC Collective Trng. Facility ............................... 7.0
Elmdorf AFB—Alcor Roadway ....................................................... 17.0
Pine Bluff Arsenal—Ammo. Demilitarization Facility ......................... 9.5
Pueblo AD—Ammo. Demilitarization Facility ................................... 11.8
Westinghouse.............................................................................. 17.525
Orange ANGS—Air Control Squadron ........................................... 11.0
Dover AFB—Visitor’s Quarters ....................................................... 12.0
Smyrna—Readiness Center ........................................................... 4.381
Pensacola—Readiness Center ......................................................... 4.628
F-15 Stewart—Continuity Logistics Facility .................................... 19.0
NAS Atlanta—BEA-Q ................................................................. 5.43
Bellows AFS—Regional Training Institute ....................................... 12.105
Gwen Field—Fuel Cell & Corrosion Control Hgr ............................ 2.3
Norfolk AD—Ammo. Demilitarization Facility ................................ 60.0
Fort Wayne—Med. Training & Dining Facility ............................... 6.0
St Louis City IAP—Maintenance Facility ........................................ 7.2
McConnell AFB—Airmen Family Housing Area Safety .................... 3.6
Fort Campbell—Vehicle Maintenance Facility ................................ 17.0
Bluegrass AFB—ADAL Reserve Facility ........................................ 11.8
Fort Polk—Organization Maintenance Shop .................................... 4.309
Lafayette—Marine Corps Reserve Center ....................................... 3.33
NAS Belle Chase—Ammunition Storage Facility ............................. 1.35
Andrews AFB—Squadron Operations ........................................... 9.9
Aberdeen P.G—Ammo. Demilitarization Facility ............................... 66.6
Hanscom AFB—Acquisition Man. Fac. Renovation ........................... 16.0
Camp Grayling—Air Ground Range Support Facility ....................... 5.8
Camp Ripley—Combined Support Maintenance Shop .................... 10.388
Columbus AFB—Add to T-1A Hangar ........................................... 2.6
Keesler AFB—C-130] Simulator Facility ......................................... 8.9
Miss. Army Ammunition Plant—Land/Water ................................... 3.3
Camp Shelby—Multi-purpose Range ............................................. 15.4
Great Falls AFB—Multipurpose Range .......................................... 3.6
Vicksburg—Readiness Center ......................................................... 5.914
Jackson Airport—C-17 Simulator Facility ....................................... 14.9
Fort Sill—Multipurpose Range ....................................................... 14.9
Redstone Arsenal—Ammo. Upgrade Aircraft Parkin Apron ................... 9.0
McNamara AFS—Dormitory .......................................................... 11.6
Great Falls IAP—Base Support Complex ........................................ 14.0
Hawthorne Army Dep. Container Repair Facility ............................. 1.7
Fort Monmouth—Barracks Improvement ......................................... 11.8
Kirtland AFB—Composite Support Complex .................................. 9.7
Niagara Falls—Visiting Officer’s Quarters ....................................... 6.3
Mr. SMITH of Oregon. On behalf of the Senior Senator from Oregon and myself, I wish to engage in a colloquy with the Honorable Chairman and Ranking Member of the Senate Armed Services on the issue of Chemical Demilitarization.

Oregon is one of the eight states with chemical weapons stored and awaiting destruction required by the Chemical Weapons Convention. Our local communities surrounding the Umatilla depot have serious concerns regarding the demolition demilitarization program. These concerns include the safety of the local population and the impact on the local communities of undertaking a huge demilitarization effort to destroy 3700 tons of chemical agents.

This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These workers will require the communities to provide facilities, infrastructure and services to accommodate them. These efforts will cost money, and we are concerned that the economic impact of this effort will be a huge drain on the local communities. We are concerned that the considerable impact on the local communities, there has not been adequate attention given this issue by the Department of Defense.

I would ask that the Chairman and Ranking Member discuss this problem with the Secretary of Defense and consider including language in the conference report to give the impact the Secretary of Defense and the Chemical Demilitarization Program and account. Again, I thank the honorable Chairman and Ranking Member.

Mr. WYDEN. I want to thank you on behalf of the people of Oregon for your willingness to work with us on this very important issue. There are serious concerns surrounding chemical demilitarization, but Oregonians are committed to working with the Army and the Chemical Demilitarization Program to meet the obligations under the Chemical Weapons Convention. The future and success of the Chemical Demilitarization Program will depend on the communication we enter into, and the cooperative solutions that we produce. This is a very challenging program for both the Army and the good people of the depot states. We acknowledge, while there may be hard work that has been done thus far, and very much look forward to the completion of the chemical demilitarization project in Oregon.

Mr. WARNER. Mr. President, the United States will continue their dangerous air war against Yugoslavia. More than 30,000 members of the U.S. military have been deployed to the Balkans to prosecute this campaign. While we read the latest news from the front every morning in the comfort of our homes and offices, American men and women in uniform are living the harrowing details day in and day out.

It is fitting that the Senate, in the midst of this conflict, without delay the National Defense Authorization Bill. This bill—which includes a significant pay raise for the military as well as a healthy increase in funding intended to improve military readiness—sends a strong signal of support to the men and women of the United States military, and to their families.

I commend Senator WARNER, the new and capable Chairman of the Senate Armed Services Committee, and Senator LEVIN, the able ranking minority member, for their leadership in producing an excellent bill. This legislation bears testament to the skills and willingness of both of these distinguished Senators to craft meaningful policy decisions in the context of bipartisanship.

Earlier this week, the Senate Appropriations Committee, of which I am the ranking member, approved a Defense Appropriations Bill for Fiscal Year 2000 that goes hand-in-hand with this week's passage of the Kosovo Supplemental Appropriations Bill to fund the Kosovo operation. Together, these bills take great strides toward giving our military forces the tools that they need and the support they desire to protect the national security of the United States and to execute the military's many critical missions both at home and overseas.

While the air war over Yugoslavia is on the front pages of the newspapers every day, we must never forget that behind the headlines, scores of other U.S. forces are engaged in difficult, and often dangerous, missions around the globe. From the peacekeeping patrols in Bosnia to the dangerous skies over Iraq to the tense border between North and South Korea, U.S. military personnel face the potential peril of combat every day. Resources have been stretched thin while operating tempo is constantly being accelerated. These are difficult times for the military, and I salute the dedication of the men and women who serve their nation so diligently. These are the individuals who stake their very lives on the policies and programs that we debate here in the Senate. These are the individuals to whom we must dedicate our very best legislative efforts.

Mr. President, this bill delivers the goods. It includes a 4.8 percent pay raise for the military, and it restores full retirement benefits to service members. It adds more than $1.2 billion to the nuts-and-bolts readiness accounts—base operations, infrastructure repairs, training, and ammunition—this amount is needed to improve the long term readiness of the armed forces. It funds the purchase of essential equipment and weapons systems. And, through the efforts of the newly
Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. All time for the third reading of this historic bill.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will conduct a third reading.

Mr. WARNER. Mr. President, I ask for the third reading of this historic bill. The PRESIDING OFFICER. The clerk will conduct a third reading.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Indiana (Mr. LUGAR) are necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLINGS), the Senator from New Jersey...
Mr. LAUTENBERG and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdale
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Feingold
Ford
Hollings
Lautenberg
Lott
Mack
Moynihan

NAYS—3

Kohl
NOT VOTING—5

The bill (S. 1059) as amended, was passed.

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. 1060 through S. 1062—that is Calendar Order Nos. 115, 116, and 117—that all after the enacting clause be stricken and the appropriate portion of S. 1059, as amended, be inserted in lieu thereof, according to the schedule which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

MORNING BUSINESS

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

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

COMMEMORATING RETIREMENT OF UTILITY EXECUTIVE

Mr. LOTT. Mr. President, on July 1, 1999, Donald E. Meiners will retire from Entergy Mississippi after 39 years of service. Don started as a salesman in Jackson and culminated as the president and chief executive officer.

Mr. Meiners rose rapidly in the company and quickly became one of its officers. He has worked in marketing, operations and customer services, and within various subsidiaries of the company requiring frequent moves. Entergy recognized his leadership capabilities early, and he excelled at each challenge.

He has also been very involved in the civic aspects of his community. He has taken on different roles from steering various United Way Campaigns to chairing the Chambers of Commerce for Jackson and Vicksburg, to leading the Metropolitan Jackson’s Housing Coalition and the Newcomen Society of Mississippi. Don has also supported the Executive Women’s International Night, Mississippi Museum of Art, International Ballet Competition, Jackson Symphony Orchestra, and the Boys and Girls Club of America. His efforts have ensured that all Mississippians can be exposed to the full richness of the Magnolia State’s culture.

Mr. Meiners has made a personal commitment to education by serving on the boards of the Mississippi State University Foundation, Tougaloo College, Jackson State, and the Mississippi University for Women. Through these post-secondary institutions, he wanted to foster an atmosphere that inspired all Mississippians to reach up and participate in our national prosperity by having essential educational skills. He has also served or is currently serving on the boards of the Trustmark National Bank, Institute for Technology Development and Mississippi Manufacturers Association. Here, his focus has been to promote the right type of job producing capacity in my home state.

As a result of his contributions to Mississippi, Mr. Meiners has been recognized as the Governor’s Volunteer of the Year, Mississippi’s Economic Development Outstanding Volunteer of the Year, Goodwill’s Outstanding Volunteer, and he received the Hope Award from Mississippi’s Multiple Sclerosis Chapter. It is clear that he has given his time and energy to all facets of Mississippi.

Mr. Meiners is a family man caring for four generations of his relatives. He is devoted to Patricia Stone, his high school sweetheart and wife for 42 years. He also cares for his 90-year-old father. His sons, Christopher and Charles, have truly made him proud, and his two granddaughters, Hannah and Mallory light up his life. He is also an active member of Christ United Methodist Church.

I must not forget to mention that Don is a Mississippi State University Bulldog with a degree in electrical engineering. This Rebel found a way to look past this personal educational flaw. No, seriously, I am proud to call Don, a Hazlehurst native, my friend. I respect his professionalism and dedication to Mississippi. He is a true southern gentleman, and he will be missed. I wish Don and Pat the best as they pursue a well-earned retirement.
Mr. DASCHLE. Mr. President, the values and spirit that helped early settlers thrive and prosper in the harsh conditions of life on the prairie are alive and well today in South Dakota. Yesterday, I had the opportunity to meet someone who embodies many of the values and ideals that the great state of South Dakota was built upon. Phillip Clark, owner and President of Hansen Manufacturing Corporation of Sioux Falls, is one of 53 persons honored this week by the Small Business Administration as part of its celebration of National Small Business Week. For over two decades, Phil has guided his company through a variety of complex challenges and built a thriving business. In the process, he has made an important contribution to our state, and to the city of Sioux Falls.

As a manufacturer of conveyor belt assemblies, Phil invented an enclosed belt conveyor system. Anyone who has worked in or around a grain elevator knows the importance of minimizing dust; it is one of the most important safety steps that can be taken to prevent accidents. Phil invented an enclosed belt system that has helped a number of grain facilities improve the safety of their operations, and dramatically changed the way that grain and other bulk materials are moved.

Phil was able to develop this system because he listened to what his customers wanted, and he acted to fill that need. It is a basic lesson that every successful business owner must know: listen to your customer.

While Phil has maintained a clear focus on his company’s future, he has also taken the steps necessary to position his company to deal with current business conditions. As a manufacturer of conveyor belt systems, Hansen Manufacturing has seen its bottom line shrink as grain elevator operators, feed manufacturers, and other companies that process agricultural goods and other bulk materials. Because of the continued crisis in our agricultural markets, many of these companies have faced extremely difficult business conditions over the past few years, resulting in equally difficult times for their suppliers. Furthermore, domestic weakness has been compounded by weakness in foreign markets, which have become increasingly important for Hansen Manufacturing.

While short-term business conditions have been challenging, Phil has been able to successfully grow his business while making critical investments in new product lines. His successful stewardship of Hansen Manufacturing serves as an example to all small businesses in South Dakota. I commend the Small Business Administration for recognizing his outstanding work.

In South Dakota, almost all businesses are small businesses, and that’s true nationwide. But in South Dakota small businesses are big business. I thank the Small Business Administration for its work with business owners such as Phil Clark, and I congratulate Phil for his hard work and his outstanding contributions to his community and state.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 26, 1999, the federal debt stood at $5,602,150,880,889.33 (Five trillion, six hundred two billion, one hundred fifty million, eight hundred eighty thousand, eight hundred sixty-nine dollars and ninety-three cents).

One year ago, May 26, 1998, the federal debt stood at $5,506,917,000,000 (Five trillion, five hundred sixteen billion, nine hundred seventeen million).

Five years ago, May 26, 1994, the federal debt stood at $4,596,085,000,000 (Four trillion, five hundred ninety-six billion, eight hundred eighty-five million).

Ten years ago, May 26, 1989, the federal debt stood at $2,779,342,000,000 (Two trillion, seven hundred seventy-nine billion, three hundred forty-two million).

Fifteen years ago, May 26, 1984, the federal debt stood at $1,880,522,000,000 (One trillion, eight hundred eighty billion, five hundred twenty-two million).

Twenty years ago, May 26, 1979, the federal debt stood at $1,080,582,000,000 (One trillion, eighty billion, five hundred eighty-two million).

Twenty-five years ago, May 26, 1974, the federal debt stood at $680,582,000,000 (Six hundred eighty billion, five hundred eighty-two million).

Thirty years ago, May 26, 1969, the federal debt stood at $380,582,000,000 (Three hundred eighty billion, five hundred eighty-two million).

Fifty years ago, May 26, 1949, the federal debt stood at $180,582,000,000 (One hundred eighty billion, five hundred eighty-two million).
The truth is, if somebody wants to kill someone with a firearm laws banning guns aren’t going to stop them. A lot of guns used in robberies and murders are stolen. Well, if we get rid of the rules in the world, then we would have a solution, right? Nope, people would use other homemade weapons, bombs, knives, etc.

An gun is a tool, not a weapon. It is a tool for hunting, recreation and protection. It can be a historical piece, it can be a keep-sake, it can represent something. Guns are not to blame for the Columbine High School incident.

By now you might be asking yourself what is to blame. Unfortunately, it’s a problem not many people want to face. It starts at the home. It starts with a lack of discipline, a lack of love, and a lack of values. I’m sure that if the parents of the boys involved in this shooting incident had been more involved with their kids, this incident would have never occurred.

The parents are not completely to blame. Today’s violent televised society illustrates this violence as a normal everyday thing. This makes it difficult to draw the line between right and wrong. These things, added together, make the final problem: The boys were the ones responsible for this shooting. In the end, it is they who are responsible.

So, what can be done to prevent another tragedy? To all the parents who are reading this talk to your kid! Even though you may not want to and your kids may act like they don’t want to talk to you, just knowing your loving to talk to them often helps. Spend time with them, draw them to activities that keep them busy and feeling wanted such as sports, church, even target shooting. If your parents teach their kids how to use and respect a firearm, they’ll been less likely to abuse it than if their parents avoid telling them about guns.

To all of the kids and teens reading this: talk to your parents. They can be a valuable source of information and help you when you feel there is no one else to turn. Other things you can do include complimenting people instead of insulting them, always remembering that you are important, having good friends, and reporting to authorities if anyone you know makes dangerous threats against you or anyone else. By doing this we might be able to prevent another incident like the one that occurred at Columbine High School. I hope that everyone reading this will pray for the families affected by the shooting and take my advice to heart.

RECOGNITION OF SERVICE TO THE SENATE

Mr. DOMENICI. Mr. President, it is with some sadness but also with some pride, that I stand before the Senate today to honor a longstanding and highly respected member of the Senate Budget Committee staff. After nearly 15 1/2 years of service to the Senate and the Congress, Austin will begin employment in the private sector at the end of this week.

Those who know Austin in this Chamber, know he is a Senator’s dream staffer. Austin is dedicated, loyal, intelligent, and above all else possessing integrity beyond reproach. He came to the Senate Budget Committee in December 1983, as the committee’s energy budget expert. Over the years, he gradually took on more responsibilities to where today, as he leaves the Senate, he is my staff director’s right-hand man on issues related to the budget act, process reform issues, and the often arcane world of budget score keeping.

He has been instrumental in the passage of the National Energy Policy and Reconciliation bills over these last many years. He has also taken the lead on helping to reform the process by his work on the Federal Credit Reform Act of 1990, the Unfunded Mandates Control Act of 1995, and the Line Item Veto Act of 1996—both of these laws, I might add, have been determined unconstitutional. He has been my key budget committee staffer on my quest to get Congress to change its appropriation and budget process into a biennial system—that work, I promise you Austin, will continue.

Along the way, Austin was able to find the time to get married and start a family. It is his wife, Katie, and his two young girls that have borne the real burden of Austin’s dedicated service to the Senate and his family.

The American public is unaware of the role staff play in helping us elected officials “to do the right thing.” Sometimes even with good staff, we get it wrong, and of course, when it doesn’t come out right, staff bears the brunt of it. But then, if the legislation advances public policy in an affirmative way, we will take the credit for success. In truth, of course, it is to staff like Austin Smythe, who work under very difficult circumstances, long hours, and sleepless nights, that we—and indeed the entire Senate, thank you Austin for a job well done. We all will miss you.

KIDNAPPING OF SENATOR CORDOBA IN COLOMBIA

Mr. KENNEDY. Mr. President, I rise today to express my deep concern over the kidnapping of Colombian Senator Piedad Córdoba de Castro. Senator Córdoba was abducted on May 21 by paramilitary forces under the command of Carlos Castaño. I urge the Colombian Government to take all appropriate measures to obtain her safe release and to bring those responsible for this kidnapping to justice.

Senator Córdoba, as President of the Colombian Senate’s Human Rights Commission, is a strong voice in Colombia for the promotion of human rights. She has also been a leader in efforts to bring peace to Colombia after fifty years of political violence. Senator Córdoba’s role as a leading advocate for human rights and peace makes this crime particularly shocking.

UN Secretary-General Kofi Annan has also condemned the kidnapping of Senator Córdoba and has urged the Colombian authorities to do everything possible to obtain her release. Secretary-General Annan called Senator Córdoba “a firm supporter of peace” who had “performed invaluable work towards the achievement of fundamental rights and freedoms.”

It is extremely disturbing to see that paramilitary forces and guerrilla groups involved in Colombia’s internal conflict continue to resort to kidnapping as a means of political pressure. This violent action against a prominent human rights leader emphasizes the importance of the efforts of President Pastrana to eliminate all links between the Colombian Government and the paramilitaries.

I urge the Government of Colombia to take all necessary and appropriate measures to break these links, obtain Senator Córdoba’s release, and bring to justice those responsible for her kidnapping.

THE SATELLITE HOME VIEWERS ACT

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 303, the Satellite Home Viewers Act. This legislation will enable many more consumers in Massachusetts and across the nation to receive network signals by satellite.

The Act achieves a fairer balance between the interests of satellite TV firms, local broadcasters and cable firms. It reverses a federal court decision that has caused millions of satellite TV subscribers throughout the country, including in many rural areas of Massachusetts, to lose their access to network television stations. Consumers will be major winners with the passage of this legislation. It means greater choice, particularly to those in rural areas.

This legislation will also promote competition between the satellite and cable industries by enabling satellite providers to offer local broadcast signals in the same local market. In recent years, “must carry” rules have protected small broadcasters from being left by the wayside during the rapid growth of the cable industry. Similarly, this bill protects small broadcasters by requiring satellite carriers to re-transmitting local signals to the local market to comply with the “must carry” rules by January 1, 2002.

Consumers everywhere will benefit from the passage of the Satellite Home Viewers Act. I commend Senator McCain and Senator Burns for their leadership in providing more choices and better service to consumers.

COSPONSORSHIP OF THE MOTOR VEHICLE RENTAL FAIRNESS ACT

Mr. MCCAID. Mr. President, yesterday I introduced to the Senate S. 1213, the Motor Vehicle Rental Fairness Act and S. 1125, the Telecommunications Mergers Review Act of 1999. Later in the day, I asked that Senator CONNIE MACK be
Mr. LEVIN. Mr. President, I rise today to discuss concealed weapons laws. Currently, in Michigan, if a person wants to obtain a permit for a concealed weapon, he or she must apply at the local county gun board. Each one of these gun boards is made up of three members: the local sheriff, county prosecutor, and the designee of the state police. The gun boards base their decisions on a person’s demonstrated need for a gun, and that person’s criminal record, if any, and on local conditions. Local decision-making makes sense. Local officials know the local environment, local citizens, and can best assess the local impact of increasing the numbers of weapons carried in public. Last night, the Michigan State Senate passed a bill that, if signed into law, would make a discretion away from local gun boards and put more weapons on our streets and in public places. In my view, eliminating the authority of local gun boards would be detrimental to public safety in Michigan and take us in the opposite direction than we are heading in Congress. More important than my opinions are the views of the law enforcement community in Michigan. Every major law enforcement agency in the state of Michigan including the State Police, Michigan Association of Chiefs of Police, Michigan Prosecuting Attorneys Association, Michigan Municipal League as well as many other organizations such as the Michigan Municipal League have made statements opposing this bill.

One of the bills that is now before a conference committee of the Michigan Legislature is referred to as a “shall issue” bill. The NRA has been lobbying Michigan legislators to support a “shall issue” bill. The legislation is so-called “shall issue” because it mandates that if a person passes an FBI Federal background check, the gun board “shall issue” him a permit to carry a concealed weapon, without requiring a show of need or the condition of other local circumstances. This legislation goes in the wrong direction. It would increase the danger of gun violence in our communities. I have seen no evidence, that people who have a legitimate need to carry a gun for protection, are being denied the ability to do so. The numbers demonstrate that the overwhelming majority of requests for concealed weapons permits are approved. It’s important for public safety that local gun boards continue to make such judgments.

There is a law that encourages the spread of concealed weapons in public places. Michigan has not been the only state targeted for these NRA-backed concealed weapons bills. Yet, despite the best efforts of the NRA, the “shall issue” policy has been rejected by a bipartisan group of legislators in more than 10 States. That’s because of the power of people in those States who united to demand action. Voters in the State of Missouri recently defeated a “shall issue” proposal much like the one in the Michigan Legislature. Missourians voted to keep in place prudent regulations for carrying concealed weapons—regulations that were first enacted in reaction to the reign of Jesse James and the outlaw gangs. I believe the majority of Michigan’s citizens feel the same way.

MEMORIAL DAY COMMEMORATION REMARKS

Mr. SPECTER. Mr. President, in anticipation of Memorial Day this coming Monday, I wish to honor the memories of those who gave their lives in defense of America and American ideals. Americans have fought and died in various wars spanning over two centuries. Her fallen soldiers have left indelible marks on the annals of history in conflicts notable for the good attained over the evil vanquished: independence over monarchical tyranny; freedom over slavery; and democracy over fascism and communism. Indeed, in this century alone, American servicemembers can be hailed for turning the tides of the world wars. As we head towards the dawn of a new millennium, I ask my colleagues to join with me to give homage to America’s patriots, in deed as well as word.

I believe the best way to commemorate the spirit of those who gave their lives is to honor, respect, and care for the 26 million American veterans living today. As Chairman of the Committee on Veterans’ Affairs, I have strive to accomplish this goal through a number of legislative measures and processes. After a successful battle over the budget resolution, I and 52 of my Senate colleagues signed on to a letter urging the Appropriations Committee to maintain veterans’ health care funding. This funding is vital to ensure that our nation’s veterans get the highest quality of health care available. I have also pushed for enactment of legislation that increase veterans’ education benefits; allow for a Medicare Subvention demonstration project; require additional national cemeteries to be built in areas with high veteran populations; and ensure that construction of the World War II Memorial begins next year.

The Athenian leader Pericles had these words to say about those who lost their lives in the Persian War over 24 centuries ago: “Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.” Today, I urge my colleagues to make a commitment to engrave the memory of 1.1 million Americans not only in our hearts, but in the legislation we enact for veterans and servicemembers during the remainder of the 106th Congress.

ELECTION OF EHUD BARAK AS PRIME MINISTER OF ISRAEL

Mr. DODD. Mr. President, I rise to congratulate Ehud Barak, on his victory in the recent Prime Ministerial election in Israel. Mr. Barak is a man of courage and a proven leader. He is eminently capable of leading our closest ally in the Middle East in an important juncture in its history. His resounding victory reaffirmed the Israeli people’s strong desire for peace.

Not only was the election a victory for Mr. Barak, it was also a victory for Israeli democracy. Nearly four out of five Israeli citizens over the age of 18 cast ballots on May 17, 1999. That figure is even more astounding when you consider that Israelis—even those living overseas—are not permitted to cast absentee ballots. More than 100,000 Israelis purchased airline tickets and traveled great distances in order to exercise their right to vote. This dedication to the most basic pillar of democracy is enviable, for if people fail to exercise their right to vote they quickly lose their voice.

This election also marked an important milestone. For the first time in Israel’s history, an Arab campaigned for the Prime Ministerial office. Azmi Bishara withdrew from the race shortly before the election in order to boost the chances of Mr. Barak, he should be commended for his courage in running. While members of Israel’s Arab minority have long been represented in the Knesset—Israel’s parliament—Mr. Bishara’s campaign demonstrated that Arabs are welcome in all segments of Israel’s political life.

Mr. Barak is both a true son of Israel and a worthy leader of the only democracy in the Middle East. Born on a Kibbutz six years before Israel’s independence, he has served his country well as a soldier, Chief of Staff of the Israeli Defense Forces, Member of the Knesset, Minister of the Interior and Foreign Minister. After the polls closed on May 17th, when it was clear that he had been elected, Mr. Barak traveled to Rabin Square in the center of Tel Aviv. Standing just feet from the spot where an assassin’s bullet struck Prime Minister Yitzhak Rabin three and a half
years ago, the Prime Minister-elect renewed his commitment to the Peace Process. Prime Minister Rabin courageously began. It was a fitting tribute to Israel's fallen leader.

Making peace is not an easy endeavor. Indeed, it is often more difficult to make peace than to wage war. As Prime Minister Rabin often said, one does not make peace with one's friends, one makes peace with one's enemies.

Barak, like Rabin, has proven himself a great general on the battlefield. Now he must prove himself worthy of the even more exalted title of peacemaker.

Mr. President, the United States is one of Israel's closest allies. Under the stewardship of Mr. Barak, I am confident that relationship will only grow stronger. I look forward to a close collaboration between our two nations on issues ranging from security to trade. Most importantly, however, is the struggle to bring peace to a region which has seen far too many wars.

MEMORIAL DAY OBSERVANCE

Mr. DORGAN. Mr. President, I received a very touching letter from a Vietnam Veteran from my state, who was recently awarded the Silver Star for his bravery during the Vietnam Conflict.

Helping Al Myers get that Silver Star and the recognition he deserved for so long was a very rewarding experience. Al sent me this letter. It is a fictional remembrance of a soldier whose name is on the Vietnam Memorial.

The letter defines the importance of paying tribute to our nation's honored soldiers who have fought for, won, and kept our freedom, whether that tribute comes from our nation or from the ones on the other side. It is a great "Black Granite Wall," or simply a family member putting flowers on a beloved white tombstone at a veteran's cemetery. It exemplifies the strength, dedication, and sacrifice our nation's military men and women, and their families, make. We are forever indebted to them, and it fills me with great pride and humility to honor those who have made the ultimate sacrifice to preserve our way of life as Americans.

I thought it was very important to read it in honor of the Memorial Day Observance on Monday. It touched my heart and I wanted to share it here on the Floor today. It is called "The Wall from the Other Side."

THE WALL FROM THE OTHER SIDE (Pat Camunes)

At first there was no place for us to go until someone put up that "Black Granite Wall." Now, every day and night, my Brothers and Sisters wait to see the many people from places afar file in front of this "Wall." People standing briefly and many for hours and some that come on a regular basis.

It was hard at first, not that it's gotten any easier, but it seems that many of the attitudes towards Vietnam War we were involved in have changed. I can only pray that the ones who have learned to live with something, and more "Wall" as this one, needn't be built.

Several members of my unit, and many that I did not recognize, have called me to The Wall by touching my name engraved upon it. The tears aren't necessary, but are hard even for me to hold back. Don't feel bad if you can't talk to your Brothers.

This was my destiny as it is yours to be on that side of The Wall. Touch The Wall, my Brothers. You can imagine those memories that we had together. Tell others to come and visit me, not to say Good-bye but to say Hello and be together again . . . even for a short time. . . . and to ease that pain of loss that we all still share.

Today, an irresistible and loving call summons me to The Wall. As I approach, I can see an elderly lady . . . and as I get closer, I am aware that her name is engraved upon her. As I have looked forward to this day, I have also dreaded it, because I didn't know what reaction I would have.

Next to her, suddenly my wife and immediately think how hard it must have been for her to come to this place, and my mind floods with the pleasant memories of 30 years past. This lady is now in a military uniform standing with his arm around her—My God!—he has to be my son! Look at him trying to be the man without a tear in his eye. I yearn to hug him how proud I am, seeing him stand tall, straight and proud in his uniform.

Momma comes closer and touches The Wall, and I feel the soft and gentle touch I had not felt in so many years. Dad has crossed to this side of The Wall, and through our touch, I try to convince her that Dad is doing fine and is no longer suffering or feeling pain. I see my wife's courage building as she sees Momma touch The Wall and she approaches and lays her hand on my waiting hand. All the emotions, feelings and memories of three decades past flash between our eyes that she hears and a big burden has been lifted from her on wings of understanding.

I watch as they lay flowers and other memories of my past. My lucky charm that was taken from me and sent to her by my CO . . . a tattered and worn teddy bear that I can barely remember having as I grew up as a child . . . and several medals that I had earned and were presented to my wife. One is of particular importance. I am convinced that I am very proud of, and I notice that my son is also wearing this medal. I had earned mine in the jungles of Vietnam and he had probably earned his in Iraq.

I can tell that they are preparing to leave, and I try to take a mental picture of them together, because I don't know when I will see them again. I wouldn't blame them if they were not to return, and can only thank them that I was not forgotten. My wife and Momma near The Wall for one final touch, and so many years of indecision, fear and sorrow are let go. As they turn to leave, I feel my tears that had not flowed for so many years, as I was placing M16 fire in the direction of the enemy, two or three hand grenades were thrown in the direction of Rascon and myself, landing no more than a few feet away. Without hesitation, Rascon jumped on me, taking me to the ground and covering me with his body. He received numerous wounds to his body and face. I could truthfully say that day saved my life. What more can a person do for God, Country and his fellow man.

In closing, I think of the Military Code of Conduct. "The First Code is that of the American fighting man. I serve in the forces which guard our Country and our way of life. And
I am prepared to give my life in its defense. The immigrants I had the privilege to know and serve with upheld this Code. Again, thank you for this opportunity.

Erick A. Mogollon, a Guatemalan-born Vietnam and Gulf War veteran, is a Senior Chief Petty Officer with the U.S. Navy. At the hearing he summed up the views of many immigrant soldiers and sailors when he testified.

After having the opportunity to meet so many of these heroes, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

The statement of Paul Bucha, president of the Congressional Medal of Honor Society, also included some strong words, believing that I believe to be worth sharing. Mr. Bucha testified.

Tens of thousands of immigrants and hundreds of thousands of the descendants of immigrants have died in combat fighting for America in the last 100 years. Today's platform tradition, a basic standard, by which to judge whether America is correct to maintain a generous immigration policy. Have immigrants and their children and grandchildren been willing to fight and die for the United States of America? The answer—right up to the present day—remains a resounding "yes."

I ask unanimous consent that the full text of the testimony delivered by Mr. Bucha and Senior Chief Mogollon be printed in the RECORD.

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

**STATEMENT OF AVIATION BOATSWAIN'S MATE (HUB) HEAD, ERICK A. MOGOLLON, UNITED STATES NAVY, SUB-COMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ON "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES"**

May 26, 1999

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today to talk about immigrant American's contribution to the Armed Forces and our national defense. I'd like to share with you a few thoughts on how I became an American and why I joined the United States Navy.

I was born in Guatemala City, Guatemala on 24 January 1960 and immigrated to the United States when I was 14. My family included my mother, three brothers and one sister lived outside of Boston in Milford, Massachusetts. In 1973, I moved to East Douglas and attended high school. I am proud to say I graduated in 1979 with high honors.

While in high school, I entered the Delayed Entry Program and shipped out to boot camp in September 1979. I joined the Navy because of the opportunity to excel and to give of myself in gratitude for what this great country of ours has done for me and my family. I'd like to acknowledge my wife Mary Jane, my mother, Solines (15), Erick (12), Elias (9) and Marilyn (6) throughout my career. Sailors go to sea, but the family must always come first.

Being able to qualify for service was itself an accomplishment that encouraged me to do my best. I graduated at the top of my class from "A" school and was assigned to the world's best aircraft carrier, the U.S.S. John F. Kennedy (CV-67). After serving on several ships during deployment, I was transferred to VQ-2 in Rota, Spain. I have enjoyed the opportunity of overseas service and earned my qualification as an Aviation Warfare Specialisit. I am proud to say we did not lose any pilots or aircrew during the war. The pride, professionalism and dedication of our sailor's was evident in daily operations.

After the war ended, I transferred to U.S.S. America (CV-66) as the Leading Chief Petty Officer for V-3 division and was able to experience the contributions of many immigrant American's who are dedicated to the defense of our nation. I now teach leadership to the senior enlisted force and am assigned to the Submarine School in Groton, CT. This high-light gives me pride in instilling pride and commitment to others.

After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it.

**TESTIMONY OF PAUL BUCHA, PRESIDENT, CONGRESSIONAL MEDAL OF HONOR SOCIETY, BEFORE THE SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, CONCERNING "THE CONTRIBUTION OF IMMIGRANTS TO AMERICA'S ARMED FORCES"**

May 26, 1999, 10 A.M., DIRKSEN 226

My name is Paul Bucha, President of the Congressional Medal of Honor Society, and I have given of my time, efforts, and expertise for the Medal of Honor Society for the past 17 years, and as president of the society, to present my testimony. I want to thank you Senator ABRAHAM for holding this hearing and, more importantly, Senator NAPOLITANO for her leadership on the immigration issue and reminding us of America's great tradition as a nation of immigrants.

Let me state my position clearly: All of us owe our freedom and our prosperity to the sacrifices of immigrants who gave of themselves so that we might have more. We are fortunate to have this country, to live in it, and to give of ourselves to honor the bravery of those who have gone before.

The Medal of Honor is the highest award for valor in action against an enemy force for an individual soldier or airman as serving in the United States Armed Services. Generally presented to its recipient by the President in the name of Congress, it is often considered the Congressional Medal of Honor. In 1946, the Medal of Honor Society was formed to perpetuate and uphold the integrity of the Medal and its recipients.

Mr. Bucha testified, "The Medal of Honor is the highest award that can be bestowed upon an individual soldier or airman as serving in the United States Armed Forces. During the war, U.S.S. John F. Kennedy participated in over 120 combat strike missions and flew nearly 4000 strike sorties. I am proud to say we did not lose any pilots or aircrew during the war. The pride, professionalism and dedication of our sailor's was evident in daily operations.

After the war, I was assigned to the U.S.S. America (CV-66) as the Leading Chief Petty Officer for V-3 division and was able to experience the contributions of many immigrant American's who are dedicated to the defense of our nation. I now teach leadership to the senior enlisted force and am assigned to the Submarine School in Groton, CT. This highlight gives me pride in instilling pride and commitment to others. After having had the opportunity to meet so many shipmates over the course of my career, I can honestly say that the contribution of immigrant American's can never be fully measured. These Soldiers, Sailors, Airmen and Marines, have left their motherland, been welcomed by the United States and have given of themselves to the defense of this nation. For many immigrants, they have given and will continue to give because of their deep appreciation and dedication to the United States. They know, first hand, how it is to live without the protection and security they now count on, and will give their lives to protect it."

**Congressional Record—Senate**

May 27, 1999
When asked about this, U.S. Attorney Saul Green of Detroit reportedly stated that the decrease in prosecutions in the Eastern District of Michigan follows a downward trend in crimes. In fact, however, while there has been some improvement on that score, Detroit's murder rate has been falling significantly less than that of most large metropolitan areas, and it remains unacceptably high. Meanwhile, the much more dramatic decline of violent crime in Richmond, Virginia, which is where Project EXILE was pursued, strongly suggests that if the Administration were following the same course in Detroit, we would be doing better.

As the Detroit Free Press article points out, police records show that there were 559 murders in Detroit in 1993, compared to 453 in 1998. But that still left Detroit with the highest murder rate per capita for cities with a population only one million or more—and the sixth highest among the U.S.'s 225 largest cities.

Moreover, while in 1998 the rate of reported violent crimes decreased 6% nationally, in Detroit it actually increased, according to FBI figures. Nor is this simply a one-year anomaly.

In 1997, the number of murders in Detroit increased by 9% from 1996 and Detroit's murder rate ranked 5th worst among the biggest cities. Meanwhile, our rate of serious crime decreased by only 1%, compared to a 3.2% decrease nationally. Similarly, in 1996, Detroit's rate of violent crimes decreased by only 3%, compared to a 7% decrease nationally.

Nor is Detroit's relatively small numerical improvement explained by the fact that it is a major metropolitan area. To the contrary, it is mostly the biggest cities, like New York, that have seen the biggest drops in crime rates over the past few years.

The fact that Detroit is lagging behind the nation's improving violent crime rates, along with the fact that it is continually among nation's 5-7 worst cities with respect to its homicide rate, clearly indicates that this is no time for anyone in Detroit, including the federal government, to be relaxing our crime-fighting efforts. Meanwhile, recent data from Richmond, Virginia's Project Exile, strongly suggests that aggressive prosecution and severe punishment of gun law violations would be of major help. In 1998, the year following the implementation of Project Exile in Richmond, the homicide rate in Richmond's Eastern District dropped by approximately 1/3. That rate of firearm-related homicides in Richmond dropped even more—66%, from 122 in 1997 to 78 in 1998.

"This takes me back to where I started," Green said. "I believe that they can be useful tools in stopping gun violence. But quite simply, no gun laws, even those currently on the books or any new ones that Congress may enact, can be effective if the Attorney General does not enforce them through aggressive prosecution. The Detroit Free Press's article of two days ago confirms that right now, both in Detroit and nationally, aggressive prosecution is not what we are seeing. For our children's sake, it is high time for it to begin.

Mr. President, I ask unanimous consent that the full text of the Detroit Free Press article be printed in the RECORD.

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

[From the Detroit Free Press, May 25, 1999]

FEDERAL GUN CASES DECREASE
DECLINE IN MICHIGAN GREATER THAN IN U.S.

BY TIM DORAN

FEDERAL gun law prosecutions declined sharply in the eastern half of Michigan between 1993 and 1997. The number of people prosecuted in cases investigated by the federal Bureau of Alcohol, Tobacco and Firearms plummeted 55 percent. Nationally, prosecutions were down 30 percent, according to data analyzed by the Free Press.

For the three largest categories of gun law violations, the number of people prosecuted in Michigan dropped from 221 in 1993 to 112 in 1997.

The analysis comes at a time when Congress is debating legislation to tighten access to guns, and the state Legislature is considering laws to make it easier to get a concealed weapons permit.

If the federal government wants to reduce gun crimes, it should enforce laws, said Dave LaCourse, public affairs director for the Second Amendment Foundation, which supports gun ownership.

"But the agency that's set up to put the screws to the bad guy is almost being cut in half," LaCourse said. Last month, Wayne County and the City of Detroit sued gun manufacturers and dealers, saying they used a strategy of "willful blindness," looking the other way when guns are illegally used. A string of enforcement alleged that nine of 10 sellers sold guns to people who indicated they were buying on behalf of a minor or felon with them.

U.S. Attorney Saul Green of Detroit and Special Agent Michael Morrisey, head of the ATF in Michigan, dispute the numbers from the Free Press study. The reports analyzed for the study came from the Executive Office for U.S. Attorneys and are made public by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

"The numbers have gone down," Green said. But he said he does not accept the data the Free Press analyzed as definitive. He said he believed that the decline follows a general downward trend in crimes.

For example, according to police records, Detroit had 559 homicides in 1993 and 453 in 1998.

The increased use of local-federal task forces may play a role in the decreased federal gun cases, he said. "We have a lot more cooperation than we had in the past and some of the cases developed might go to local prosecution, rather than federal."

Morrisey and ATF Director John Lyon said the bureau shifted its investigative strategy, targeting more serious violators.

The number of ATF investigators on the street declined both nationally and in Michigan, and some of the remaining agents have taken on added duties.
The number of licensed gun dealers in the state has dropped, from about 11,000 in the early 1990s to 2,498 as of earlier this month, and violent crime is down.

``We're doing more with less,'' Morrissey said. ``I think we're doing better quality with less, too.''

And a program started in the last two months could help reverse the downward trend. Operation Countdown hopes to use tough federal gun laws to take felons caught with guns off the streets.

**REDUCTIONS DEBATED**

Green and Morrissey disputed TRAC's numbers, but reports from other sources, including the ATF's national office in Washington, show a drop in prosecutions.


The senator's message is: We've seen a reduction in violent crime rates overall," said his spokesman John Cox. "But not the reduction that we want. The effectiveness of federal prosecutions of gun crimes has got to be utilized.''

ATF's own national figures show the number of cases the bureau referred for prosecution to federal prosecutors dropped by about 48 percent from 1993-1997, said agent Jeff Roehm, chief of the public information division of the ATF in Washington. Numbers for 1999 are not available.

Between 1993 and 1997, the median prison term for those convicted after investigation by the ATF stayed fairly constant at around 30 months, which suggests if agents were targeting more serious violators, they did not receive greater prison time.

``We gather the facts and present them to the U.S. attorney for prosecution. It is up to the court to decide the sentence,''' Morrissey said. "And often times, the sentences fall under guidelines enacted by Congress.''

While the number of people prosecuted declined in eastern Michigan, agents in the district referred more people for prosecution in 1997 than in any other federal district. The eastern district had a high number of referrals in 1993-1996 as well.

The Eastern District of Michigan covers the eastern half of the Lower Peninsula.

In the Western District of Michigan, which covers the rest of the state, the number of federal prosecutions fluctuated but the annual total was less than in the past.

If recent undercover investigations in Wayne County are an indication, finding illegal gun sales would not be difficult.

Beginning in the last two months, undercover teams who told gun dealers they were juvenile and convicted felons bought weapons from nine out of 10 dealers.

Morrissey, who took over ATF Michigan operations last August, said his bureau can inspect gun dealers only once a year unless the bureau has probable cause to suspect a crime.

His figures show the number of cases referred to prosecutors by the ATF in Michigan have fluctuated between 1993 and 1997 but remained fairly constant. They do show, however, a downward trend in prosecutions.

In the early 1990s, when the numbers were higher, the bureau targeted more felons with guns, Morrissey said.

``Those are as easy as going out and picking blades of grass,''' he said.

But the number of guns on the street did not decline, Morrissey said. The ATF began concentrating on licensed and unlicensed dealers who supply guns illegally and violent felons. One dealer can supply guns used in many crimes, he said.

The ATF has 33 fewer agents on the streets of Michigan this year than it had in 1992, he said. And some of those agents have more duties related to their specialized training in arson and explosives.

Some are assigned to state task forces, so the criminals they help arrest might not show up in the ATF's statistics, he said.

The ATF also assigns agents to gang reduction programs in schools, and the bureau investigated more than 2,000 cases involving fires and explosions, not just gun violations.

**IT WORKS IN RICHMOND**

While the ATF has shifted its emphasis nationally away from individual felons with guns, one city that strictly enforced federal firearms laws saw a reduced murder rate.

In Richmond, federal prosecutors began in March 1997 to use gun cases to shut down the city of 200,000, said John Comey, executive assistant U.S. attorney. Officials advertise the tougher enforcement of Project Exile on billboards and television, Comey said.

``We have been selling deterrence the way they usually sell Wrangler jeans,''' he said. ``It has worked, Comey said. Defendants ask lawyers to stop their cases from going "Exile." When cops pat down suspects on traffic stops, some say they are not stupid enough to carry a gun.

It has also had the change the murder rate. The city had 140 homicides in 1997 and 1998, he said. The number of firearm-related homicides dropped from 122 in 1997 to 78 in 1998.

Comey doesn't give Project Exile all the credit. Crack is waning in popularity; the state abolished parole three years ago, and drug enforcement has increased. He and others say it should not be seen as the answer for every city, although both gun-rights and gun-control experts, said Bob Agacinski, deputy chief in charge of career criminals for the ATF and Detroit police, has strong support.

Local and federal officials in Detroit have joined to start a similar program. Operation Countdown, which began about two months ago is operating there.

Already, eight cases have been referred to federal prosecutors, said Bob Agacinski, deputy chief in charge of career criminals for the Wayne County Prosecutor's Office.

He said the program, which involves the ATF and Detroit police, has strong support from both Green and Wayne County Prosecutor John O'Hair.

``I think it's going better than we thought,''' Agacinski said.

**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 President laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

**REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 33**

The President 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 Banking, Housing, and Urban Affairs.

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alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. These sanctions, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the “Resolution”), was an essential factor motivating Serbia and Montenegro’s acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initiated by the parties in Dayton, Ohio, on November 14, 1995, and signed in Paris, France, on December 14, 1995 (herein- after the “Peace Agreement”). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended provisionally, this situation January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended provisionally, effective May 10, 1996, in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims or encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution that blocked those funds and assets that are subject to claims or encumbrances remain blocked, until unblocked in accordance with applicable law. Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution that blocked those funds and assets that are subject to claims or encumbrances remain blocked, until unblocked in accordance with applicable law.

Therefore, I have chosen to use the authority the Congress has given me to waive the conflict of interest rules that would otherwise impede Robert Tobias from serving on this Board while continuing to serve as President of the National Treasury Employees Union (NTEU) until August 1999 and as a part-time NTEU employee representative. I agree that the role of an employee representative is crucial to the success of this Board. Therefore, I have chosen to use the authority the Congress has given me to waive the conflict of interest rules that would otherwise impede Robert Tobias from serving on this Board while continuing to serve as President of the National Treasury Employees Union (NTEU) until August 1999 and as a part-time NTEU employee representative. I care deeply about the ethics laws that preserve the public trust and confidence in the integrity of Federal employees as they carry out the Government’s business. In this unique instance, however, I find it necessary to exercise the express authority granted to me to waive appropriate provisions of Chapter 11 of Title 18, United States Code, in order to remove the impediment to Robert Tobias’ service on the Oversight Board.

Therefore, it is my intent to issue the following waivers to Robert Tobias upon his confirmation as an Oversight Board member:

To the extent that the interests of the National Treasury Employees Union (NTEU) would, pursuant to 18 U.S.C. § 208(a), prohibit you from participating as a member of the Internal Revenue Service Oversight Board in particular matters affecting the financial interests of the NTEU, I hereby waive that restriction for only those interests, pursuant to I.R.C. § 7802(b)(3)(D).

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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 Finance.

To the Senate of the United States:

I understand that the Congress, in creating the Internal Revenue Service Oversight Board (Oversight Board), designated me to be an employee representative. I agree that the role of an employee representative is crucial to the success of this Board. Therefore, I have chosen to use the authority the Congress has given me to waive the conflict of interest rules that would otherwise impede Robert Tobias from serving on this Board while continuing to serve as President of the National Treasury Employees Union (NTEU) until August 1999 and as a part-time NTEU employee representative. I care deeply about the ethics laws that preserve the public trust and confidence in the integrity of Federal employees as they carry out the Government’s business. In this unique instance, however, I find it necessary to exercise the express authority granted to me to waive appropriate provisions of Chapter 11 of Title 18, United States Code, in order to remove the impediment to Robert Tobias’ service on the Oversight Board.

Therefore, it is my intent to issue the following waivers to Robert Tobias upon his confirmation as an Oversight Board member:

To the extent that the interests of the National Treasury Employees Union (NTEU) would, pursuant to 18 U.S.C. § 208(a), prohibit you from participating as a member of the Internal Revenue Service Oversight Board in particular matters affecting the financial interests of the NTEU, I hereby waive that restriction for only those interests, pursuant to I.R.C. § 7802(b)(3)(D).

To the extent that the interests of the National Treasury Employees Union (NTEU) would, pursuant to 18 U.S.C. § 208(a), prohibit you from participating as a member of the Internal Revenue Service Oversight Board in particular matters affecting the financial interests of the NTEU, I hereby waive that restriction for only those interests, pursuant to I.R.C. § 7802(b)(3)(D).

The following bills were the first and second times by unanimous consent and referred as indicated:

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania; to the Committee on Governmental Affairs.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 4th Street in Garden City, Kansas, as the "Clifford B. Hope Post Office"; to the Committee on Governmental Affairs.

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the required admission of non-immigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

H.R. 774. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois; to the Committee on Governmental Affairs.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noel Cushing Bateman Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "Ray Smiley Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1393. An act to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Finance.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

The following bill was read the second time and placed on the calendar:

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related disrupt of communications, intermodal transportation, and other matters affecting interstate commerce.

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3346. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electricity Produced from Certain Renewable Resource Facilities" (Notice 99-26), received May 24, 1999; to the Committee on Finance.

EC-3347. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99-28), received May 24, 1999; to the Committee on Finance.

EC-3348. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modified Endowment Contracts" (Rev. Proc. 99-29), received May 24, 1999; to the Committee on Finance.

EC-3350. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Uniform Closing Agreement Procedures for Modified Secured Installment Sales (Rev. Proc. 99-27), received May 18, 1999; to the Committee on Finance.

EC-3351. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-31, Guidance Regarding Section 664 Regulations" (OGI-108511-99), received May 20, 1999; to the Committee on Finance.

EC-3352. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8820: Section 467 Rental Agreements; Final Rule" (Notice 99-33), received May 24, 1999; to the Committee on Finance.

EC-3355. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-34, Guidance Regarding Section 412 Emergency Funding Amounts" (Revenue Rule 99-24), received May 24, 1999; to the Committee on Finance.

EC-3357. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-35, Guidance Regarding Section 401(k) and 403(b) Plan Contributions" (TD-8822), received May 24, 1999; to the Committee on Finance.

EC-3359. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-36, Guidance Regarding Section 401(k) and 403(b) Plan Contributions" (TD-8823), received May 24, 1999; to the Committee on Finance.

EC-3362. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-37, Guidance Regarding Section 401(k) and 403(b) Plan Contributions" (TD-8824), received May 24, 1999; to the Committee on Finance.

EC-3365. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3367. A communication from the Secretary of the Treasury and the Department of the Treasury, transmitting, a draft of proposed legislation entitled the "Medicare Contracting Reform Amendments of 1999"; to the Committee on Finance.

EC-3368. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3371. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3373. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3374. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3375. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3376. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3377. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3378. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3379. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3380. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3381. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3382. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.

EC-3383. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation relative to the President's Fiscal Year 2000 Budget; to the Committee on Finance.
EC-3364. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Aerospatiale Model ATR 42 and ATR 72 Series Airplanes; Docket No. 98-NM-175-AD; Amendment 39-11115-AD; RIN2120-AA64”, received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3366. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Avions Pierre Robin Model R 2160 Airplanes; Docket No. 98-CE-80-AD” (RIN2120-AA64), received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3367. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-87-AD; Amendment 39-11116-AD; RIN2120-AA64”, received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3371. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Avions Pierre Robin Model R 2160 Airplanes; Docket No. 98-CE-80-AD; Amendment 39-11115-AD; AD 99-09-18” (RIN2120-AA64), received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-87-AD; Amendment 39-11116-AD; RIN2120-AA64”, received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747-100, -200, and -300 Series Airplanes; Docket No. 97-NM-87-AD; Amendment 39-11117-AD; RIN2120-AA64”, received April 2, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3374. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747-200, -300 and -400 Series Airplanes; Docket No. 98-NM-259-AD; Amendment 39-11118-AD; RIN2120-AA64”, received May 3, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3375. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Temporary Pesticide Tolerance (FRL #6080-6); Aspergillus flavus AF36; Pesticide Tolerance Exemption (FRL #6080-1)”, received May 27, 1999, to the Committee on Agriculture, Nutrition, and Forestry.

EC-3384. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Eliminating Racial and Ethnic Disparities in Health”; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

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 Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mrs. MURRAY, and Mr. STOLEN):
S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility under the insurance contract between the member and the health maintenance organization (Rept. No. 106-57).
By Mr. SHELBY:
S. 1143. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. VOINOVICH (for himself, Mr. GRAHAM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE):
S. 1154. A bill to enable States to use Federal funds on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. WARNER, Mr. HARKIN, Mr. KERRY, Mr. LUGAR, Mr. MCCONNELL, Mr. COCHRAN, and Mr. THURMOND):
S. 1155. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself and Mr. KERRY):
S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies; and for other purposes; to the Committee on Small Business.

By Mr. KOHL (for himself, Mr. INOUYE, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, and Mr. COCHRAN):
S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. Baucus, Mrs. Feinstein, Mr. Kyl, Mr. ROBB, and Mr. BINGMAN):
S. 1158. A bill to extend the Internal Revenue Code of 1986 to provide a credit against the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN):
S. 1159. A bill to amend the Federal Procurement Policy Act to streamline the tax code and the United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI, Mr. BREAUX, Mr. GRAMM, Mr. ROBB, Mr. CHAFEE, Mr. GRAHAM, Mr. BRYAN, Mr. TORRICELLI, Mr. MURPHY, Mr. THURMOND, Mr. GRAMS, Mr. Kyl, Mr. HELMS, Mr. HUTCHISON, Mr. LUGAR, and Mr. COCHRAN):
S. 1160. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

By Mr. NICKLES:
S. 1161. A bill to amend the Internal Revenue Code of 1986 to specify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

By Mr. SMITH of Oregon, and Mr. CRAIG):
S. 1162. A bill to require that certain multi-lateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. McCAIN:
S. 1163. A bill to require that certain multi-lateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. TORRICELLI:
S. 1164. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend the length of the school year; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COOPER (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID):
S. 1165. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:
S. 1166. A bill to provide a patent term restoration review procedure for certain drug products; to the Committee on the Judiciary.

By Mr. LEAHY:
S. 1167. A bill to provide for a safe and secure way to dispose of toxic waste; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself and Mr. ROCKEFELLER):
S. 1168. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. HATCH (for himself, Mr. Baucus, Mrs. Feinstein, Mr. Kyl, Mr. ROBB, and Mr. BINGMAN):
S. 1169. A bill to amend the Internal Revenue Code of 1986 to require that certain multi-lateral development banks and other lending institutions implement independent third party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. MURPHY (for himself, Mr. BAYH, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. Kyl, Mr. KOHL, Mr. ROCKEFELLER, and Mrs. MURRAY):
S. 1170. A bill to establish the Office of Rural Advocacy in the Federal Communications Commission; to improve access to telecommunications services for rural communities; to the Committee on Commerce, Science, and Transportation.
By Mr. ROBB (for himself, Mr. WARNER, and Mr. SARBAVES)

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. HARKIN (for himself, Mr. KERREY, and Mr. GRASSLEY):

S. 1177. A bill to amend the Food Security Act of 1985 to permit the harvesting of crops on land owned by a conservation reserve contract for recovery of biomass used in energy production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHEL:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre National Grasslands Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating loss of wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. DASCHEL, Ms. MURRAY, Mr. SCHUMER, Mr. LEVIN, and Mr. DORGAN):

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1181. A bill to appropriate funds to carry out the commodity supplemental food program during fiscal year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to transfer the honor and choice of being buried in the cemetery; to the Committee on Veterans Affairs.

By Mr. NICKLES:

S. 1183. A bill to direct the Secretary of Energy to convey to the city of Biltmoreville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. HATCH, Mr. MCCAIN, Mr. MCCONNELL, Mr. LOTT, Mr. BOND, Mr. ASHCROFT, Mr. COVERDELL, Mr. NICKLES, Mr. BROWNBACK, Mr. GORDON, Mr. GRASSLEY, Mr. SESSIONS, Mr. BURNS, Mr. INHOFE, Mr. HELMS, Mr. ALLARD, Mr. HAGEL, Mr. MACK, Mr. BURNING, Mr. JEFFORDS, Mr. DEWINE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. ENZI):

S. 1185. A bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. Frist, Mr. HUTCHINSON, Mr. LIEBERMAN, Mr. ALLARD, Mr. BURIS, and Mr. MILLER):

S. Res. 109. A resolution relating to the activities of the National Islamic Front government in Sudan; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHEL, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. BAYH, Mr. BINGHAMAN, Mr. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNING, Mr. BURNS, Mr. CAMPBELL, Mr. COLLINS, Mr. DEWINE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LANDRIEU, Mr. LAUTENBERG, Mr. LINSEMAN, Mr. MURDOCK, Mr. RICHARD, Mr. ROBB, Mr. SARBAVES, Mr. SCHUMER, Mr. SMITH, Mr. SERRANO, Mr. STEVENS, Ms. SNOWE, Mr. THOMPSON, Mr. TORRICELLI, Mr. WEBER, Mr. BAUkus, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS):

S. Res. 110. A resolution designating June 5, 1999, as "National Race for the Cure Day"; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. BURNS, Mr. MURDOCK, Mr. SMITH, Mr. HUTCHISON, Mr. ROBB, Mr. LEVIN, Mr. SCHUMER, Mr. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. MURDOCK, Mr. NICKELE, Mr. NICKLES, Mr. BROWNBACK, Mr. DOHRN, Mr. DASCHEL, Mr. SCHUMER, Mr. SMITH, Mr. STEVENS, Mr. SNOWE, Mr. THOMPSON, Mr. TORRILL, Mr. WEBER, Mr. BAUkus, Mr. BROWNBACK, Mr. DURBIN, Mr. ROTH, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS):

S. Res. 111. A resolution designating June 6, 1999, as "National Child's Day"; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 112; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. MOYNIHAN and Mr. MURDOCK):

S. Con. Res. 36. A concurrent resolution concerning the recognition of an original Palestine partition plan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. DODD, Mr. HOLLINGS, Mr. JEFFORDS, Ms. HUTCHISON, Mr. LEVIN, Mr. MCCONNELL, Mr. LEVIN, Mr. MURRAY, and Mr. WELLSTONE):

S. 1142. A bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SENATORS' ACCESS TO CONTINUING CARE ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Seniors’ Access to Continuing Care Act of 1999", a bill to protect seniors’ access to treatment in the setting of their choice and to ensure that seniors who reside in continuing care retirement communities or nursing and other facilities have the right to return to that facility after a hospitalization.

As our population ages, more and more elderly will become residents of various long term care facilities. These include independent living, assisted living and nursing facilities, as well as continuing care retirement communities (CCRCs), which provide the entire continuum of care. In Maryland alone, there are 122 CCRCs. In 32 states and the District of Columbia there are over 200 licenced nursing facilities.

More and more individuals and couples are choosing to enter continuing care communities because they can remain in one community environment they provide. CCRC’s provide independent living, assisted living and nursing care, usually on the same campus—the Continuum of Care. Residents find safety, security and peace of mind. They often prepay for the continuum of care. Couples can stay together, and if one spouse needs additional care, it can be provided right there, where the other spouse can remain close by.

Most individuals entering a nursing facility do so because it is medically necessary, because they need a high level of care that they can no longer receive in their homes or in a more independent setting, such as assisted living. But residents are still able to form relationships with other residents and staff and consider the facility their "home". I have visited many of these facilities and have heard from both residents and operators. They have told me about a serious and unexpected problem encountered with returning to their facility after a hospitalization.

Hospitalization is traumatic for anyone, but particularly for our vulnerable seniors. We know that having comfortable surroundings and familiar faces helps to aid in the recovery process. So, we should do everything we can to make sure that recovery process is not hindered.

Today, more and more seniors are joining managed care plans. This trend is likely to accelerate given the expansion of managed care choices under the 1997 Balanced Budget Act. As more and more decisions are made based on financial considerations, choice often gets lost. Currently, a resident of a continuing care retirement community or nursing facility who wishes to return to the hospital has no guarantee that he or she will be allowed by the managed care organization (MCO) to return to...
the CCRC or nursing facility for post acute follow up care. The MCO can dictate that the resident go to a different facility that is in the MCO network for that follow up care, even if the home facility is qualified and able to provide the necessary care. Let me give you a few examples:

In the fall of 1996, a resident of Applewood Estates in Freehold, New Jersey was admitted to the hospital. Upon discharge, her HMO would not permit her to return to Applewood and sent her to another facility in Jackson. The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

A Florida couple in their mid-80's were separated by a distance of 20 miles after the wife was discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who longed to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from the couple, the HMO would not allow the wife to recuperate in a familiar setting, close to her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

Collington Episcopal Life Care Community, in my home state of Maryland, reports ongoing problems with its frail elderly having to obtain psychiatric services, including medication monitoring, off campus, even though the services are available at Collington—how disruptive to good patient care!

On a brighter note, an Ohio woman's husband was in a nursing facility. When she was hospitalized, and then discharged from a hospital to an HMO-participating nursing home located on the opposite side of the county. This was a hardship for the husband who had difficulty driving and for the wife who longed to return to her home, a CCRC. The CCRC had room in its skilled nursing facility on campus. Despite pleas from the couple, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

Residents consider their retirement community or long term care facility as their home. And being away from home for any reason can be very difficult. The trauma of being in unfamiliar surroundings can increase recovery time. The staff of the resident's "home" facility often knows best about the person's chronic care and service needs. Being away from "home" separates the resident from his or her emotional support system. Refusal to allow a resident to return to his or her home takes away the person's choice. All of this leads to greater recovery time and unnecessary trauma for the patient.

And should a woman's husband have to hitch a ride or catch a cab in order to see his recovering spouse if the facility where they live can provide the care? NO. Retirement communities and other long term care facilities are not just health care facilities. They provide an entire living environment for their residents. A resident's choice of residence is protected under the Ohio law that protected that right. Why is that important? What are the benefits of frequent visits by her husband to the CCRC or nursing facility located on campus. Despite pleas from the couple, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

The following year, the same thing happened, but after strong protest, the HMO finally relented and permitted her to return to Applewood. She should not have had to protest, and many seniors are unable to assert themselves.

HMO nursing facility, without the benefit of frequent visits by her husband and friends. She later died at the HMO nursing facility, without the benefit of frequent visits by her husband and friends.

Collington Episcopal Life Care Community, in my home state of Maryland, reports the option to use their National Highway System, Congestion Mitigation and other 33 loans as of November 1, 1998. Together, these 54 projects are scheduled to receive $1.2 billion in discretionary funds from other highway funding categories (e.g., NHS, STP, CMAQ). The bill includes a provision that allows the American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, and numerous industry groups, including the American Road and Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program.

The availability of SIB financial assistance has attracted additional investments of more than $2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project amount to investment of SIB investment). This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). The high priority project flexibility—the bill includes a provision that allows States the flexibility to advance a "high priority" project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA-21. This provision would allow States to accelerate the construction of their "high priority" projects by borrowing funds from other highway funding categories (e.g., NHS, STP, CMAQ). The high priority project flexibility—the bill includes a provision that allows States the flexibility to advance a "high priority" project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA-21. This provision would allow States the flexibility to advance a "high priority" project faster than is allowed by TEA-21, which provides the funding for high priority projects spread over the six-year life of TEA-21.
and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors’ Association, has passed a resolution requesting this additional flexibility for States to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

In Section 2 I would like to encourage my colleagues to support this bill, especially for members whose states who are supportive of the State Infrastructure Bank program, have high priority projects that are ready-to-go, or would like the option of using available Federal transportation funding to support intercity passenger rail needs in their state.

I encourage my colleagues to support this important legislation. I ask that a section by section description of the bill be printed into the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

**Summary**

The purpose of this bill is to provide additional flexibility to States and localities in implementing the Federal transportation program. This bill not affect the funding formula agreed to in TEA 21 or modify the overall level of funding for any program.

**SECTION 1—Short Title**

Section 1—Title II—State Infrastructure Banks

This section authorizes all 50 states to participate in the State Infrastructure Bank (SIB) program. SIBs are revolving funds, capitalized with Federal and State contributions, which are empowered to make loans and provide other forms of non-grant assistance to transportation projects. Before the Transportation Act for the 21st Century (TEA 21) was enacted, transferring Federal highway funding to a State Infrastructure Bank was an option available to all 50 states, but relatively few states elected to participate. Regrettably, TEA 21 took the program backwards and limited the SIB program to just four states. This section would restore the program as it existed prior to TEA 21. The bill extends thru FY 2003 the SIB program, which was authorized in the National Highway System Designation Act.

The American Association of State Highway and Transportation Officials (AASHTO), the National Association of State Treasurers, the Industry groups, including the American Road & Transportation Builders (ARTBA), strongly support legislation giving all states the opportunity to participate in the SIB program. At their annual meeting in November 1998, AASHTO members adopted a resolution supporting expansion of the SIB program.

Availability of SIB financial assistance has attracted additional investment. According to U.S. DOT, SIBs made 21 loans and signed agreements for another 33 loans as of November 1. Of these 54 projects, 35 projects were scheduled to receive SIB loan disbursements totaling $408 million to support project investments of more than $2.3 billion—resulting in a leverage ratio of about 5.6 to 1 (total project investment to amount of SIB investment).

**Section 3—High Priority Project Flexibility**

Subsection (a) allows States the flexibility to advance a “high priority” project faster than is allowed by TEA 21, which provides the funding for high-priority projects spending over the six-year life of TEA 21. This provision would allow States to accelerate the construction of their “high priority” projects, including funds from other highway funding categories (e.g., NHS, TIF, STP, CMAQ). This flexibility is particularly important for states who are ready to construct some of the highest priority projects in the first few years of TEA 21, and without this provision may need to defer completion until the later years of TEA 21.

**Subsection (b) gives States the option to use their National Highway System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors’ Association, has passed a resolution requesting this additional flexibility for States to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

**Subsection (c) specifies how funds transferred for intercity passenger rail services are to be administered.**

**Section 4—Funding Flexibility and High Speed Rail Corridors**

Subsection (a) gives States the option to use their National Highway System, Congestion Mitigation and Air Quality funds, and Surface Transportation Program funds to fund capital expenses associated with intercity passenger rail service, including high-speed rail service. The National Governors’ Association, has passed a resolution requesting this additional flexibility for States to meet their transportation needs. In testimony before the committee, the U.S. Conference of Mayors and the National Council of State Legislatures also requested this additional flexibility.

**Section 5—Historic Bridges**

This section eliminates a restriction that caps the amount of Federal-aid highway funds that can be spent on a historic bridge to an amount equal to the cost of demolition. The restriction unnecessarily limits States’ flexibility to preserve historic bridges, and limits the funds that can be spent on a historic bridges for the enhancements program for alternative transportation uses. A similar provision was included in the Senate Transportation Appropriations bill, but was not considered by the conference due to time constraints.

**Section 6—Accounting Simplification**

This section makes a minor change to the distribution and obligation limitation that simplifies accounting for states. Currently, a very small amount of the obligation authority directed to the minimum guarantee program is made available for one-year even though the overwhelming majority is made available for several years. This section would make all obligation authority for this program available as multi-year funding. Therefore, this section eliminates the need to account for the States to plan for the small amount of funding separately.

By Mr. LEAHY (for himself, Mr. INOUYE, Mr. SARBAES, Mr. REED, Mr. ROBB, Mr. AKAKA, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1145. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

**The Federal Judgeship Act of 1999**

Mr. LEAHY. Mr. President, today I am introducing the Federal Judgeship Act of 1999. I am pleased that Senators INOUYE, SARBAES, REED, ROBB, AKAKA, and SCHUMER are joining me as original cosponsors of this measure.

Our bill creates 69 new judgeships across the country to address the increased caseloads of the Federal judiciary. Specifically, our legislation would: create 7 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeals; create 33 additional permanent judgeships and 25 temporary judgeships for the U.S. District Courts; and convert 10 existing temporary district judgeships to permanent positions.

This bill is based on the recommendations of the Judicial Conference of the United States, the non-partisan policy-making body of the judicial branch. Federal judges across the nation believe that the continuing heavy caseload of our courts of appeals and district courts merit these additional judges. Indeed, the Chief Justice of the United States in his 1998 year-end report of the U.S. Judiciary declared: “The number of cases brought to federal courts is one of the most serious problems facing them today.”

Chief Justice Rehnquist is right. The filings of cases in our Federal courts are increasing at an alarming rate. In fact, the number of felony cases filed in 1997 increased 25 percent with the number of criminal defendants rising 21 percent. In the past eight years, total civil case filings have increased 22 percent in our Federal courts.

Historically, every six years Congress has reviewed the need for new judgeships. In 1984, Congress passed legislation to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of the increasing caseload, particularly for drug-related crimes. But in the last two Congresses, the Republican majority failed to follow this tradition. Two years ago the Judicial Conference requested an additional 55 judgeships to address the growing backlog. My legislation, based on the Judicial Conference’s 1997 recommendations, S. 678, the Federal Judgeship Act of 1997, languished in the Judicial Committee without action during both sessions of the last Congress.

It is now nine years since Congress last seriously reexamined the caseload of the federal judiciary and the need.
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for more federal judges. Congress ignores the needs of the Federal judiciary at the peril of the American people. Overworked judges and heavy caseloads slow down the judicial process and delay justice. In some cases, justice is in danger of being denied because witnesses and evidence are lost due to long delays in citizens having their day in court.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. We are fortunate to have dedicated women and men throughout the Federal courts who are busy doing a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government. They deserve our respect and our support.

Let us act now to ensure that justice is not delayed or denied for anyone. I urge the Senate to enact the Federal Judgeship Act of 1999 without further delay.

By Mr. DASCHLE (for himself and Mr. ROCKETT):

S. 1146. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

THE VETERANS' ACCESS TO EMERGENCY CARE ACT OF 1999

Mr. DASCHLE. Mr. President, the American people continue to say they want this Congress to live up to the patients' Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced S. 6, the Patients' Bill of Rights Act of 1999, earlier this year. That legislation, which we first introduced in the 105th Congress, addresses the growing concerns among Americans about the quality of care delivered by health maintenance organizations. I am disappointed that some of my colleagues on the other side of the aisle prevented the Senate from considering managed care reform legislation last year. But I remain hopeful that the Republican leadership will allow an open and honest debate on this important issue this year.

I am hopeful that my colleagues will also take a moment to listen to veterans in this country who are raising legitimate concerns about the medical care they receive from the Department of Veterans Affairs (VA). Many veterans are understandably concerned that the Administration requested approximately $18 billion for VA health care in FY 2000—almost the same amount it requested last year. They fear that if this flat-lined budget is enacted, the VA would be forced to make significant reductions in personnel, health care services and facilities. I share their concerns and agree that we simply cannot allow that to happen. On the contrary, Congress and the Administration need to work together to provide the funds necessary to improve the health care that veterans receive.

Toward that end, and as we prepare to celebrate Memorial Day, I am reintroducing the Emergency Care Act of 1999. I am pleased that Senator ROCKEFELLER, the distinguished Ranking Member of the Senate Veterans' Affairs Committee, is joining me in this effort. This legislation, which was S. 2639 last year, calls for veterans to be reimbursed for emergency care they receive at non-VA facilities.

The problem addressed in the bill stems from the fact that veterans who rely on the VA for health care often do not seek care at the nearest emergency medical facility because they believe they will be denied reimbursement for emergency medical care they receive at non-VA facilities. According to the VA, veterans may only be reimbursed by the VA for emergency care at a non-VA facility that was not pre-authorized if all of the following criteria are met:

First, care must have been rendered for a medical emergency of such nature that any delay would have been life-threatening; second, the VA or other federal facility was not available, or the patient was unable to feasibly available; and, third, the treatment must have been rendered for a service-connected disability, a condition associated with a service-connected disability, or for any disability of a veteran who has a 100-percent service-connected disability.

Many veterans who receive emergency health care at non-VA facilities are able to meet the first two criteria. Unless they are 100-percent disabled, however, they generally fail to meet the third criterion. They have suffered heart attacks or other medical emergencies that were unrelated to their service-connected disabilities. Considering the enormous costs associated with emergency health care, current law has been financially and emotionally devastating to countless veterans with limited income and no other health insurance. The bottom line is that veterans are forced to pay for emergency care out of their own pockets until they can be stabilized and transferred to VA facilities.

During medical emergencies, veterans often do not have a say about whether they should be taken to a VA or non-VA medical center. Even when they specifically ask to be taken to a VA facility, emergency medical personnel often transport them to a nearby hospital instead because it is the closest facility. In many emergencies, that is the only sound medical decision to make. It is simply unfair to penalize veterans who receive medical care at non-VA facilities. Veterans were asked to make enormous sacrifices for this country, and we should not turn our backs on them during their time of need.

There should be no misunderstanding. This is a widespread problem that affects countless veterans in South Dakota and throughout the country. I would like to share three examples of veterans being denied reimbursement for emergency care at non-VA facilities in western South Dakota.

The first involves Edward Sanders, who is a World War II veteran from Custer, South Dakota. On March 6, 1994, Edward was taken to the hospital in Custer because he was suffering chest pains. He was monitored for several hours before a doctor at the hospital called the VA Medical Center in Hot Springs and indicated that Edward was in need of emergency services. Although Edward asked to be taken to a VA facility, VA officials advised him to seek care elsewhere. He was then transported by ambulance to the Rapid City Regional Hospital where he underwent a cardiac catheterization and coronary artery bypass grafting. Because the emergency did not meet the criteria I mentioned previously, the VA did not reimburse Edward for the care he received. His medical bills totaled more than $50,000.

On May 17, 1997, John Lind suffered a heart attack while he was at work. John is a Vietnam veteran exposed to Agent Orange who served his country for 14 years until he was discharged in 1981. John lives in Rapid City, South Dakota, and he points out that he would have asked to be taken to the VA Medical Center in Fort Meade for care, but he was semi-conscious, and emergency medical personnel transported him to Rapid City Regional. After 4 days in the non-VA facility, John incurred nearly $20,000 in medical bills. Although he filed a claim with the VA for reimbursement, he was told that the emergency was not related to his service-connected disability.

Just over one month later, Delmer Paulson, a veteran from Quinn, South Dakota, suffered a heart attack on June 26, 1997. Since he had no other health care insurance, he asked to be taken to the VA Medical Center in Fort Meade. Again, despite his request, the emergency medical personnel transported him to Rapid City Regional. Even though Delmer was there for just over a day before being transferred to Fort Meade, he was charged with almost a $20,000 medical bill. Again, the VA refused to reimburse Delmer for the unauthorized medical care, even though the emergency did not meet VA criteria.

The Veterans' Access to Emergency Care Act of 1999 would address this serious problem. It would authorize the VA to reimburse veterans enrolled in the VA health care system for the cost of emergency care or services received in non-VA facilities when there is "a serious threat to the life or health of a veteran."" Rep. LANE EVANS introduced
similar legislation in the House of Representatives earlier this year. I am encouraged that the Administration’s FY 00 budget request includes a proposal to allow veterans with service-connected disabilities to be reimbursed by the VA for emergency care they receive at non-VA facilities. This is a step in the right direction, but I think that all veterans enrolled in the VA’s health care system—whether or not they have a service-connected disability—should be able to receive emergency care at non-VA facilities. I look forward to continuing to work with Senator Rockefeller and my colleagues on both sides of the aisle to ensure that veterans receive the health care they deserve.

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. 1146

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 “Veterans’ Access to Emergency Care Act of 1999.”

SEC. 2. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) Definitions.—Section 1701 of title 38, United States Code, is amended—

(1) by striking “and” at the end of subsection (a);

(2) by adding at the end the following new subparagraph:

“(C) emergency care, or reimbursement for such care, as described in subsections 1702(a) (3) and 1728(a)(2)(E) of this title.”; and

(b) by adding at the end the following new paragraph:

“(2) By the VA for such care under this section shall be made only after the VA has been informed of the veteran’s emergency care need by the provider of such care or after the date of the enactment of this Act.”

(c) Effective Date.—The amendments made by this section shall apply with respect to care provided on or after the date of the enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to offer my support to the Veterans’ Access to Emergency Care Act of 1999. This bill will authorize VA to cover emergency care at non-Department of Veterans Affairs (VA) facilities for those veterans who have enrolled with VA for their health care. I join my colleague, Senator Daschle, in cosponsoring this valuable initiative and thank him for his leadership.

Currently, VA is restricted by law from authorizing payment of comprehensive emergency care services in non-VA facilities except to veterans with special eligibility. Most veterans who must rely on VA for their health care and who have emergencies dial “911.” Veterans who call for help are then transported to non-VA facilities. Staff at the private facility contacted the Clarksburg VA Medical Center and were told there were no ICU beds available and advised transferring the patient to the Pittsburgh VA Medical Center.

When contacted, Pittsburgh refused the patient because of the length of necessary transport. A call to the Beckley VAMC was also fruitless. The doctor was advised by VA staff that the trip to Beckley would be “too risky for the three-hour ambulance travel.”

The veteran was kept overnight at the private hospital for observation, and then was billed for the care—$900, and Medicare paid its share.

Two more West Virginia cases quickly come to mind involving 100 percent service-connected combat veterans, both of whom had to turn to the private sector in emergency situations.

One veteran had a heart attack and as I recall, his heart stopped twice before the ambulance got him to the closest non-VA hospital. The Huntington VA Medical Center was his health care provider and it was more than an hour away from the veteran’s home. This veteran had Medicare, but he was still left with a sizeable medical bill for the emergency services that saved his life.

The other veteran suffered a fall that rendered him unconscious and caused considerable physical damage. He also was taken to the closest non-VA hospital—and was left with a $4,000 bill after Medicare paid its share.

Both contacted me to complain about the unfairness of these bills. As 100 percent service-connected veterans, they rely totally on VA for their health care. I can assure you that neither of them, nor the other two West Virginia veterans I referred to, ever expected to be in the situation in which they all
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suddenly found themselves—strapped with large health care bills because they needed emergency treatment in life-threatening situations, when they were miles and miles from the nearest VA medical center.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration’s FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of Rights, “Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a prudent layperson could expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.” This “prudent layperson” standard is included in the Veterans’ Access to Emergency Care Services Act of 1999 and is intended to protect both the veteran and the VA.

To my colleagues who would argue that this expansion of benefits is something the VA cannot afford, I would say that denying veterans access to care should not be the way to balance our budget. The budget resolution includes an additional $1.7 billion for VA. I call on the appropriators to ensure that VA has the funds necessary to provide care to veterans.

Truly, approval of the Veterans’ Access to Emergency Care Services Act of 1999 would ensure appropriate access to emergency medical services. Thus, we would be providing our nation’s veterans greater continuity of care.

Mr. President, veterans currently have the opportunity to come to VA facilities for their care, but they lack coverage for the one of the most important health care services. I look forward to working with my colleagues on the House and Senate Committees on Veterans’ Affairs to make this proposal a reality.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. KOHL, and Mrs. HUTCHISON).

S. 1147, bill to amend the Internal Revenue Code of 1986 to provide a credit against tax obligations who provide child care assistance for dependents of their employees, and for other purposes; to the Committee on Finance.

WORKSITE CHILD CARE DEVELOPMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I am extremely proud to introduce the “Worksite Child Care Development Act of 1999” with Senators HUTCHISON, KOHL, and JEFFORDS. This measure will make child care more accessible and affordable to the many millions of Americans who find it not only important, but crucial.

This legislation would grant tax credits to employers who assist their employees with child care expenses by providing:

A one-time 50 percent tax credit not to exceed $100,000 for startup expenses, including expansion and renovations of an employer-sponsored child care facility;

A 50 percent tax credit for employers not to exceed $25,000 annually for the operating costs to maintain a child care facility; and

A 50 percent tax credit yearly not to exceed $50,000 for this employers who provide payments or reimbursements for their employees’ child care costs.

Why is this legislation important?

First, the workplace has changed over the years. In 1947, just over one-quarter of all mothers will children between 6 and 17 years of age were in the labor force. By 1996, their labor force participation rate had tripled.

Indeed, the Bureau of Labor Statistics reports that 65 percent of all women with children under 18 years of age are now working and that the growth in the number of working women will continue into the next century.

Second, child care is one of the most pressing social issues of the day. It impacts every family, including the poor, the working poor, middle class families, and stay-at-home parents.

Last June, I hosted a Florida statewide summit on child care where over 500 residents of my State shared with me their concerns and frustration on child care issues.

They told me that quality child care, when available, is often not affordable. Those who qualify told me there are often long waiting lists for subsidized child care.

They told me that working parents struggle to find ways to cope with the often conflicting time demands of both work and child care.

They told me that their school-age children are at risk because before and after-school supervised care programs are not readily available.

Mr. President, quality child care should be a concern to all Americans. The care and nurturing that children receive early in life has a profound influence on their future—and their future is our future.

In the 21st century, women will comprise more than 60 percent of all new entrants into the labor market. A large proportion of these women are expected to be mothers of children under the age of 6.

The implications for employers are clear. They understand that our Nation’s work force is changing rapidly and that those employers who can help their employees with child care will have a competitive advantage. In Florida, for instance, Ryder System’s Kids’ Corner in Miami has enrolled approximately 100 children in a top-notch day care program.

I commend the many corporations in Florida and across the nation that have taken the important step of providing child care for its employees. Many smaller businesses would like to join them, but do not have the resources to offer child care to employ-...
By Mr. DASCHLE (for himself and Mr. KERREY):

S. 1148. A bill to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska Development Trust Fund Act.

Mr. DASCHLE. Mr. President today I am introducing legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe was flooded or subsequently lost to erosion. Approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation also was flooded. The flooding of these fertile lands struck a significant blow to the economies of these tribes, and the tribes have never adequately been compensated for that loss. Passage of this legislation will help compensate the tribes for their losses by providing the resources necessary to rebuild their infrastructure and their economy.

To appreciate fully the need for this legislation, it is important to understand the historic events that preceded its development. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (50 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project, initially flooded 2,851 acres of tribal land, forcing the relocation and resettlement of at least 20 families, including the traditional and self-sustaining community of White Swan, one of the four major settlement areas on the reservation. On other reservations, such as Crow Creek, Lower Brule, Cheyenne River, Standing Rock and Fort Berthold, communities affected by the Pick-Sloan dams were relocated to higher ground. In contrast, the White Swan community was completely dissolved and its residents dispersed to whatever areas they could settle and stay again.

The bill I am introducing today is the latest in a series of laws that have been enacted in the 1990s to address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan dams. Congress also has granted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes, and for unfulfilled government commitments regarding replacement facilities. In 1996 Congress enacted legislation compensating the Crow Creek tribe for its losses, while in 1997, legislation was enacted to compensate the Lower Brule Tribe. The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

Mr. President, the flooding caused by the Pick-Sloan dams touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. Never were these effects fully considered. Federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important step in our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation not only will right a historical wrong, it will improve the lives of Native Americans living on these reservations.

It has taken decades for us to recognize the unfulfilled federal obligation to compensate the tribes for the effects of the dams. We cannot, of course, remake the lost lands that are now covered with water and return them to the tribes. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on their reservation and enhance opportunities for economic development that will benefit all members of the tribe. Now that we have reached this stage, the importance of passing this legislation as soon as possible cannot be stated too strongly. I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past harm inflicted by the Federal Government in the long overdue and long further delay of those compounds that harm. 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. 1148

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 "Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1914, commonly known as the "Flood Control Act of 1944" (58 Stat. 887; chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;
(B) to provide for irrigation above Sioux City, Iowa;
(C) to protect urban and rural areas from devastating floods of the Missouri River; and
(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, historically productive lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir)—

(A) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation; and
(B) has caused the erosion of more than 400 acres of prime land on the Yankton Sioux Reservation adjoining the east bank of the Missouri River;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, they have not benefited the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands of the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give the Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensations for direct damages from the Pick-Sloan program, even though the Federal Government was aware of the substantial amount of hydropower and impounding the quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (8) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

in addition to the compensation provided under the settlement agreements referred to in paragraph (9)
(A) The Yankton Sioux Tribe should receive an aggregate amount equal to $34,323,743 for—
(i) the loss of 2,851.40 acres of Indian land covered by the Fort Randall Dam and Reservoir of the Pick-Sloan program; and
(ii) the use value of 408.40 acres of Indian land on the reservation of that Indian tribe that was subject to stream flow re- 
extion that has occurred since 1953.
(B) The Santee Sioux Tribe shall receive an aggregate amount equal to $8,132,838 for the loss of—
(i) 593.10 acres of Indian land located near the Santeet village; and
(ii) 484.12 acres on Niobrara Island of the Santee Sioux Tribe reservation used for the Gavins Point Dam and Reservoir.

SEC. 3. DEFINITIONS.
In this Act:
(1) INDIAN TRIBE.—The term ‘‘Indian tribe’’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e).
(2) PROGRAM.—The term ‘‘Program’’ means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.
(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘‘Yankton Sioux Tribe Development Trust Fund’’ (referred to in this section as the ‘‘Fund’’). The Fund shall consist of any amounts deposited in the Fund under this Act.
(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $8,132,838 into the Fund not later than 60 days after the date of enactment of this Act.
(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.
(d) PAYMENT OF INTEREST TO YANKTON SIOUX TRIBE.—
(1) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.
(2) PAYMENTS TO SANTEE SIOUX TRIBE.—
(A) IN GENERAL.—Each tribal council of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.
(B) LIMITATION.—Payments may be made by the Secretary of the Interior under paragraph (A) only after the Santee Sioux Tribe adopts a tribal plan under section 6.
(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.
(D) PLANNING COMMITMENTS.
(i) IN GENERAL.—Subject to clause (ii), the Santee Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.
(ii) LIMITATIONS.—The Santee Sioux Tribe—
(1) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and
(2) may not enter into an agreement under this paragraph if the Indian tribe fails to comply with any of the terms of the agreement referred to in clause (i).
(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. SANTEE SIOUX TRIBE OF NEBRASKA DEVELOPMENT TRUST FUND.
(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘‘Santee Sioux Tribe of Nebraska Development Trust Fund’’ (referred to in this section as the ‘‘Fund’’). The Fund shall consist of any amounts deposited in the Fund under this Act.
(b) FUNDING.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit $8,132,838 into the Fund not later than 60 days after the date of enactment of this Act.
(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.
(d) PAYMENT OF INTEREST TO SANTEE SIOUX TRIBE.—
(1) WITHDRAWAL OF INTEREST.—Beginning at the end of the first fiscal year in which interest is deposited into the Fund, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.
(2) PAYMENTS TO SANTEE SIOUX TRIBE.—
(A) IN GENERAL.—Each tribal council of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.
(B) LIMITATION.—Payments may be made by the Secretary of the Interior under paragraph (A) only after the Santee Sioux Tribe adopts a tribal plan under section 6.
(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.
(D) PLANNING COMMITMENTS.
(i) IN GENERAL.—Subject to clause (ii), the Santee Sioux Tribe may enter into an agreement under which that Indian tribe pledges future payments under this paragraph as security for a loan or other financial transaction.
(ii) LIMITATIONS.—The Santee Sioux Tribe—
(1) may enter into an agreement under clause (i) only in connection with the purchase of land or other capital assets; and
(2) may not enter into an agreement under this paragraph if the Indian tribe fails to comply with any of the terms of the agreement referred to in clause (i).
(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 6. TRIBAL PLANS.
(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under sections 4 and 5 (referred to in this subsection as a ‘‘tribal plan’’).
(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the plan shall expend payments to the tribe under subsection (d) to promote—
(1) economic development;
(2) infrastructure development; and
(3) the educational, health, recreational, and social welfare objectives of the tribe and its members or
(4) any combination of the activities described in paragraphs (1), (2), and (3).
(c) TRIBAL PLAN REVIEW AND REVISION.—
(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with any notice and procedures established by the tribal council.
(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revision the plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.
(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the revocation of any approval or program to which, pursuant to Federal law—
(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or
(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.
(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.
(c) POWER RATES.—No payment made pursuant to this Act shall affect the rates of the Missouri River Basins.

SEC. 8. STATUTORY CONSTRUCTION.
Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

Mr. KERREY. Mr. President, today, I join with my colleagues to introduce the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska Development Trust Fund Act. This legislation will provide compensation to the Yankton and Santee Sioux Tribes for
As a result of the construction of Pick-Sloan development projects on tribally held land adjacent to the Mis- souri River, the Yankton and Santee Sioux Tribes lost 2,140 acres of land, which is replaceable reservation resources.

The Santee Sioux Tribe of Nebraska lost approximately 600 acres of Indian land located near the Santee village and an additional 400 acres on the Ne- braska Island of the Santee Sioux Tribe Indian Reservation.

Congress provided compensation to other Native American Tribes for losses caused by the Pick-Sloan projects. However, the Yankton and the Santee Sioux Tribes were not pro- vided opportunities to receive compensa- tion by Congress. Instead, they received settlements for the appraised value of their property through con- demnation proceedings in U.S. District Court. But these Tribes did not receive rehabilitation compensation. As a re- sult, the Yankton and Santee Sioux Tribes are entitled to this additional compensation.

This legislation seeks to utilize revenue from the sale of hydropower generated by the Pick-Sloan dams to re- address tribal claims for land takings. Congress has endorsed this approach on three separate occasions by enacting legislation which established compensation for several other Tribes ad- versely impacted by the Pick-Sloan projects.

We propose to establish trust funds for the Yankton and Santee Sioux Tribes from a portion of the revenues of hydropower sales made by the Western Areas Power Administration. More specifically, the Santee Sioux Tribe of Nebraska would receive a yearly payment of interest earned on the prin- cipal in the trust fund. Our legislation encourages the Santee Sioux Tribe to craft an economic development plan for use of the interest income. This self-governance approach will enable the Santee Sioux Tribe to continue to address improving the quality of life of its tribal members.

This legislation values the impor- tance of redressing tribal claims and self-governance for Nebraska Native American Tribes. It will enable the Santee Sioux Tribe of Nebraska to address grievances and look forward to investing in its future.

By Mr. LAUTENBERG:

S. 1149. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Com- mittee on Environment and Public Works.

THE DRINKING WATER RIGHT-TO-KNOW ACT OF 1999

Mr. LAUTENBERG. Mr. President, I am introducing today the Drinking Water Right-To-Know Act of 1999. This legislation is designed to give the public the Right to Know about contami- nants in their drinking water that are unregulated, but still may present a threat to their health.

Mr. President, when we passed the Safe Drinking Water Act to improve the quality of our drinking water in 1996, I praised the bill because I be- lieved it would enhance both the qual- ity of our drinking water and Amer- ica’s confidence in its safety. While the bill did not require that states perform every measure necessary to protect public health, it provided tremendous flexibility and discretion to allow the states to do so.

I was especially hopeful that in my state—the most densely-populated state in the country, a state with an unfortunate legacy of industrial pollu- tion, a state in which newspaper arti- cles describing threats to drinking water seem to appear every few days— that our state agencies would exercise their discretion to be more protective of public health. The minimum re- quired under our 1996 bill.

Mr. President, I am sad to say I have been disappointed. I am sad to say that in my state, and probably in some of my colleagues as well, the state agen- cy has clung too closely to the bare minimum requirements. A good exam- ple of this is in the “Source Water As- sessment Plan,” proposed by the state of New Jersey last November, as re- quired by the 1996 law.

Under the law, the state is required to perform Source Water Assessments to identify geographic areas that are sources of public drinking water, assess the water systems’ susceptibility to contamination, and inform the public of the results. The state’s Source Water Assessment Plan describes the program for carrying out the assess- ments.

An aggressive Source Water Assess- ment program is essential if a state is going to live up to the 1996 Safe Drinking Water Act. Source Water Assessment is the key- stone of the program by which the state will prevent—not just remediate and treat, but prevent—contamination of our drinking water resources. Source Water Assessment also underpins what I believe will be the most far-reaching provisions of the law—those giving the public the Right to Know about poten- tial threats to its drinking water.

Mr. Chairman, there are serious defi- ciencies in my state’s proposed Source Water Assessment Plan. These are defi- ciencies that I fear may characterize other states’ plans as well.

First, under the proposed plan, the state will not identify and evaluate the threat presented by contaminants un- less they are among the 80 or so speci- fically regulated under the Safe Drink- ing Water Act. Under its proposed plan, the state might ignore even contami- nants known to be leaking into drink- ing water from toxic waste sites. For example, the chemical being studied as a possible cause of childhood cancer at Toms River, New Jersey would not be evaluated under the state’s plan. Rad- ium 224, recently discovered in drink- ing water across my state, might not be evaluated under the state’s plan until specifically regulated. With gaps like that in our information, what do I really mean when I tell my constituents to go and buy a test kit? Do I know what is in their drinking water?

In addition, under its proposed plan, the state would not consult the public in identifying and evaluating threats to drinking water. This exclusion is almost certainly result in exclu- sion of the detailed information known to the watershed groups and other community groups which exist across New Jersey and across the country. Also, the state’s plan to disclose the assessments are vague and imply that only summary data would be made available to the public. The public must have complete and easy access to assessments for the Right to Know component of the drinking water pro- gram to be effective.

The Drinking Water Right-To-Know Act of 1999 will address these defi- ciencies by amending the Safe Drinking Water Act to improve Source Water Assessments and Consumer Confidence Reports. First, under the state performs Source Water Assess- ments, it will assess the threat posed, not just by regulated contaminants, but by certain unregulated contami- nants believed by EPA and U.S. Geo- logical Survey to cause health prob- lems, and contaminants known to be released from local pollution sites, such as Superfund sites, other waste sites, and factories. The bill will also require the state to identify potential contamination of groundwater, even outside the immediate area of the well, perform the assessments with full in- volvement from the public, and update the assessments every five years.

Second, the Drinking Water Right-To-Know Act of 1999 will make several improvements to the “Consumer Con- fidence Reports” required under the 1996 law to notify the public of water contamination. The bill will require monitoring and public notification, not only of regulated contaminants, but of significant unregulated contaminants identified through the Source Water Assessments, and of sources of con- tamination. The bill will not require local water purveyors to monitor for every conceivable contaminant—only those identified by the state as posing a threat and having been released by a potentially significant source. In addi- tion, the bill will require notification of new or sharply-increased contamin- ation within 30 days. The bill will also require reporting not just to “cus- tomers,” but to “consumers,” such as apartment-dwellers, who do not receive water company bills. Finally, the bill will require that consumers be pro- vided information on how they can pro- tect themselves from contamination in their drinking water.

Third, the bill will require that test- ing for the presence of radium 224 take place within 48 hours of sampling the
drinking water, so that public water supplies can have an accurate assessment of this rapidly-decaying radioactive contaminant.

Mr. President, the public has the Right-to-Know about the full range of contaminants that might find in their tap water. The Drinking Water Right-To-Know Act of 1999 will guarantee them that right. I urge my colleagues to co-sponsor this legislation.

Thank you, 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. 1149

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 “Drinking Water Right-to-Know Act of 1999”.

SEC. 2. RADIANZ IN DRINKING WATER.

Section 1412(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(3)) is amended by adding at the end the following:

(H) RADIANZ IN DRINKING WATER.—A national primary drinking water regulation for radionuclides promulgated under this paragraph shall require testing drinking water for the presence of radianz 224 not later than 48 hours after taking a sample of the drinking water.

SEC. 3. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

Section 1453(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300g-3(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “The Administrator” and inserting the following:

“(I) IN GENERAL. —The Administrator;”

(B) in the first sentence—

(i) by striking “customer of” and inserting “consumer of the drinking water provided by;” and

(ii) by inserting before the period at the end of the sentence that follows: “that includes a report on the level of each contaminant that—

(I) may be difficult to detect in finished water; and

(II) may be present at levels that present a public health concern in finished water;”;

(C) in the second sentence, by striking “Such regulations shall provide” and inserting “The regulations shall—

(I) provide;”;

(D) by striking “directing. The regulations shall also include” and inserting “The regulations shall also include”;

(E) by striking “water. The regulations shall also provide” and inserting “water.”;

(F) by striking the period at the end of the subparagraph and inserting “;”;

(G) by adding at the end the following:

(iv) direct public water systems to mail consumer confidence reports to residential consumers only as determined by the Administrator; and

(2) in subparagraph (B), by inserting after clause (vi) the following:

(vii) The requirement that each community water system shall report to consumers of drinking water supplied by that community water system—

(II) any detection of a contaminant described in section 1453(a)(2); (III) any known or potential health effects of each contaminant detected in the drinking water; (IV) level of specificity practicable, including known or potential health effects of each contaminant on children, pregnant women, and other vulnerable subpopulations, as determined by the Administrator;

(III) known or suspected sources of contaminants detected in the drinking water identified by state and location; and

(iv) information on any health advisory issued for the contaminant, including actions that consumers can take to protect themselves from contamination in the drinking water supplied by the community water system;

(3) in subparagraph (C)—

(A) in clause (I), by striking “its customers” and inserting “consumers of drinking water provided by the system”;

(B) in clause (iii), by striking “customers of” and inserting “consumers of its drinking water”; and

(4) in clause (ii) of the second sentence of subparagraph (D), by striking “of its customers’” and inserting “of consumers of its drinking water”;

(5) by adding at the end the following:

(F) NOTICE OF NEWLY DETECTED CONTAMINANT POTENTIAL TO HAVE ADVERSE HEALTH EFFECTS.—The procedures under subparagraph (D) shall specify that a public water system shall provide written notice to each consumer by mail or direct delivery—

(i) as soon as practicable, but not later than 30 days after the date of discovery of new contamination or a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by a regulated contaminant that is above the maximum contaminant level goal for that contaminant or

(ii) as soon as practicable, but not later than 30 days after the date of the discovery of new contamination or the detection of a significant increase in contamination (as compared to the level of contamination reported in any previous consumer confidence report) by a regulated contaminant that is above the maximum contaminant level goal for that contaminant.

SEC. 4. SOURCE WATER ASSESSMENTS.

(a) IN GENERAL.—Section 1453(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300g-3(a)(2)) is amended—

(1) by striking “customer of” and inserting “consumer of the drinking water provided by;” and

(2) in subparagraph (B), by striking the period at the end of the sentence that follows: “that includes a report on the level of each contaminant that—

(I) may be difficult to detect in finished water; and

(II) may be present at levels that present a public health concern in finished water;”;

(c) PLANS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300g-3(a)) is amended by inserting “and all documentation related to the assessments” after “assessments”.

(c) PLANS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300g-3(a)) is amended by inserting “and all documentation related to the assessments” after “assessments”.

(2) by inserting at the end the following:

(F) PLANS.—

(A) INITIAL PLAN.—Not later than 1 year after the date of enactment of this paragraph, the State shall submit to the Administrator the plan of the State for carrying out this subsection.

(B) UPDATES.—Not later than 5 years after the date of the initial submission of the plan and every 5 years thereafter, the State shall update and submit to the Administrator the plan of the State for carrying out this subsection.

By Mr. HATCH (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. Kyl, Mr. ROBB, and Mr. BINGAMAN):

S. 1150. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Finance.

THE SEMICONDUCTOR EQUIPMENT INVESTMENT ACT OF 1999

Mr. HATCH. Mr. President, I rise today to introduce the Semiconductor Equipment Investment Act of 1999. I am joined by Senators BAUCUS, FEINSTEIN, Kyl, ROBB, and BINGAMIN. This bill is designed to help the American semiconductor industry compete globally by shortening the depreciable life of semiconductor manufacturing equipment from 5 years to 3.

The U.S. semiconductor industry employs more than 275,000 Americans,
The American semiconductor industry is a success story because it has invested heavily in the most productive, cutting-edge technology available, and currently spends 14% of its revenues on research and development and 19% on capital investment. Unfortunately, Mr. President, our semiconductor industry is threatened.

While the equipment used to manufacture semiconductors has a useful life of only about 3 years, current tax depreciation rules require that cost of the equipment be written off over a full 5 years. The Semiconductor Investment Act would correct this flaw. Mr. President, by allowing equipment used in the manufacture of semiconductors to be depreciated over a more appropriate 3-year period. Given the massive level of investment in the semiconductor industry, accurate depreciation is critical to industry success.

The key reason for this 3-year depreciation period is that the equipment used to make semiconductors grows technologically obsolete more quickly than the equipment of other manufacturing equipment. Research indicates that semiconductor manufacturing equipment almost completely loses its ability to produce saleable products after less than 3 years. Today's 5-year period simply doesn't reflect reality. A quicker write-off period would help semiconductor manufacturers finance the large investment in equipment they need for the next generation of products.

The National Advisory Committee on Semiconductors has enforced this conclusion. Congress founded the committee in 1988, and it consisted of Presidential appointees from both the public and private sectors. In 1992, the committee recommended a 3-year schedule would increase the industry's annual capital investment rate by a full 11 percent.

By comparison, Japan, Taiwan, and Korea employ much more generous depreciation schedules for similar equipment, and all three nations provide stiff tax breaks for America's semiconductor manufacturers. For example, under Japanese law, a company can depreciate up to 88 percent of its semiconductor equipment cost in the first year, while United States law permits a mere 20 percent depreciation over the same period. While multinational semiconductor firms are deciding where to invest, a depreciation gap this large can be decisive.

This legislation will help ensure that American semiconductor producers retain its hard-earned preeminence, a preeminence that yields abundant opportunities for high-wage, high-skilled employment. Mr. President, my home State of Utah, provides an outstanding example of the industry's job-creating capacity. Thousands of Utahns earn their living in the State's flourishing semiconductor industry. Firms such as Micron Technology, National Semiconductor, Intel, and Varian have reinforced Utah's position in high-technology industries. With the fair tax treatment this bill brings, all Utahns can look forward to a more secure and prosperous future.

Mr. President, the Semiconductor Investment Act (S. 1150) would help level the playing field between U.S. and foreign semiconductor manufacturers, and provides fair tax treatment to an industry that is one of the Nation's greatest success stories of recent years. I hope that all of my fellow Senators will join me in supporting this legislation. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1150

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 "Semiconductor Equipment Investment Act of 1999".

SEC. 2. 3-YEAR DEPRECIABLE LIFE FOR SEMICONDUCTOR MANUFACTURING EQUIPMENT.

(a) In general. --Subparagraph (A) of section 168(e)(3) of the Internal Revenue Code of 1986 relating to classification of property is amended by striking the period at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "", and", and by adding at the end the following new clause: (iv) semiconductor manufacturing equipment.

(b) Conforming Amendments. --

(1) Subparagraph (B) of section 168(e)(3) of such Code is amended--

(A) by striking clause (ii),

(B) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively, and

(C) by striking "clause (vi)(I)" in the last sentence and inserting "clause (vi)(II)";

(2) Subparagraph (B) of section 168(g)(3) of such Code is amended by striking the items relating to subparagraph (B)(ii) and subparagraph (B)(iii) and inserting the following:

(III)(A)(iv) 3

(B)(ii) 9.5.

(c) Effective amendments made by this section shall apply to equipment placed in service after the date of the enactment of this Act.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN):

S. 1151. A bill to amend the Office of Federal Procurement Policy Act to streamline the application of cost accounting standards; to the Committee on Governmental Affairs.

COST ACCOUNTING STANDARDS AMENDMENTS OF 1999.

Mr. THOMPSON. Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WAR-
modify the CAS standards to stream- line their applicability, while main- taining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the bill would raise the threshold under which CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without submission of cer- tified cost or pricing data.

The bill also would provide for waivers of the CAS standards by Federal agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in admin- istering contracts. Our intent is that waivers would be available for con- tracts in excess of $10 million only in "exceptional circumstances." The "ex- ceptional circumstances" waiver may be used only when a waiver is neces- sary to meet the needs of an agency, and, i.e., the agency determines that it would not be able to obtain the prod- ucts or services in the absence of a waiver.

I ask unanimous consent that a copy of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1151

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 "Cost Ac- counting Standards Amendments of 1999".

SEC. 2. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) Apply Paragraph 2 of section 26(f) of the Office of Federal Procure- ment Policy Act (41 U.S.C. 422(f)(2)) is am- ended by:

(1) redesignating subparagraph (C) as subpara- graph (D);

(2) by striking subparagraph (B) and insert- ing the following:

"(B) The head of an executive agency may also wa- verge the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this sub- paragraph shall be set forth in writing and shall include a statement of the cir- cumstances justifying the waiver."

(b) WAIVER.—Such section is further amended by adding at the end the follow- ing:

"(9)(A) The head of an executive agency may also waive the applicability of cost accounting standards for contracts or subcontracts with a value less than $5,000,000 if that official determines in writing that—

(i) the contractor or subcontractor is pri- marily engaged in the sale of commercial items; and

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver."

(c) CONSTRUCTION REGARDING CERTAIN NOT- FOR-PROFIT ENTITIES.—The amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair, the applicability of the cost accounting standards to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Depart- ment of Defense.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

By Ms. SNOWE:

S. 1152. A bill to amend title 5, United States Code, to ensure that cov- erage of bone mass measurements is provided under the health benefits pro- gram for Federal employees, to the Committee on Governmental Affairs.

OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

• Ms. SNOWE. Mr. President, I rise today to reintroduce legislation that will standardize coverage for bone mass measurement for people at risk for osteoporosis under the Federal Em- ployee Health Benefits Program. This legislation is similar to my bill which was enacted as part of the Balanced Budget Act to standardize coverage of bone mass measurement under Medi- care. The bill reinforced today guar- antees the same standard of coverage to Federal employees and retirees as Congress provided to Medicare bene- ficiaries two years ago.

Osteoporosis is a major public health problem affecting 28 million Ameri- cans, who either have the disease or are at risk due to low bone mass; 80 percent of its victims are women. This devastating disease causes 1.5 million fractures annually at a cost of $13.8 billion; $38 million lost to direct medical expenses. In their lifetime, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a wom- an's risk of a hip fracture is equal to her risk of combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass were detected early and treated. Though we now have drugs that promise to reduce fractures by 50 percent and new drugs have been proven to actually rebuild bone mass, a bone mass measurement is the only way to diagnose osteoporosis and de- termine one’s risk for future fractures. And we have learned that women are some prominent risk facts: age, gender, race, a family history of bone frac- tures, early menopause, risky health behaviors such as smoking and exces- sive alcohol consumption, and some medications all have been identified as contributing factors to bone loss. But identification of risk factors alone cannot predict how much bone a person has and how strong bone is—experts es- timate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

Unfortunately, coverage of bone den- sity tests under the Federal Employee Health Benefit Program (FEHBP) is in- consistent. Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the nearly 500 par- ticipating plans to decide who is eligi- ble to receive a bone mass measure- ment and what constitutes medical neces- sity. Many plans have no specific rules to guide reimbursement and the tests are based on a lack of consensus. Some plans refuse to provide con- sumers with information indicating when the plan covers the test and when it does not and some plans cover the test only for people who already have osteoporosis.

Mr. President, we owe the people who serve our Government more than that. We know that osteoporosis is highly preventable, but only if it is discovered in time. There is simply no substitute for early detection. My legislation standardizes coverage for bone mass measurement under the FEHBP and I urge my colleagues to support this leg- islation.

By Mr. HARKIN (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. BAU- cus, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, Mr. WYDEN, Mr. REID, Mr. KERRY, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. 1153. A bill to establish the Office of Rural Advocacy in the Federal Com- munications Commission, and for other
purposes; to the Committee on Commerce, Science, and Transportation.

RURAL TELECOMMUNICATIONS IMPROVEMENT ACT OF 1999

Mr. HARKIN. Mr. President, today I am introducing important legislation to address America's telecommunications needs. The Rural Telecommunications Improvement Act of 1999. I am pleased to be joined in this effort by our distinguished Democratic leader, Senator DASCHLE, as well as Senators DORGAN, BAUCUS, CONRAD, WELLINGTON, WYDEN, ROCKEFELLER and MURRAY.

I would like to thank each of them for joining me in this effort to promote the interests of rural America within the Federal Communications Commission (FCC).

Our legislation will establish an Office of Rural Advocacy within the FCC to promote access to advanced telecommunications in rural areas. The Rural Advocate will be responsible for focusing the FCC's attention on the importance of rural areas to the future of American prosperity, as well as on ensuring that Universal Service provisions mandated by the Communications Act and the Telecommunications Act are being met and implemented.

Our proposal is modeled on the Small Business Administration's Office of Advocacy, which has been very successful in promoting the interests of small business within the U.S. government. Under our bill, the Office of Rural Advocacy will have 9 chief responsibilities:

- To promote access to advanced telecommunications services for populations in the rural United States;
- To develop proposals to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas;
- To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas;
- To measure the costs and other effects of Federal regulations on telecommunication carriers in rural areas;
- To determine the effect of Federal tax laws on providers of telecommunications services in rural areas;
- To serve as a focal point for the receipt of complaints, criticisms and suggestions concerning policies and activities of any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas;
- To counsel providers of telecommunications services in rural areas;
- To represent the views and interests of rural populations and providers of telecommunications services in rural areas; and
- To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in providing information about the Rural Communications programs and services of the Federal Government which benefit rural areas and telecommunications companies.

Mr. President, such an office within the FCC is needed for one very important reason, no bureau or Commissioner at the FCC has as an institutional role with the responsibility to promote the interests of rural telecommunications. The FCC has a great number of issues that are due to the ever changing role of communications.

Our legislation will ensure the FCC has the resources necessary to focus the Commission's attention on rural issues and will help establish an agenda at the FCC to address rural America's telecommunications services in rural areas. Only then, will the Commission have a chance to do what the Commission has not done in the past. For example, the FCC's report on Advanced Telecommunications Services stated "deployment of advanced telecommunications generally appear, at present, reasonable and timely," I can tell you Mr. President, this is not the case in Iowa where, according to the Iowa Utilities Board (IUB), approximately 8% of our exchanges have no access to the Internet. Additionally, access in many rural areas is of poor quality. This doesn't even include access to broadband, or high-speed Internet access, which is not available in numerous rural areas and small towns in Iowa and across the country.

Other examples of the FCC's lack of focus on rural issues include a failure to understand how rural telephone cooperatives interact with their members, such as preventing rural telephone cooperatives from calling members to check on long distance preference changes, and an FCC definition that establishes a 3000 hertz level of basic voice grade service, when such a low level prevents Internet access on longer loops in rural areas.

In order to effectively influence policy on rural telecommunications, this legislation gives the Rural Advocate the role of the FCC within the FCC. The Rural Advocate will also have the authority to file comments or reports on any matter before the Federal Government affecting rural telecommunications without having to clear the testimony with the OMB or the FCC. Additionally, the Rural Advocate can file reports with the Administration, Congress and the FCC to recommend legislation or changes in policy. Finally, the Rural Advocate will be appointed directly by the President and confirmed by the Senate.

Mr. President, in short, this legislation would allow rural America to enter the fast lane of the Information Superhighway. Again, thank you to my colleagues who have joined me in sponsoring this proposal. I urge all Senators to consider joining us in moving this initiative forward.

I ask unanimous consent that a copy of our proposal be printed in the Record.

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

S. 1153

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 "Rural Telecommunications Improvement Act of 1999."

SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY IN THE FEDERAL COMMISSION.

(a) Establishment. - The Federal Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following: "SEC. 12. OFFICE OF RURAL ADVOCACY."

"(a) Establishment. - There shall be in the Commission an office to be known as the Office of of Rural Advocacy. The office shall not be a bureau of the Commission.

"(b) Head of Office. - (1) The Office shall be headed by the Rural Advocate of the Federal Communications Commission. The Rural Advocate shall be appointed by the President, by and with the advice and consent of the Senate, from among citizens of the United States.

"(2) The Rural Advocate shall have a status and rank in the Commission commensurate with the status and rank in the Commission of the heads of the bureaus of the Commission.

"(c) Responsibilities of Office. - The responsibilities of the Office shall include:

"(1) To promote access to advanced telecommunications service for populations in the rural United States;

"(2) To develop proposals for the modification of policies and activities of the departments and agencies of the Federal Government in order to better fulfill the commitment of the Federal Government to universal service and access to advanced telecommunications services in rural areas, and submit such proposals to the departments and agencies.

"(3) To assess the effectiveness of existing Federal programs for providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to improve such programs.

"(4) To measure the costs and other effects of Federal regulations on telecommunication carriers in rural areas to provide adequate telecommunications services (including advanced telecommunications services) in such areas, and make recommendations for legislative and non-legislative actions to modify such regulations so as to minimize the interference of such regulations with that capability.

"(5) To determine the effect of Federal tax laws on providers of telecommunications services in rural areas, and make recommendations for legislative and non-legislative actions to modify Federal tax laws so as to enhance the availability of telecommunications services in rural areas and to provide adequate telecommunications services for rural areas which affect the receipt of telecommunications services in rural areas.

"(6) To counsel providers of telecommunications services in rural areas on the effective resolution of questions and problems in the relationships between such providers and the Federal Government.

"(7) To represent the views and interests of rural populations and providers of telecommunications services in rural areas before any department or agency of the Federal Government which affect the receipt of telecommunications services in rural areas."
"(9) To enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the telecommunications programs and services of the Federal Government which benefit rural populations and providers of telecommunications services in rural areas.

(c) REPORT ON INITIAL ACTIVITIES.—Not later than 180 days after the date of the appointment of the Rural Advocate of the Federal Communications Commission, the Rural Advocate shall submit to Congress a report on the actions taken by the Rural Advocate to commence carrying out the responsibilities of the Federal Communications Commission under section 12 of the Communications Act of 1934, as added by subsection (a).

By Mr. VOINOVICH (for himself, Mr. GRAHAM, Mr. BAYH, and Mr. COCHRAN):

S. 1154. A bill to enable States to use Federal funds more effectively on behalf of young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PRENATAL, INFANT AND CHILD DEVELOPMENT ACT OF 1999

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with product of title V so that we can join forces with States and local governments to look across a variety of delivery systems—health care, child care, family support, and education—to make sure these systems would work together effectively for young children and their families.

Based on that effort, between 1997 and 1998, 42 governors made early childhood development a keynote issue as they outlined their state agendas.

Moving education really about the process of “lifelong learning,” which includes efforts based on what doctors and researchers have said about the importance of positive early childhood learning experiences. The traditional primary and secondary education community needs to recognize that investments in early childhood aid their ultimate goal—that is, a classroom that can continue to move the process forward. To achieve that goal, a significant tenet of our education agenda must be to ensure that our children enter school ready to learn. Thus, we must support parents and caregivers, to help them understand that day-to-day interaction with young children helps children develop cognitively, socially and emotionally.

To ensure that children have the best possible start in life, supports must exist to help parents and other adults who care for young children.

Supports that are critical for young children from prenatal through age three include health care, nutrition programs, childcare, early development services, adoption assistance, education programs, and other support services.

There are three ways we can enhance these supports and create new ones. The first is to build on our efforts programs well underway in the states and the local communities by protecting and increasing federal commitments to worthwhile programs such as WIC (Women, Infants, and Children), CDCC (Child Development Block Grant), and S-CHIP (State Children’s Health Insurance Program).

The second is to improve coordination among federal agencies in the administration of early childhood programs. As Chairman of the Senate Government Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, I have taken steps to ensure, for example, that the Department of Education and the Department of Health and Human Services communicate with each other about the early childhood programs for which they are responsible, to determine which are most successful.

The Results Act contemplates that agencies should be using their Perform-...
Departments of Education and Health and Human Services Syear Strategic Plans, and FY 1999 and FY 2000 Annual Performance Plans with regard to their coordination efforts. GAO found that both departments’ plans are not living up to their potential. While they address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising services dedicated to the specific needs of centers, preschools, colleges, Early Childhood field. The goal is to blend the latest in satellite technology with sound “prenatal to three” information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

The second would provide financial incentives for child-care workers to pursue credentialing or accreditation. Plans should address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising services dedicated to the specific needs of centers, preschools, colleges, Early Childhood field. The goal is to blend the latest in satellite technology with sound “prenatal to three” information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

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The third would reauthorize and expand the multimedia parenting resources through video, print and interactive resources in the PBS “Ready to Learn” initiative. These resources include:

- Expanded Internet offerings that encourage states to make prenatal to three development a priority. Our bill addresses the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising services dedicated to the specific needs of centers, preschools, colleges, Early Childhood field. The goal is to blend the latest in satellite technology with sound “prenatal to three” information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

The third would reauthorize and expand the multimedia parenting resources through video, print and interactive resources in the PBS “Ready to Learn” initiative. These resources include:

- Expanded national programming, such as Mr. Rogers and Sesame Street. Formalized and expanded “Ready to Learn” curriculum at home. “Ready to Learn” material would be directly accessible from the web for parents to utilize in reinforcing their child’s appreciation of public television programming. Plans would also identify existing supports available for these children and ways that state and local councils can work with already established early development programs.

In addition, the bill focuses on three particular areas to increase public awareness and enhance training opportunities for parents and other adults caring for young children.

The first would provide funding to expand a satellite television network nationally. In order to help parents and caregivers do a better job of creating an environment which kids can learn, the legislation provides funds to support satellite television network services directly connected to child care centers, preschools, colleges, Early Head Start sites and the Internet. These include high quality training, news, jobs and medical information dedicated to the specific needs of the Head Start staff and others in the early childhood community. In my state of Ohio, we already have networks in place at 1,500 sites.

The bill provides for a partnership between at least one non-profit organization and other public or private entities. The plan would address the issue of coordination, the plans provide little detail about their intentions to implement such coordination efforts. I met with both departments and asked that they submit an amended Performance Plan that provided a more detailed compilation of coordination activities and examples. We should emerge from this exercise with a consensus on the most promising services dedicated to the specific needs of centers, preschools, colleges, Early Childhood field. The goal is to blend the latest in satellite technology with sound “prenatal to three” information and training principles, potentially reaching more than 140,000 caregivers and parents each month.

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Using this existing funding, this legislation encourages states to design programs to address the social and emotional development needs of children under the age of five. It encourages states to provide coordinated early development services, parent education, and strategies to meet the needs of state and local populations. It does not mandate any specific model, nor does it require that states set aside a specific amount of money from this block grant. Rather, it is intended to give states flexibility in finding money to devote more resources to existing or new healthy early childhood development systems.

Mr. President, the pace at which children grow and learn during the first three years of life makes that period the most critical in their overall development. Children who lack proper nutrition, health care and nurturing during their early years tend to also lack adequate social, motor and language skills needed to perform well in school. I believe that all children, parents, and caregivers should have access to coordinated information and support services appropriate for healthy early childhood development in the first three years of life. The changing structure of the family requires that states streamline and coordinate healthy early childhood development systems of care to meet the needs of parents and children in the 21st century.

The Federal Government’s role in the development of these systems of care is minimal; it must give states the flexibility to implement programs that respond to local needs and conditions. Although it’s just a modest step, that’s exactly what our bill does.

Our children are our most precious natural resource. They are our hope and they are our future. Therefore, I encourage my colleagues to co-sponsor our legislation, and I urge the Senate during the 106th Congress to make pre-natal to three a priority for the sake of our children.

Thank you, Mr. President, and 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.

May 27, 1999

CONGRESSIONAL RECORD — SENATE
S6301

TITLE II—EXPANSION OF THE MATER- 
INAL AND CHILD HEALTH SERVICES 
BLOCK GRANT
Sec. 201. Authority to provide State pro- 
grams for the development of (3).

TITLE III—SATELLITE TRAINING 
Sec. 301. Short title.
Sec. 302. Revision of part C of title III of the 
Sec. 303. Satellite television network.

TITLE IV—HEALTHY EARLY CHILDHOOD 
DEVELOPMENT SYSTEMS OF CARE 
Sec. 401. Block grants to States for healthy 
development systems of care.

TITLE V—CREDENTIALING AND 
ACCREDITATION
Sec. 501. Definitions.
Sec. 502. Authorization of appropriation.
Sec. 503. State allotments.
Sec. 504. Application.
Sec. 505. State child care credentialing and 
credibility incentive program.
Sec. 506. Administration.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) The pace at which children grow and 
learn during the first years of life makes 
that period the most critical in their overall 
development.

(2) Children who lack proper nutrition, 
health care, and nurturing during their first 
years tend to also lack adequate social, 
and language skills needed to perform 
well in school.

(3) All young children, and parents and 
caregivers of these children, should have 
access to information and support services 
appropriate for promoting healthy early 
childhood development systems of care to meet the needs of parents and children in the 21st century.

(4) Children who lack proper nutrition, 
health care, and nurturing during their first 
years tend to also lack adequate social, 
and language skills needed to perform 
well in school.

(5) All young children, and parents and 
caregivers of these children, should have 
access to information and support services 
appropriate for promoting healthy early 
childhood development systems of care to meet the needs of parents and children in the 21st century.

(6) The changing structure of the family 
requires that States streamline and coordi- 
率ate healthy early childhood development 
systems of care to meet the needs of parents 
and children in the 21st century.

(7) The Federal Government’s role in 
the development of these systems of care 
should be minimal. The Federal Government 
must give States the flexibility to implement 
systems of care that respond to local needs 
and conditions.

TITLE I—FUNDS PROVIDED UNDER THE 
TEMPORARY ASSISTANCE TO NEEDY 
FAMILIES PROGRAM
Sec. 101. Authority to transfer funds for 
other purposes.

(a) Transfer of Funds for Block Grants 
for Social Services.
(1) Elimination of Reduction in Amount 
Transferable for Fiscal Year 2001 and 
Thereafter.

(2) Limitation on Amount Transferable 
to Title XX Programs.

(3) Short title.

(b) Table of Contents.—The table of con- 
tents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—FUNDS PROVIDED UNDER THE 
TEMPORARY ASSISTANCE TO NEEDY 
FAMILIES PROGRAM
Sec. 101. Authority to transfer funds for 
other purposes.
Sec. 102. Bonus to reward high performance 
States.

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TITLE V—CREDENTIALING AND 
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Sec. 501. Definitions.
Sec. 502. Authorization of appropriation.
Sec. 503. State allotments.
Sec. 504. Application.
Sec. 505. State child care credentialing and 
credibility incentive program.
Sec. 506. Administration.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Babies are born with all of the 
100,000,000,000 brain cells, or neurons, that 
the babies will need as adults.

(2) By age 3, children have nearly all of 
the necessary connections, or synapses, 
between brain cells that cause the brain to function 
properly.

(3) The pace at which children grow and 
learn during the first years of life makes 
that period the most critical in their overall 
development.

(4) Children who lack proper nutrition, 
health care, and nurturing during their first 
years tend to also lack adequate social, 
motor, and language skills needed to perform 
well in school.

(5) All young children, and parents and 
caregivers of these children, should have 
access to information and support services 
appropriate for promoting healthy early 
childhood development systems of care to meet the needs of parents and children in the 21st century.

(6) The changing structure of the family 
requires that States streamline and coordi- 
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TITLE I—FUNDS PROVIDED UNDER THE 
TEMPORARY ASSISTANCE TO NEEDY 
FAMILIES PROGRAM
Sec. 101. Authority to transfer funds for 
other purposes.
Sec. 102. Bonus to reward high performance 
States.
“(I) successful diversion of applicants from a need for cash assistance under the State program under this title;  
(ii) school attendance records of children in families receiving assistance under the State program under this title;  
(iii) the degree of participation in the State in the head start program established under part D of title IV-A (42 U.S.C. 9831 et seq.) or public preschool programs;  
(iv) improvement of child and adult literacy rates;  
(v) improvement of long-term self-sufficiency rates by current and former recipients of assistance under the State program funded under this title;  
(vi) increases in child support collection rates under the child support and paternity establishment program established under part D;  
(vii) increases in household income of current and former recipients of assistance under the State program funded under this title; and  
(viii) improvement of child immunization rates.”  
(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to each of fiscal years 2000 through 2007.

TITLE III—SATellite TRAINING  
SEC. 301. SHORT TITLE.  
This title may be cited as the “Digital Education Act of 1999.”  
Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6901 et seq.) is amended to read as follows:  
“PART C—READY-TO-LEARN DIGITAL TELEVISION  
SEC. 3301. FINDINGS.  
Congress makes the following findings:  
“(I) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high-quality preschool television programming will help children be ready to learn by the time the children entered first grade;  
“(II) The Ready to Learn Television Program has proven to be an extremely cost-effective national response to improving early childhood development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn, develop, and play creatively;  
“(III) Independent research shows that parents who participate in Ready to Learn workshops develop knowledge of television and their children are more active viewers. A University of Alabama study showed that parents who had attended a Ready to Learn Workshop read more books and stories to their children and read more minutes each time than nonattendees. The parents did more hands-on activities related to reading with their children. These parents engaged in more word activities and for more minutes each time. The parents read less for entertainment or education. The parents took their children to libraries and bookstores more than nonattendees. For parents, participating in a Ready to Learn workshop increases their awareness of and interest in educational dimensions of television programming and is instrumental in having their children gain exposure to more educational programming. Moreover, 6 months after participating in Ready to Learn workshops, parents who attended generally had set rules for television viewing by their children, related to the amount of time the children were allowed to watch television daily, the hours the children were allowed to watch television, and the tasks or occupations the children must accomplish before the children were allowed to watch television.  
“(IV) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality. Program funding has also been used to create hundreds of valuable interstitial program elements that appear between national and local public television programming to provide developmentally appropriate messages to children and caregivers advice to parents.  
“(V) Through the Nation’s 350 local public television stations, these programs and programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. In this way, public television is a partner with Federal policy to make television an instrument, not an enemy, of preschool children’s education and early development.  
“(VI) The Ready to Learn Television Program extends beyond the television screen. Funds from the Ready to Learn Television Program have funded thousands of local workshops organized and run by local public television stations, almost always in association with community-based agencies or early childhood development professionals, to help child care professionals and parents learn more about how to use television effectively as a learning tool. These workshops have trained more than 320,000 parents and professionals who, in turn, serve and support over 4,000,000 children across the Nation.  
“(VII) The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled “PBS Families” that contains developmental, educational, and parenting advice.  
“(VIII) An evaluation of Ready to Learn Television programming has shown that:  
“(I) A The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled “PBS Families” that contains developmental, educational, and parenting advice.  
“(II) A The Ready to Learn Television Program has distributed millions of copies of quarterly magazine entitled “PBS Families” that contains educational, developmental, and parenting advice.  
“(III) The number of children who have participated in Ready to Learn Television programming has increased dramatically, with the base of participating Public Broadcasting Service member stations growing from a pilot of 10 stations to nearly 30 stations.  
“(IV) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled `Sesame Street’, and the 1960s Federal policy should continue to play an equally crucial role for children in the digital television age.  
“SEC. 3302. READY-TO-LEARN GRANT  
(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, produce, and distribute noneducational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.  
(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements the Secretary may award grants, contracts, or cooperative agreements to eligible entities that make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

“SEC. 3303. EDUCATIONAL PROGRAMMING.  
(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—  
“(I) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—  
“(A) educational programming for preschool and elementary school children; and  
“(B) accompanying support materials and services that promote the effective use of such programming;  
“(II) distribute the developed educational programming and digital content specifically designed for nationwide distribution over public television stations’ digital broadcasting channels and the Internet to be ready to learn for children and families;  
“(III) support a national ready to learn digital television station that provides educational content specifically designed for children and families;  
“(IV) develop new ready to learn digital television programming and re-source funding and develop digital content specifically designed for nationwide distribution over public television stations’ digital broadcasting channels and the Internet to be ready to learn for children and families; and  
“(B) Because reading and literacy are central to the ready to learn principle Ready to Learn Television stations also have received and distributed millions of free age-appro-
“(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

(A) to the widest possible audience appropriate to be served by the programming; and

(B) by the most appropriate distribution technologies.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children and their parents and caregivers; and

(2) able to demonstrate a capacity to contract with the producers of children’s television programming and to develop and disseminate educational television programming of high quality for preschool and elementary school children and their parents and caregivers.

(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

SEC. 3701. NETWORK.

The Secretary is authorized—

(I) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational approaches to distance learning technologies that are designed to enhance knowledge of children’s social and cognitive skill development and positive adult-child interactions; and

(B) developing and disseminating training materials, including—

(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children’s social and cognitive skill development and positive adult-child interactions; and

(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based day care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children;

(2) to establish within the Department a clearinghouse to compile and provide information on model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities caring for such individuals and entities in accessing programs and projects under this part; and

(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

(A) maximize the utilization of quality educational programming, including by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including by preschool and elementary school children, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development education and care.

SEC. 3305. APPLICATIONS.

Each entity desiring a grant, contract, or cooperative agreement under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 3306. REPORT TO SECRETARY.

(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the program;

(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for this programming.

(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

(1) a summary of activities assisted under section 3302(a); and

(2) a description of the training materials made available under section 3303(1)(D), the manner in which such training materials have been distributed to parents and child care providers, and the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

SEC. 3307. ADMINISTRATIVE COSTS.

With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

SEC. 3308. DEFINITION.

For the purposes of this part, the term ‘distance learning’ means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications (including through the Internet).

SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.

SEC. 3303. SATELLITE TELEVISION NETWORK.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 680 et seq.) is amended by adding at the end the following:

PART G—SATELLITE TELEVISION NETWORK.

SEC. 3701. NETWORK.

(a) IN GENERAL.—The Secretary of Education and the Secretary of Health and Human Services shall award a grant to or enter into a contract with an eligible organization to establish and operate a satellite television network to provide training for personnel of Head Start, Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.) and other child care providers, who serve children under age 5.

(b) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall—

(1) administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, within the meaning of section 648(e) of the Head Start Act (42 U.S.C. 9831(e)); and

(2) demonstrate that the organization has entered into a partnership, to establish and operate the training network, that includes—

(A) a nonprofit organization; and

(B) a public or private entity that specializes in providing broadcast programs for parents and professionals in fields relating to early childhood.

(c) APPLICATION.—To be eligible to receive a grant or contract under subsection (a), an organization shall submit an application to the Secretary of Education and the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretaries may require.

(d) COOPERATIVE AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a cooperative agreement to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part $20,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.

TITLE IV—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE

SEC. 401. BLOCK GRANTS TO STATES FOR HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE.

(a) BLOCK GRANT.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) is amended—

(1) by inserting after the subchapter heading the following:

PART 1—CHILD CARE ACTIVITIES;

and

(2) by adding at the end the following:

PART 2—HEALTHY EARLY CHILDHOOD DEVELOPMENT SYSTEMS OF CARE;

SEC. 659. PURPOSE.

The purposes of this part are—
"(1) to help families seeking government assistance for their children, in a manner that does not usurp the role of parents, and streamline and coordinate government services to the families; and

"(2) to establish a framework for support for local early childhood development coordinating councils that—

"(A) is comprehensive, long-range strategic plans for early childhood education, development, and support services; and

"(B) provide, through public and private means, high-quality early childhood education, development, and support services for children and families; and

"(3) to identify environments conducive to the growth and healthy development of children; and

"(4) to ensure that children under age 5 have proper medical care and early intervention services when necessary.

SEC. 659A. DEFINITIONS.

"In this part:

"(1) child in poverty.—The term "child in poverty" means a child who is an eligible child described in section 659P(4)(B).

"(2) healthy early childhood development system.—The term "healthy early childhood development system of care" means a system of programs that provides coordinated early childhood development services.

"(3) early childhood development services.—The term "early childhood development services" means education, development, and support services, such as all-day kindergarten, parenting education and home visits, child care and other child development services, and health services (including prenatal care), for young children.

"(4) eligible state.—The term "eligible state" means a State that has submitted a State plan described in section 659C to the Secretary.

"(5) governor.—The term "governor" means the chief executive officer of a State.

"(6) Indian tribe; tribal organization.—The terms "Indian tribe" and "tribal organization" have the meanings given in the terms in section 659F.

"(7) local council.—The term "local council" means a local early childhood development coordinating council established or designated under section 659H.

"(8)secretary.—The term "Secretary" means the Secretary of Health and Human Services.

"(9) State.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(10) State council.—The term "State council" means a State early childhood development coordinating council established or designated under section 659D.

"(11) young child.—The term "young child" means an individual under age 5.

SEC. 659B. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this part $200,000,000 for each of fiscal years 2000 through 2004.

"(b) Availability of Funds.—Funds appropriated for a fiscal year under subsection (a) shall remain available for the succeeding 2 fiscal years.

SEC. 659C. ALLOTMENT TO STATES.

"(a) Reservation.—The Secretary shall reserve not less than 1 percent, and not more than 6 percent, of the funds appropriated under section 659B for each fiscal year for payments to Indian tribes and tribal organizations to assist the tribes and organizations in supporting healthy early childhood development systems of care under this part. The Secretary shall by regulation issue requirements concerning the eligibility of Indian tribes and tribal organizations to receive funds under this subsection, and the use of funds made available under this subsection.

"(b) In General.—From the funds appropriated under section 659B for a fiscal year, the Secretary shall allot to each eligible State, to pay for the Federal share of the non-Federal share of costs incurred in the State, to carry out the healthy early childhood development systems of care under this part, the sum of—

"(1) an amount that bears the same ratio to 50 percent of such funds as the number of young children in the State bears to the number of such children in all eligible States; and

"(2) an amount that bears the same ratio to 50 percent of such funds as the number of children in poverty in the State bears to the number of such children in all eligible States.

"(c) Federal Share.—The Federal share of the cost described in subsection (b) shall be 75 percent. The non-Federal share of the cost incurred in the State shall be determined by the State as described in section 659J.

"(d) Carrrying Out.—Funds made available under this part shall be used by the State, through the State council, as described in section 659C(e).

"(e) Duties.—In a State with a State council, the State council—

"(1) shall submit the State plan described in section 659E;

"(2) shall make the allocation described in section 659F(b); and

"(3) shall carry out activities described in section 659F(c); and

"(4) shall prepare and submit the report described in section 659F(e).

SEC. 659D. STATE COUNCIL.

"(a) IN GENERAL.—To be eligible to receive an allotment under section 659C, a State shall submit a State plan to the Secretary at such time, and in such manner, as the Secretary may require, including—

"(1) in the case of a State in which the Governor elects to establish or designate a State council, sufficient information about the entity established or designated under section 659D to enable the Secretary to determine whether the entity complies with the requirements of such section;

"(2) a description of the political subdivisions designated by the State to receive funds under section 659C and carry out activities under section 659D; and

"(3) a description of the political subdivisions designated by the State to receive funds under section 659C and carry out activities under section 659D.

"(b) Subdivision.—At the election of the Governor, the State shall submit the State plan described in section 659D to the Secretary. With respect to that State, references to a State plan—

"(1) in this part shall be considered to refer to the portions of the plan described in this section; and

"(2) in part 1 shall be considered to refer to the portions of the plan described in section 659E.

"(c) Certification.—The Secretary shall certify any State plan that meets the broad goals of this part.

SEC. 659E. STATE ACTIVITIES.

"(a) In General.—A State that receives an allotment under section 659C shall use the funds made available through the allotment to carry out the non-Federal share of the cost of supporting healthy early childhood development systems of care, by—

"(1) making allocations to political subdivisions under section 659G; and

"(2) carrying out State activities described in subsection (c).

"(b) Mandatory Reservation for Local Allocations.—The State shall reserve 85 percent of the funds made available through the allotment to make allocations to political subdivisions under section 659G.

"(c) Permissible State Activities.—The State may use the remaining funds made available through the allotment to support healthy early childhood development systems of care by—

"(1) entering into interagency agreements with appropriate entities to encourage coordinated efforts at the State and local levels to improve the State delivery system for early childhood development services;

"(2) advising local councils on the coordination of delivery of early childhood development services to children; and

"(3) developing policies and projects, including pilot projects, to encourage coordinated efforts at the State and local levels to
improve the State delivery system for early childhood development services;

"(4) providing technical support for local councils and development of educational materials assisted;

"(5) providing education and training for child care providers; and

"(6) supporting research and development of best practices for early childhood development systems of care, establishing standards for such systems, and carrying out program evaluations for such systems.

SEC. 659G. ALLOCATION TO POLITICAL SUBDIVISIONS.

From the funds reserved by a State under section 659F(b) for a fiscal year, the State may require political subdivisions in the State to carry out the activities carried out under this part in the State, which shall include details of the use of Federal funds to carry out the activities and the extent to which the States and political subdivisions are making progress on State or local goals in carrying out the activities. In preparing the report, a State may require political subdivisions in the State to submit information to the State, and may compile the information.

"SEC. 659H. LOCAL COUNCILS.

(a) In General.—The chief executive officer of a political subdivision that is located in a State with a State council and that seeks an allocation under section 659G may, at the election of the officer—

"(1) appoint the members of a local early childhood development coordinating council, as described in subsection (b); or

"(2) designate an entity to serve as such a council, as described in subsection (c).

(b) APPOINTED LOCAL COUNCIL.—The officer may establish and appoint the members of a local council that may include—

"(1) representatives of any public or private agency that funds, advocates the provision of, or provides services to children and families;

"(2) representatives of schools;

"(3) members of families that have received services from an agency represented on the council;

"(4) representatives of courts; and

"(5) private providers of social services for families and children.

(c) DESIGNATED LOCAL COUNCIL.—The officer may designate an entity to serve as the local council if the entity—

"(1) includes members that are substantially similar to the members described in subsection (b); and

"(2) provides integrated and coordinated early childhood development services to children.

(d) DUTIES.—In a political subdivision with a local council, the local council—

"(1) shall submit the local plan described in section 659F(b); and

"(2) shall carry out activities described in section 659(a);

"(3) may carry out activities described in section 659(b); and

"(4) shall submit such information as a State council may require under section 659F(c).

SEC. 659H. LOCAL PLAN.

"(a) To be eligible to receive an allocation under section 659G, a political subdivision shall submit a local plan at such time, in such manner, and containing such information as the State may require.

"(b) A political subdivision that receives an allocation under section 659G shall use the funds made available through the allocation—

"(1) to provide assistance to entities carrying out early childhood development services through a healthy early childhood development system of care, in order to meet assessed needs for the services, expand the number of children receiving the services, and improve the quality of the services, both for young children who remain in the home and young children that require services in addition to services offered in child care settings; and

"(2) to establish and maintain an accountability system to monitor the progress of the political subdivision in achieving results for families and children through services provided through a healthy early childhood development system of care for the political subdivision; and

"(3) may carry out activities described in section 659F(b) for a fiscal year, the State may require political subdivisions in the State to carry out the activities carried out under this part in the State, which shall include details of the use of Federal funds to carry out the activities and the extent to which the States and political subdivisions are making progress on State or local goals in carrying out the activities. In preparing the report, a State may require political subdivisions in the State to submit information to the State, and may compile the information.

TITe V—CREDENTIALING AND ACCREDITATION

SEC. 501. DEFINITIONS.

In this title:

"(1) ACCREDITED CHILD CARE FACILITY.—The term "accredited child care facility" means—

(A) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a State or national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through a facility described in subparagraph (B));

"(B) a facility that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization;

"(C) a facility that is used as a Head Start center under the Head Start Act (42 U.S.C. 9801 et seq.) and is in compliance with applicable performance standards established by regulation under such Act for Head Start programs; or

"(D) a military child development center (as defined in section 179f(1) of title 10, United States Code) that is in a facility owned or leased by the Department of Defense or the Coast Guard.

"(2) CHILD CARE CREDENTIALING OR ACCREDITATION ENTITY.—The term "child care credentialing or accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency, a tribal organization, or a national organization that serves as a peer review panel on the standards and procedures for providing child care and school accreditation bodies; and

"(B) accredits a facility or credentials an individual to provide child care on the basis of—

"(i) an accreditation or credentialing instrument based on peer-validated research;

"(ii) compliance with applicable State and local licensing requirements, or standards described in section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act (42 U.S.C. 9858s(c)(2)(E)(ii)), as appropriate, for the facility or individual; and

"(iii) outside monitoring of the facility or individual; and

"(iv) criteria that provide assurances of—

"(I) compliance with age-appropriate health and safety standards at the facility or by the individual;

"(II) use of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the facility or by the individual; and

"(III) use of ongoing staff development or training activities for the staff of the facility or the individual, including skills-based testing.

"(3) CREDENTIALED CHILD CARE PROFESSIONAL.—The term "child care professional" means—

"(A) an individual who—

"(i) is credentialed, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through an individual described in subparagraph (B)); or

"(ii) is an individual who is certified, by a national organization; or

"(iii) is an individual who is certified, by an organization that serves as a peer review panel on the standards and procedures for providing child care and school accreditation bodies; and

"(B) QUALIFIED.—The term "qualified" means—

"(I) an individual who—

"(i) is accredited, by a child care credentialing or accreditation entity recognized by a State or a national organization described in paragraph (2)(A), to provide child care (except children who a tribal organization elects to serve through an individual described in subparagraph (B)); or

"(ii) is an individual who is certified, by a national organization; or

"(iii) is an individual who is certified, by an organization that serves as a peer review panel on the standards and procedures for providing child care and school accreditation bodies; and

"(C) an individual certified by the Armed Forces of the United States to provide child care as a family child care provider (as defined in section 659a of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m)) in military family housing.

"(4) CHILD IN POVERTY.—The term "child in poverty" means a child that is a member of a family with an income that does not exceed 200 percent of the poverty line.
(5) Poverty line.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 607(2) of the Social Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(6) Secretary.—The term ‘Secretary’ means the Secretary of Health and Human Services.

(7) State; tribal organization.—The terms ‘State’ and ‘tribal organization’ have the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

SEC. 502. AUTHORIZATION OF APPROPRIATION.

A State that receives an allotment under section 503 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 503. STATE ALLOTMENTS.

From the funds appropriated under section 502 for a fiscal year, the Secretary shall allot to each eligible State, to pay for the cost of establishing and carrying out State child care credentialing and accreditation incentive programs, an amount that bears the same ratio to such funds as the number of children in poverty under age 5 in the State bears to the number of such children in all States.

SEC. 504. APPLICATION.

To be eligible to receive an allotment under section 503, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 505. STATE CHILD CARE CREDENTIALING AND ACCREDITATION INCENTIVE PROGRAM.

(a) In General.—A State that receives an allotment under section 503 shall use funds made available through the allotment to establish and carry out a State child care credentialing and accreditation incentive program.

(b) Application.—To be eligible to receive a payment under subsection (a), a child care provider shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including, at a minimum—

(1) a description demonstrating that an employee of the provider is pursuing skills-based training that will enable the employee or the facility involved to obtain credentialing or accreditation as described in subsection (a); and

(2) an assurance that the provider will make available contributions toward the costs of financial assistance described in subsection (a), in an amount that is not less than $1 for every $1 of Federal funds provided through the payment.

SEC. 506. ADMINISTRATION.

A State that receives an allotment under section 503 may use not more than 5 percent of the funds made available through the allotment to pay for the costs of administering the program described in section 505.

SEC. 507. CREDENTIALING, ACCREDITATION, AND RETENTION OF QUALIFIED CHILD CARE WORKERS.

Section 658 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) is amended—

(1) by inserting “and payments to encourage child care providers who serve children under age 5 to obtain credentialing as credentialed child care providers or accreditation for their facilities as accredited child care facilities or to encourage retention of child care workers who have obtained that credentialing or accreditation, in areas that the State determines are underserved” after “referral services”; and

(2) by adding at the end the following: ‘‘In this section, the terms ‘credentialed child care provider’ and ‘accredited child care facility’ have the meaning given the terms in section 501 of the Prenatal, Infant, and Child Development Act of 1999.’’

Mr. BAYH. Mr. President, today I rise as an original co-sponsor of the Prenatal Child and Infant Development Act, a bipartisan bill to provide incentives, with the flexibility they need to address the needs of children during their formative years.

Children are born into this world with all the potential they need to make their dreams come true. The ages of birth to 3 are the most critical for a child’s development both mentally and socially. They have all the 100 billion brain cells they will need as adults. By age three, children have nearly all the necessary connections between the brain cells needed for the brain to function fully and properly. It is up to us, families, teachers, childcare providers, and communities to help our children live up to their potential. It is important that our children are ready to learn and when given the opportunity to maximize their potential.

WHAT IS THE NATURE OF THESE BRAINS?

What income bracket a child is born into should not determine that child’s future. If a child is not provided with proper health care, nutritional food, and a nurturing environment to grow up in, we are leading down a very dark path.

Sadly, it has been confirmed that children who lack proper nutrition, health care, and nurturing during their first years inadequate social, motor, and language skills needed to perform well in school and in life. That is why I have joined efforts with Senator Voinovich and Senator Graham and support the Prenatal Child and Infant Development Act.

This initiative has bipartisan support because it is important legislation that addresses something we should all have in common, helping our children prepare for the future. A child birth to 3 years old that is in need of assistance can not do it alone.

Specifically, this bill will allow States to transfer up to 45% of the money they receive for Temporary Assistance for Needy Families to the Child Care Development Block Grant or the Social Services Block Grant. The 15% increase in transferability will go towards increasing local early childhood development coordination councils and to enhance child care quality under the existing Child Care Development Block Grant. This new flexibility will enable us to do a lot with the money needed to ensure our children are not sentenced to unfulfillment of their dreams just because they were denied child care services during their most vital developmental stages.

In Indiana, there are over 488,000 children under the age of six. 70% of those children are in child care. Indiana is one of those states that has transferred the entire amount allowed from Temporary Assistance for Needy Families funds to the Child Care Development Block Grant for child care services and quality initiatives. Even with those State-wide programs, for 65,185 children, there still remains a need to help at least an additional 267,500 children.

One of the programs this new flexibility will allow to expand in Indiana is the Building Bright Beginnings Coalition. This coalition is focused on assisting children that are prenatal to four years old. They have reached over 150,000 parents of newborns through their publication “A Parent’s Guide to Raising Health, Happy Babies”. This campaign has implemented an “Early Health and Demand Quality Child Care” campaign consisting of public service announcements, billboards, pamphlets, and a toll-free telephone line for parent information in cooperation with local resources and referral agencies. It also makes loans available to child care providers who are considered non-traditional borrowers, and it has formed an institute that creates a public private partnership with higher education as well as the health, education, and early childhood communities.

In the short time this program has been in place, it has helped over 100,000 parents of newborns be better informed, over 10,000 new public private partnerships have been formed, and it has directly impacted the lives of over 15,000 children. We need more programs like this and in order for them to exist States need more flexibility with their funding streams.

Other quality initiatives are administered by Indiana’s Step Ahead Councils. Step Ahead Councils are the types of councils this bill hopes to promote. Indiana has had a council in each of its 92 counties since 1991. These councils are now focused on locally focused initiatives and initiatives to locally based challenges with child care, parent information, early intervention, child nutrition and health screening.

Local responses to local problems can create better solutions. This bill encourages such local involvement.

In addition, there are several other important goals this bill helps to accomplish. It will allow more programs to expand the total to three years old, it will increase satellite training for Head Start and other childhood program staff, it will increase direct child care and health services, and will encourage States to implement state funding programs for childcare providers.

As a Senator and a father of two 3½ year old boys, I am proud to support
this bill and publically voice the need to invest in all children. There is no better way to utilize a dollar than to invest it in our future. Thank you Senator Voinovich and Senator Graham for initiating this legislation, I urge my colleagues, when the time comes, to support this bill and the message behind it.

By Mr. Bond (for himself and Senator Kennedy)

S. 1156. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999


I am pleased to be joined by Senator Kerry, the Ranking Member on the Small Business Committee, which I chair. Our bill is simple and straightforward. It clarifies and consistent provisions of law enacted as part of my "Red Tape Reduction Act," the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With unanimous votes, we took a major step to ensure that small businesses are treated fairly by federal agencies.

Like the Regulatory Flexibility Act, which it amended, the Red Tape Reduction Act is a remedial statute, designed to redress the fact that uniform federal regulations impose disproportionate impacts on small entities, including small business, small not-for-profits and small governments. A recent study conducted for the Office of Advocacy of the Small Business Administration, documented, yet again, that small businesses continue to face higher regulatory compliance costs than their big-business counterparts. With the vast majority of businesses in this nation being small enterprises, it only makes sense for the rulemaking process to ensure that the concerns of such small entities get a fair airing early in the development of a federal regulation.

The bill Senator Kerry and I are introducing focuses on Section 244 of the Small Business Regulatory Enforcement Fairness Act of 1996, which amended chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act). As a result, each "covered agency" is required to convene a Panel of federal employees, representing the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advocacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an initial Regulatory Flexibility analysis for a proposed rule with a significant adverse impact on a substantial number of small entities. The Panel, which convenes for 60 days, produces a report containing comments from the small entities and the Panel's own recommendations. The report is provided to the head of the agency, who reviews the report and, where appropriate, modifies the proposed rule, initial regulatory analysis or the decision on whether the rule significantly impacts small entities. The Panel report becomes a part of the rulemaking record. Consistent with the overall purpose of the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996, the Red Tape Reduction Act, the objective of the Panel process is to minimize the adverse impacts and increase the benefits to small entities affected by the agency's actions. Consequently, the true proof of each Panel's effectiveness in reducing the regulatory burden on small entities is not known until the agency issues the proposed and final rules. So far, the results are encouraging.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the agencies currently covered by the Panel process. Our bill adds the Internal Revenue Service (IRS) as a covered agency. In 1996, the Red Tape Reduction Act expressly included the IRS under the Regulatory Flexibility Act; however, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which agencies are covered. The Internal Revenue Code are to be subject to compliance with the Regulatory Flexibility Act, for those rules with a significant economic impact on a substantial number of small entities, the IRS would be required to convene a Small Business Advocacy Review Panel. If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process (EPA) or the temporary regulations on the uniform capitalization rules could have had taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially small farmers and growers. Since a substantial number of small enterprises operated as limited partnerships, the IRS had considered the initial Regulatory Flexibility, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the "stealth tax regulations," would have raised self-employment taxes on countless small businesses operated as limited partnerships or as individuals, and would have also imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that included IRS interpretative rules under the Regulatory Flexibility Act, "but only to the extent that such interpretative rules impose on small entities a collection of information requirement." The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury says Reg Flex does not apply. Second, in the limited circumstances where the IRS has acknowledged imposing a new reporting requirement, the Treasury has limited its analysis of the impact on small businesses to the form itself. As a result, the Treasury Department and the IRS have turned Reg Flex compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill rewrites the critical sentence in Section 603 to read as follows:

In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

Coverage of the IRS under the Panel process and the technical changes I have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Chief Counsel for Advocacy. I ask unanimous consent to include in the Record following this statement a letter from the Chief Counsel and statements from these small business advocates.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small entity representatives invited to submit advice and recommendations to the Panel. While these provisions are very similar to the legislation introduced in the other body (H.R. 1882) by our colleagues, Representatives Talent, Velazquez, Kelly, Bartlett, and Ewing, Senator Kerry has expressed some specific concerns regarding the potential for certain provisions to be overemphasized. I have agreed to work with him to address his concerns in report language and, if necessary, with minor revisions to the bill text.

Our mutual goal is to ensure that the views and insights of small business are brought forth through the Panel process and taken to heart by the "covered agency" and other federal agencies represented on the Panel—in short, to
continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and ask unanimous consent that the Small Business Advocacy Review Panel Technical Amendments Act of 1999 be printed, following this statement.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the Record.

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

S. 1156

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 Advocacy Review Panel Technical Amendments Act of 1999.”

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 603(b)(1)(B) of title 5, United States Code, is amended to read as follows:

“(b)(1) Before the publication of an initial rulemaking or flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the ‘Chief Counsel’) in writing;

(B) notify the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

(C) not later than 30 days after complying with subparagraphs (A) and (B)—

(i) with the concurrence of the Chief Counsel, identify affected small entity representatives; and

(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the Chief Counsel, as applicable, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

(2) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1)(C)(i), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

(3)(A) Except as provided in subparagraph (B), the covered agency shall include in the draft proposed rule a report of the review panel pursuant to paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices and annexes to the report, as soon as practicable, but not later than—

(i) 180 days after the date the covered agency convenes the review panel; or

(ii) the date of publication of the notice of proposed rulemaking for the proposed rule.

(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.

SEC. 4. DEFINITIONS.

Section 603(d) of title 5, United States Code, is amended to read as follows:

“(d) For the purposes of this section—

(1) the term ‘covered agency’ means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

(2) the term ‘small entity representative’ means a small entity, or an individual or organization that represents the interests of 1 or more small entities.”

SEC. 5. COLLECTION OF INFORMATION REQUIRED TO IMPROVE THE COMPREHENSIBILITY AND EFFECTIVENESS OF REGULATORY PREPAREDNESS.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by striking “and” after the semicolon in this paragraph; and

(2) in paragraph (6) by striking “; and” and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIATIVE REGULATORY FLEXIBILITY ANALYSIS.—The fourth sentence of section 603 of title 5, United States Code, is amended to read as follows: “In the case of an interpretative regulation of the laws of the United States, this chapter applies to interpretative rules (including proposed, temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.”

SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

SMALL BUSINESS LEGISLATIVE COUNCIL.

WASHINGTON, DC, May 24, 1999.

Hon. Kit Bond, Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Small Business Legislative Council (SBLC), I would like to offer you our strong support for your legislation to expand the Small Business Regulatory Enforcement Fairness Act (SBREFA) to encompass more of the activities of the Internal Revenue Service (IRS).

As you know, there is nothing more annoying to the small business community than when the IRS issues a proposed rule and it is obvious the authors have little or no understanding of the business practices of the small businesses to be covered by the rule. OSHA and the EPA have also been identified in the past as agencies guilty of acting without a solid understanding of an industry. Thanks to your leadership, Congress fixed the problem in the case of EPA and OSHA by enacting SBREFA. Those two agencies must go out and collect information on small business before they finish development of a proposed rule. The law requires the OSHA and EPA to increase small business participation in agency rulemaking activities by convening a Small Business Advocacy Review Panel for a proposed rule with a significant economic impact on small entities. Federal regulations notably require that the SBREFA’s Chief Counsel of Advocacy that the rule is under development and provide sufficient information so that the Chief Counsel can identify affected small entities, gather advice and comments on the effects of the proposed rule. A Small Business Advocacy Review Panel, comprising Federal government employees from the agency, the Office of Advocacy, and OMB, must be convened to review the proposed rule and collect comments from small businesses. Within 60 days, the panel must issue a report containing comments received from small entities and the panel’s findings, which become part of the public record.

As we have said many times before, we believe your “red tape cutting” law, SBREFA, is one of the most significant small business laws of all time. As you know first hand, for a variety of reasons not least included, this omission should be corrected. If there is one agency with ongoing rulemaking responsibilities that have an impact on small businesses, it is the IRS.

In addition, the other provisions of SBREFA apply only to the IRS when the interpretative rule of the IRS will “impose on small entities a collection information requirement.” We already know the IRS has embraced an extraordinarily narrow interpretation of that phrase. We should take this opportunity to amend SBREFA so the IRS complies with SBREFA any time it issues an interpretative regulation.

As you know, the SBLC is a permanent, independent coalition of eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in the food sector, consumer products,construction, transportation, tourism and many other industries. Our strategies developed through a consensus among our membership. Individual associations may express their
own views. For your information, a list of our members is enclosed.

As always, we appreciate your outstanding leadership on behalf of small business.

Sincerely,

DAVID GORIN,
Chairman.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL
American Association of Community Theaters
Air Conditioning Contractors of America
Alliance for Affordable Services
Alliance for Independent Business
Alliance of Independent Store Owners and Professionals
American Animal Hospital Association
American Association of Equine Practitioners
American Bus Association
American Consulting Engineers Council
American Machine Tool Distributors Association
American Nursery and Landscape Association
American Road & Transportation Builders Association
American Society of Interior Designers
American Society of Travel Agents, Inc.
American Subcontractors Association
American Textile Machinery Association
American Trucking Associations, Inc.
Architectural Precast Association
Associated Equipment Distributors
Associated Landscape Contractors of America
Association of Small Business Development Centers
Association of Sales and Marketing Companies
Automotive Recyclers Association
Automotive Service Association
Bowling Proprietors Association of America
Building Service Contractors Association International
Business Advertising Council
CBA
Council of Fleet Specialists
Council of Growing Companies
Direct Selling Association
Electronics Representatives Association
Food and Drug Delivery Association
Health Industry Representatives Association
Helicopter Association International
Independent Bankers Association of America
Independent Medical Distributors Association
International Association of Refrigerated Warehouses
International Formalwear Association
International Franchise Association
machinery Dealers National Association
Mail Advertising Service Association
Manufacturers Agents for the Food Service Industry
Manufacturers Agents National Association
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed
National Association of Home Builders
National Association of Plumbing-Heating-Cooling Contractors
National Association of Realtors
National Association of RV Parks and Campgrounds
National Association of Small Business Investment Companies
National Association of the Remodeling Industry
National Chimney Sweep Guild
National Community Pharmacists Association
National Electrical Contractors Association
National Electrical Manufacturers Representatives Association
National Funeral Directors Association, Inc.
National Lumber & Building Material Dealers Association
National Moving and Storage Association
National Ornamental & Miscellaneous Metals Association
National Paperboard Association
National Society of Accountants
National Tooling and Machining Association
National Tour Association
National Wood Flooring Association
Organization for the Promotion and Advancement of Small Telephone Companies
Petroleum Marketers Association of America
Printing Industries of America, Inc.
Professional Lawn Care Association of America
Promotional Products Association International
The Retailer's Bakery Association
Saturation Mailers Coalition
Small Business Council of America, Inc.
Small Business Exporters Association
Small Business Technology Coalition
SMC Business Councils
Society of American Florists
Turfgrass Producers International
Tire Association of North America
United Motorcoach Association

OFFICE OF ADVOCACY,
U.S. SMALL BUSINESS ADMINISTRATION,

Hon. Kit Bond,
Chairman, Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN BOND: This is in response to your request for my views as to whether the Small Business Regulatory Fairness Act Review Panels should be convened pursuant to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

I join my colleague the Hon. Jane Garvey in expressing my continued belief that a major goal of SBREFA was to increase the involvement of small business in rulemaking activities. I have been pleased to see that the Small Business Regulatory Enforcement Fairness Act Review Panels have included representatives of small businesses.

I also believe that SBREFA has been extremely helpful in identifying the likely impact of major rules on small entities, and that the Small Business Regulatory Enforcement Fairness Act Review Panels have saved small businesses close to $2 billion.

I continue to be concerned, however, that SBREFA has not saved small businesses the money that they would have spent following the rulemaking process. While SBREFA has been extremely helpful in identifying the likely impact of major rules on small entities, it is important to recognize that SBREFA has not saved small businesses close to $2 billion.

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This bill would lengthen by thirty (30) days the time that small entity representatives have to review the usually technical and voluminous materials to be considered during panel deliberations. For those small businesses that would like to participate but do not have a great deal of time to review technical data, the bill requires OSHA, EPA and IRS to prepare detailed summaries of background data and information.

The bill would also allow a small entity representative to designate another small entity representative, if he or she so chooses, to make an oral presentation to the panel.

Many small entities have expressed their interest in reviewing the panel report before the rule is proposed, and this bill would require the panel report to be printed in the Federal Register either as soon as practicable or with the proposed rule, but in no case, later than six (6) months after the rule is proposed.

Moreover, the bill would add certain rules issued by Internal Revenue Service to the panel requirements of SBREFA. Many small businesses complain that they are overwhelmed with the large burdens that the IRS places on them. It is the goal of this bill to hold the IRS accountable for the interpretative rules they issue that have a major impact on small business concerns, and to open up the rulemaking process so small entities can participate.

This new authority would significantly increase the workload of SBA's Office of Advocacy, the Federal office charged with monitoring agency compliance with the Regulatory Flexibility Act, including SBREFA. Chairman BOND and I agree that it is important that the Office of Advocacy have adequate resources to fulfill the new responsibilities mandated by this bill.

Therefore, we plan to send a letter jointly to Appropriations Subcommittee on Commerce, Justice and State to request that the Office of Advocacy have adequate resources to fulfill this new responsibility.

I am proud to support this legislation. I believe it will result in significant savings for small businesses and will improve the mechanism for their voices to be heard.

Finally, I would like to thank Chairman BOND and his staff for their efforts working with me and my staff to produce this important bill.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. THURMOND, Mr. NICKLES, Mr. HELMS, and Mr. COCHRAN):

S. 1157. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Health, Education, Labor, and Pensions.

DAVIS-BACON REPEAL ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce the Davis-Bacon Repeal Act of 1999. This legislation would repeal the Davis-Bacon Act of 1931, which guarantees high wages for workers on Federal construction projects, and the Copeland Act, which imposes weekly payroll reporting requirements.

Davis-Bacon requires contractors on Federal construction projects costing over $2,000 to pay their workers no less than the "prevailing wage" for comparable work in their local area. The U.S. Department of Labor has the final say on what the "prevailing wage" means, but the prevailing wage is usually based on union-negotiated wages.

My bill would allow free market forces, rather than bureaucrats at the Labor Department in Washington, D.C., to determine the amount of construction wages. There is simply no need to have the Labor Department dictating wage rates for workers on Federal construction projects in every locality in the United States.

The Department of Labor's Office of the Inspector General recently issues a devastating report showing that inaccurate information had been used in Davis-Bacon wage determinations in Oregon. The errors caused workers to lose wages or fringe benefits to be overstated by as much as $1.00 per hour, in some cases. If Davis-Bacon were repealed, American taxpayers would save more than $3 billion over a 5-year period, according to the Congressional Budget Office.

Davis-Bacon also stifles competition in Federal bidding for construction projects, especially with respect to small businesses. Small construction companies are not knowledgeable about Federal contracting procedures; and they simply cannot afford to hire the staff needed to comply with Davis-Bacon's complex work rules and reporting requirements.

Congress approved Davis-Bacon during the Great Depression, a period in which work was scarce. In those days, construction workers were willing to take what jobs they could find, regardless of the wage rate; most construction was publicly financed; and there were no other Federal worker protections on the books.

Conditions in the construction industry have changed a lot since then, however. Today, unemployment rates are low, and public works construction makes up only about 20 percent of the construction industry's activity. Also, we now have many Federal laws on the books to protect workers. Such laws include the Fair Labor Standards Act of 1938, which imposes a general minimum wage, the Occupational Safety and Health Act of 1970, the Miller Act of 1935, the Contract Work House and Safety Standards Act of 1962, and the Social Security Act.

Yet the construction industry still has to operate under Davis-Bacon's inflexible 1930s work requirements and play by its payroll reporting rules. Under the law's craft-by-craft requirements, for example, contractors must pay Davis-Bacon wages for individuals who perform a given craft's work. In many cases, that means a contractor either must pay a high wage to an unskilled worker for performing menial tasks, or he must pay a high wage to an experienced worker for these menial tasks. These requirements reduce productivity.

A related problem with Davis-Bacon is that it reduces entry-level jobs and the opportunities for the disadvantaged. Because the law makes it costly for contractors to hire lower-skilled workers on construction projects, the statute creates a disincentive to hire entry-level workers and provide on-the-job training.

The Congressional Budget Office raised this issue in its analysis, "Modifying the Davis-Bacon Act: Implications for the Labor Market and the Federal Budget." As stated in that 1983 study:

Although the effect of Davis-Bacon on wages receives the most attention, the Act's largest potential cost impact may derive from its effect on the use of labor. For one thing, Davis-Bacon may require that, if an employee does the work of a particular craft, the wage paid should be for the craft.

For example, carpentry work must be paid for at carpenters' wages, even if performed by a general laborer, helper or member of another craft.

Moreover, the General Accounting Office has maintained that the Davis-Bacon Act is no longer needed. GAO began to openly question Davis-Bacon in the 1960s; and in 1979, it issued a report calling for the Act's repeal. Titled "The Davis-Bacon Act Should Be Repealed," the report states: "[O]ther wage legislation and changes in economic conditions and in the construction industry since the law was passed make the law obsolete; and the law is inflationary."

Those who remain unconvinced that Davis-Bacon is bad public policy, I urge a review of the Act's legislative history. Some early supporters of Davis-Bacon advocated its passage as a means to discriminate against minority firms. For instance, Clayton Allgood, a member of the 71st Congress, argued on the House floor that Davis-Bacon would keep contractors from employing "cheap colored labor" on construction projects. As stated by Congress- man Allgood on February 28, 1931, "It is labor of that sort that is in competition with white labor throughout the country." Unfortunately, Davis-Bacon still has the effect of keeping minority-owned construction firms from competing for Federal construction contracts, because many such firms are small businesses.

Early supporters of Davis-Bacon also believed that the law would prevent outside contractors from undermining government work in the construction industry. In practice, however, Davis-Bacon wages hurt local businesses and make it more likely that outside contractors will win bids for Federal projects.
Mr. President, for all of the above reasons, I believe that the Davis-Bacon Act should be repealed. I urge my colleagues to support the Davis-Bacon Repeal Act of 1999.

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

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

S. 1157

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

SECTION 1. DAVIS-BACON ACT.

(a) REPEAL.—The Act of March 3, 1931 (40 U.S.C. 276a et seq.) (commonly referred to as the Davis-Bacon Act) is repealed.

(b) REFERENCES.—Any reference in any law to a wage requirement of the Act of March 3, 1931, shall after the date of the enactment of this Act be null and void.

SEC. 2. COPELAND ACT.

Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) (commonly referred to as the "Copeland Act") is repealed.

SEC. 3. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall take effect 30 days after the date of the enactment of this Act but shall not affect any contract in existence on such date of enactment or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. NICKLES. Mr. President, I am happy to join Senator BOB SMITH as a cosponsor of the Davis-Bacon Repeal Act of 1999.

I believe Davis-Bacon repeal is long overdue. This 68-year-old legislation requires contractors to pay workers on federally-subsidized projects what the Labor Department determines is the local prevailing wage. What Davis-Bacon actually does is cost the Federal Government billions of dollars, divert funds out of vitally important projects, and limit opportunities for employment.

In my own State of Oklahoma, it has been proven that many "prevailing wages" have been calculated using fictitious projects, ghost workers, and companies established to pay artificially high wages. Oklahoma officials have reported that many of the wage survey forms submitted to the U.S. Department of Labor to calculate Federal wage rates in Oklahoma were wrong or fraudulent.

Records showed that an underground storage tank was built using 20 plumbers and pipefitters paid $2.05 an hour but no such tank was ever built. In another case, several asphalt machine operators were reported to have been employed at $15 an hour to build a parking lot but the lot was made of concrete by union officials, and the actual Davis-Bacon wage should have been $8 an hour. Ultimately, the Oklahoma Secretary of Labor established that at least two of the inflated Oklahoma reports were filled out by union officials.

The Davis-Bacon Act also diverts urgently needed Federal funds. After the 1995 bombing of the Murrah Federal building in Oklahoma City, Mayor Ron Norick of Oklahoma City estimated that the city could have saved $15 million in construction costs had the President waived the Davis-Bacon Act. This money could have been used to provide additional assistance to those impacted by the bombing and to fund the Federal role in disaster situations elsewhere. The Federal role in disaster situations should be to empower communities and foster flexibility so that rebuilding efforts can proceed in the best manner possible.

The Davis-Bacon Act is a law that discourages, rather than encourages, the employment of lower skilled or non-skilled workers. Davis-Bacon began as a way to keep small and minority businesses out of the government pie, and today it still does, reaching even further. Repeal of the act will take wage setting out of the hands of bureaucrats and return the determination of labor costs on construction projects to the efforts of the free market place. This would result in a more sound fiscal policy through payment of actual market-based local wage rates; more entry-level jobs in construction industry for youth, minorities, and women; and more entry-level businesses bidding on Federal contracts.

The Davis-Bacon Repeal Act will provide increased job opportunities for those who might not ordinarily have the chance to enter the workforce, the opportunity to get a trade, and the opportunity to climb the economic ladder.

I applaud Senator SMITH for his efforts and appreciate the chance to cosponsor this bill.

By Mr. HUTCHINSON:

S. 1158. A bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

Mr. HUTCHINSON. Mr. President, it is my honor today to introduce the "Fair Access to Indemnity and Reimbursement Act" (the "FAIR Act"), which will amend the National Labor Relations Act and the Occupational Safety and Health Act to provide that a small employer prevailing against either agency will be automatically entitled to recover the attorney's fees and expenses it incurred to defend itself.

The FAIR Act is necessary because the National Labor Relations Board ("NLRB") and Occupational Safety and Health Agency ("OSHA") are two aggressive, well-funded agencies which share a "find and fine" philosophy. The destructive consequences of this philosophy are magnified by the abuse of "salting" or the placement of paid union organizers and their agents in non-union workplaces for the sole purpose of disrupting the workforce. "Salting abuse" occurs when "salts" create labor law violations or workplace hazards and then file frivolous claims with the NLRB or OSHA. Businesses are then forced to spend thousands of dollars to defend themselves against NLRB or OSHA as these agencies vigorously prosecute these frivolous claims.

Accordingly, many businesses, when faced with the successful defense, make a bottom-line decision to settle these frivolous claims rather than going out of business or laying off employees in order to finance costly litigation.

The FAIR Act will allow these employers to defend themselves rather than settling, and, more importantly, it will force the NLRB or OSHA to ensure that the claims they pursue are worthy of their efforts. The FAIR Act will accomplish this by allowing employers with up to 100 employees and a net worth of up to $7,000,000 to recover their attorneys fees and litigation expense directly from the NLRB or OSHA, regardless of whether those agencies' claims were "substantially justified" or "special circumstances" make an award of attorneys fees unjust. Thus, the Congressional intent behind the broadly supported, bipartisan "Equal Access to Usurpation Act ("EAA")" to "level the playing field" for small businesses will finally be realized.

The FAIR Act is solid legislation; it is a common sense attempt to give small businesses the means to defend themselves against unfair actions. Accordingly, I ask my colleagues for their cooperation and assistance as I work to ensure that the "FAIR Act" is enacted into law.

By Mr. STEVENS (for himself, Mr. COCHRAN, Mr. INOUYE, Mr. HAGEL, Mr. BINGAMAN, Mr. SHELBY, Mr. LEVIN, Mr. DODD, and Mr. THURMOND):

S. 1159. A bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students; to the Committee on Health, Education, Labor, and Pensions.

PHYSICAL EDUCATION FOR PROGRESS ACT

Mr. STEVENS. Mr. President, today I send to the desk and introduce the Physical Education for Progress—or "PEP"—Act. My bill would provide incentive grants for local school districts to develop comprehensive weekly requirements for physical education, and daily physical education if possible.

Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. Children growing up to know that physical activity can help them feel good, be successful in school and work, and stay healthy.
ENGAGING IN SPORTS ACTIVITIES PROVIDES LESSONS ABOUT TEAMWORK AND DEALING WITH DEFEAT. IN MY JUDGMENT, PHYSICAL ACTIVITY AND SPORTS ARE AN IMPORTANT EDUCATIONAL TOOL, AND THE LESSONS OF SPORTS MAY HELP RESOLVE SOME OF THE PROBLEMS THAT LEAD TO VIOLENCE IN SCHOOLS.

REGULAR PHYSICAL ACTIVITY PRODUCES SHORT-TERM HEALTH BENEFITS AND REDUCES LONG-TERM RISKS FOR CHRONIC DISEASE, DISABILITIES AND PREMATURE DEATH. DESPITE THE CLEAR BENEFITS OF BEING PHYSICALLY ACTIVE, MORE THAN 60 PERCENT OF AMERICAN ADULTS DO NOT ENGAGE IN LEVELS OF PHYSICAL ACTIVITY NECESSARY TO PROVIDE HEALTH BENEFITS.

MORE THAN A THIRTY PERCENT OF YOUNG PEOPLE IN OUR COUNTRY AGED 12 TO 21 YEARS DO NOT REGULARLY ENGAGE IN VIGOROUS PHYSICAL ACTIVITY, AND THE PERCENTAGE OF OBESE YOUNG AMERICANS HAS MORE THAN DOUBLED IN THE PAST 30 YEARS. DAILY PARTICIPATION IN HIGH SCHOOL PHYSICAL EDUCATION CLASS DROPPED FROM 32 PERCENT IN 1991 TO 27 PERCENT IN 1997. RIGHT NOW, ONLY ONE STATE IN OUR UNION—ILLINOIS—CURRENTLY REQUIRES DAILY PHYSICAL EDUCATION FOR GRADES K THROUGH 12. I THINK THE TAXING STATISTIC.

ONLY ONE STATE REQUIRES DAILY PHYSICAL EDUCATION FOR OUR CHILDREN.

THE IMPACT OF OUR POOR HEALTH HABITS IS STAGGERING: OBESITY-RELATED DISEASES NOW COST THE NATION MORE THAN $200 BILLION ANNUALLY, AND OVERWEIGHT AND POOR DIET CAUSE MORE THAN 300,000 DEATHS PER YEAR IN THE UNITED STATES.

WE KNOW FROM THE CENTERS FOR DISEASE CONTROL AND OTHERS THAT LIFELONG HEALTH BENEFITS INCLUDING PHYSICAL ACTIVITY AND EATING PATTERNS, ARE OFTEN ESTABLISHED IN CHILDHOOD. BECAUSE INGRAINED BEHAVIORS ARE DIFFICULT TO CHANGE AS PEOPLE GROW OLDER, WE NEED TO REACH OUT TO YOUNG PEOPLE EARLY, BEFORE HEALTH-DAMAGING BEHAVIORS ARE ADOPTED.

TO ME, SCHOOLS PROVIDE AN IDEAL OPPORTUNITY TO MAKE AN ENORMOUS, POSITIVE IMPACT ON THE HEALTH OF OUR NATION. THE PEP ACT, TO ME, IS AN IMPORTANT STEP TOWARD IMPROVING THE HEALTH OF OUR NATION. THE PEP ACT WOULD HELP SCHOOLS GET REGULAR PHYSICAL ACTIVITY BACK INTO THEIR PROGRAMS. WE CAN, AND SHOULD, HELP OUR YOUTH ESTABLISH SOLID HEALTH HABITS AT AN EARLY AGE.

THE INVENTIVE GRANTS PROVIDED FOR BY MY BILL COULD BE USED TO PROVIDE PHYSICAL EDUCATION EQUIPMENT AND SUPPORT TO STUDENTS, TO ENHANCE PHYSICAL EDUCATION CURRICULA, AND TO TRAIN AND EDUCATE PHYSICAL EDUCATION TEACHERS.

THE FUTURE COST SAVINGS IN HEALTH CARE FOR EMERGING THE IMPORTANCE OF PHYSICAL ACTIVITY TO A LONG AND HEALTHY LIFE, TO ME, ARE IMMENSE.

BY MR. GRASSLEY:

S. 1160. A BILL TO AMEND THE INTERNAL REVENUE SERVICE CODE OF 1986 TO PROVIDE MARRIAGE PENALTY RELIEF, INCENTIVES TO ENHANCE PHYSICAL ACTIVITY, TO PROVIDE INCREASED CHILD CARE ASSISTANCE, TO EXTEND CERTAIN EXPIRING TAX PROVISIONS, AND FOR OTHER PURPOSES; TO THE COMMITTEE ON FINANCE.
is the backbone of our new technology-driven economy. It is creating millions of high wage, high skilled jobs. The R&D credit has been extended 9 times since 1981, but it has been allowed to expire 4 times during that period. Now is the time to make it permanent and to provide the incentives our businesses need to compete.

There are also other important provisions in this legislation to promote long-term care, create more affordable housing, make education more affordable, and to help our farmers.

I believe that this tax plan is one which can, and will, receive broad bipartisan support. It is a tax plan which Congress can pass and the President can sign. I urge my colleagues to work with the Senator from Iowa and myself, and to pass the Tax Relief for Working Americans Act.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SCHUMER, and Mr. TORRICELLI).

S. 1163. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus, to the Committee on Health, Education, Labor, and Pensions.

LUPUS RESEARCH AND CARE AMENDMENTS OF 1999

- Mr. BENNETT. Mr. President, I rise today to introduce the Lupus Research and Care Amendments of 1999. This legislation would authorize additional funds for lupus research and grants for states, local governments to support the delivery of essential services to low-income individuals with lupus and their families. The National Institute of Health (NIH) spent about $42 million less than one half of one percent of its budget on lupus research last year. I believe that we need to increase the funds that are available for research of this debilitating disease.

Lupus is not a well-known disease, nor is it well understood. Yet, at least 1,400,000 Americans have been diagnosed with lupus and many more are either misdiagnosed or not diagnosed at all. More Americans have lupus than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia or cystic fibrosis. Lupus is a disease that attacks and weakens the immune system and is often life-threatening. Lupus is nine times more likely to affect women than men. African-American women are diagnosed with lupus two to three times more often than Caucasian women. Lupus is also more prevalent among certain minority groups including Latinos, Native Americans and Asians.

Because lupus is not well understood, it is difficult to diagnose, leading to uncertainty on the actual number of patients suffering from lupus. The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed early and with proper treatment, the majority of lupus cases can be controlled. Unfortunately, because of the difficulties in diagnosing lupus and inadequate research, many lupus patients suffer debilitating pain and fatigue. The resulting effects make it difficult, if not impossible, for individuals suffering from lupus to carry on normal everyday activities including the demands of a job. Thousands of these debilitating cases needlessly end in death each year.

Title I of the Lupus Research and Care Amendments of 1999 authorizes $75 million in grants starting in fiscal year 2000 to be earmarked for lupus research. This new authorization would amount to one percent of one percent of NIH's total budget but would greatly enhance NIH's research.

Title II of the Lupus Research and Care Amendments of 1999 authorizes $40 million in grants to state and local governments as well as to nonprofit organizations starting in fiscal year 2000. These funds would support the delivery of essential services to low-income individuals with lupus and their families. I would urge all my colleagues, Mr. President, to join Senator MURRAY, Senator TORRICELLI, Senator SCHUMER, and myself in sponsoring this legislation to increase funding to fight lupus.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK).

S. 1164. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT OF 1999

- Mr. HATCH. Mr. President, I rise today with my friend and colleagues Senators BAUCUS and MACK to introduce the International Tax Simplification for American Competitiveness Act of 1999. This bill will provide much-needed tax relief from complex and inconsistent tax laws that burden our American-owned companies attempting to compete in the world marketplace.

Our foreign tax code is in desperate need of reform and simplification. The rules in this arena are way too complex and, often, their results are perverse. Mr. President, the American economy has experienced significant growth and prosperity. That success, however, is becoming more and more intertwined with the success of our business in the global marketplace. This has become even more obvious in the recent financial distress in Japan. Yet, most Americans still do not realize the important contributions to our economy from U.S. companies with global operations. We have seen the share of U.S. corporate profits attributed to foreign operations increase from 15 percent in the 1960's to 17.7 percent in the 1990's.

As technology blurs traditional boundaries, and as competition continues to increase from previously lesser-developed nations, it is imperative that America's businesses be able to compete effectively.

It seems to me that any rule, regulation, requirement, or tax that we can alleviate to enhance competitiveness will inure to the benefit of American companies, their employees, and shareholders.

There are many barriers that the U.S. economy must overcome in order to remain competitive. Congress cannot hurdle by itself. For example, we have international trade negotiators working hard to remove the barriers to foreign markets that discriminate and handicap American businesses. It is ironic, therefore, that one of the largest trade barriers is imposed by our own tax code on American companies operating abroad. Make no mistake: the complexities and inconsistencies in this section of the Tax Code have an appreciable adverse effect on our domestic economy.

The failure to deal with the barriers in our own backyard will serve only to drive more American companies to other countries with simple, more favorable tax treatment. We just saw this occur with the merger of Daimler Benz and Chrysler. The new corporation will be headquartered in Germany due to the complex international laws of the United States.

The business world is changing at an increasingly rapid pace. Tax laws have failed to keep pace with the rapid changes in the world technology and economy. Too many of the international provisions in the Internal Revenue Code have not been substantially debated and revised in over a decade. Since that time, existing international markets have changed significantly, and we have seen new markets created. The U.S. Tax Code needs to adapt to the changing times as well. Our current confusing and archaic tax code is woefully out of step with commercial realities as we approach the 21st century.

U.S. businesses frequently find themselves at a competitive disadvantage to their foreign competitors due to the high taxes and stiff regulations they often face. A U.S. company selling products abroad often needs a higher tax rate by our own government, than a foreign company is. For example, when Kodak sells film in the U.K. or Germany, they pay higher taxes than their foreign competitor Fuji does for those same sales.

If we close American companies out of the international arena due to complex and burdensome tax rules on exports and foreign production, then we are also denying them the ability to compete. Dooming them, and ourselves, to anemic economic growth and all its adverse subsidiary effects.

The bill we are introducing today is not a comprehensive solution, neither is the tax code itself. Instead, this bill contains a set of important intermediate steps which will take us a long way toward simplifying the rules and making some sense of the international tax regime. The bill contains provisions to simplify and update the tax treatment of controlled foreign corporations, fix some of the rules relating to the foreign tax credit, and
make other changes to international tax law.

Some of these changes are in areas that are in dire need of repair, and others are changes that take into consideration the changes we have seen in international business practices and environments during the last decade.

One example of the need for updating our laws is the financial services industry. This industry has seen rapid technological and global changes that have transformed the very nature of the way these corporations do business both here and abroad. This bill contains several provisions to help adapt the foreign tax regime to keep up with these changes.

In the debate about the globalization of our economy, we absolutely cannot forget the taxation of foreign companies with U.S. operations and subsidiaries. These companies are an important part of our growing economy. They employ 49 million American workers. In my home state of Utah, employees at U.S. subsidiaries constitute 3.6 percent of the work force.

We must ensure that U.S. tax law is written and fairly enforced for all companies in the United States.

This bill is not the end of the international tax debate. If we were to pass every provision it contains, we would still not have a simple Tax Code. We would need to make more reforms yet. We cannot limit this debate to only the intermediate changes such as those in this bill. We must not lose sight of the long term. I intend to urge broader debate about other areas in need of reform such as interest allocation, issues raised by the European Union, and subpart F itself. I believe that we must address these concerns in the next five years if we are to put U.S. corporations and the U.S. economy in a position to maintain economic position in the global economy of tomorrow.

This is important to the future of every American citizen. Without these changes, American businesses will see their ability to compete diminished, and the United States will have an uphill battle to remain the preeminent economic force in a changing world. This modest, but important package of international tax reforms will help to keep our businesses and our economy competitive and a driving force in the world economic picture. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

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

S. 1164

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TITLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "International Tax Simplification for American Businesses Act of 1999".
(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

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TITLE I—TREATMENT OF CONTROLLED FOREIGN CORPORATIONS

Sec. 101. Permanent Subpart F exemption from taxation.
Sec. 102. Study of proper treatment of European Union under same country exceptions.
Sec. 103. Expansion of de minimis rule under subpart F.
Sec. 104. Subpart F earnings and profits deduction under generally accepted accounting principles.
Sec. 105. Clarification of treatment of pipeline transportation income.
Sec. 106. Subpart A earnings and profits deduction for investments in high voltage electric transmission facilities.
Sec. 107. Look-through treatment for sales of partnership interests.
Sec. 108. Effective date.

TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT

Sec. 201. Credit for foreign taxes paid for active financing.
Sec. 203. Special rules relating to financial services income.
Sec. 204. Look-thru rules to apply to dividends from noncontrolled section 902 corporations.
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Sec. 310. Intangible payments deductible where disqualification guaranteed has economic effect.
Sec. 311. Modifications of reporting requirements for certain foreign owned corporations.

S6314

CONGRESSIONAL RECORD — SENATE

May 27, 1999

(a) SHORT TITLE.—This Act may be cited as the "International Tax Simplification for American Businesses Act of 1999".

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Sec. 306. Regulatory authority to exclude certain pre-agreements from definition of intangible royalty income.
Sec. 307. Airline mileage awards to certain foreign persons.
Sec. 308. Repeal of deduction of subpart F income of export trade corporations.
Sec. 309. Study of interest allocation.
Sec. 310. Intangible payments deductible where disqualification guaranteed has economic effect.
Sec. 311. Modifications of reporting requirements for certain foreign owned corporations.
(3) Exception for income from transmission of high voltage electricity.—The term ‘controlled foreign corporation income’ does not include income derived in connection with the performance of services which are related to the transmission of high voltage electricity.

SEC. 107. LOOK-THROUGH TREATMENT FOR SALES OF PARTNERSHIP INTERESTS.

(a) In General.—Section 954(c)(14) (relating to look-through treatment with respect to partnerships) is amended by adding after (b) the following new paragraph:

“(b) Look-Through Treatment for Certain Partnerships.—(1) In General.—Rules similar to the constructive ownership rules of section 958(b) shall apply for purposes of this subsection as selling the proportionate share of the assets of the partnership attributable to such interest.

(2) 10 Percent Owner.—For purposes of this paragraph, the term ‘10 percent owner’ means a controlled foreign corporation which owns 10 percent or more of the capital or profits interest in the partnership. The constructive ownership rules of section 958(b) shall apply for purposes of the preceding sentence.

(b) Conforming Amendment.—Section 954(c)(14)(B)(iii) is amended by inserting “except as provided in paragraph (4),” before “which”.

SEC. 108. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to taxable years of controlled foreign corporations beginning after December 31, 1999, and taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

TITLE II—PROVISIONS RELATING TO FOREIGN TAX CREDIT

SEC. 201. EXTENSION OF PERIOD TO WHICH EXEMPT FOREIGN TAXES MAY BE CARRIED.

(a) General Rule.—Section 904(c) (relating to carryback and carryover of excess taxes paid) is amended by striking “in the first, second, third, fourth, or fifth” and inserting “in any of the first 10”.

(b) Treasury Exception to Exempt Taxes.—Paragraph (1) of section 907(f) is amended by striking “in the first, second, third, fourth, or fifth” and inserting “in any of the first 10”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 202. RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.

(a) General Rule.—Section 904 is amended by redesignating subsections (g), (h), (l), (i), and (k) as subsections (h), (i), (j), (k), and (l), respectively, and by inserting after subsection (f) the following new subsection:

“(g) Recategorization of Overall Domestic Loss.—

“(1) General Rule.—For purposes of this subsection, in the case of any taxpayer who sustains an overall domestic loss for any taxable year beginning after December 31, 1999, that portion of the taxpayer’s taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

“(A) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

“(B) the amount of the taxpayer’s taxable income from sources within the United States for such succeeding taxable year, shall be treated as income from sources without the United States and not as income from sources within the United States.

“(2) Overall Domestic Loss Defined.—For purposes of this subsection and section 936—

“(A) In General.—The term ‘overall domestic loss’ means any domestic loss that arises from the recognition of any income or gain from sources without the United States for the taxable year or for any preceding taxable year by reason of a carryback. For purposes of the preceding sentence, the term ‘domestic loss’ means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of any apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

“(B) Taxpayer Must Have Elected Foreign Tax Credit For Year of Loss.—The term ‘overall domestic loss’ shall not include any loss for any taxable year unless the taxpayer chose the benefits of this subpart for such taxable year.

“(3) Characterization of Subsequent Income.—

“(A) In General.—Any income from sources within the United States that is treated as income from sources without the United States under paragraph (1) shall be allocated among and increase the income in each such income category in proportion to the loss from such income category that is treated as income from sources within the United States of the taxpayer.

“(B) Effect of Characterization.—(i) Except as provided in this paragraph, the term ‘income category’ has the meaning given such term by subsection (h)(5)(E).

“(ii) Special Rules.—For purposes of this paragraph, the term ‘income category’ includes any separate category in proportion to the ratio of—

“(I) the portion of earnings and profits attributable to income in such category, to

“(II) the total amount of earnings and profits attributable to such separate category in proportion to the ratio of—

“(III) the portion of earnings and profits attributable to all income categories, to

“(IV) the total amount of earnings and profits attributable to all income categories.

“(C) Determination of Total Income.—

“(i) In General.—The term ‘total income’ includes the amount of earnings and profits of the taxpayer (as so defined) and any other income derived in connection with the holder’s activities as a dealer in securities (within the meaning of section 958(b)(4)) or as a person that holds the security in connection with the holder’s activities as a dealer in securities (within the meaning of section 958(b)(4)).

“(ii) Special Rules.—For purposes of this subparagraph—

“(I) In General.—Rules similar to the constructive ownership rules of section 958(b) shall apply.

“(II) Effect of Carrying Out.—(I) Earnings And Profits. For purposes of this subparagraph—

“(1) Earnings and profits for purposes of this subparagraph shall be treated as income in a separate category.

“(2) In General.—The amendments made by this section shall apply to taxable years of United States shareholders in such corporations with or within which such taxable years of foreign corporations end.

SEC. 204. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) In General.—Section 904(d)(4) (relating to look-thru rules to apply to dividends from noncontrolled section 902 corporations) is amended to read as follows:

“(4) Look-Thru Rules to Apply to Dividends from Noncontrolled Section 902 Corporations.—

“(A) In General.—For purposes of this section, any dividend from a noncontrolled section 902 corporation with respect to which the taxpayer shall be treated as income in a separate category in proportion to the ratio of—

“(I) the portion of earnings and profits attributable to income in such category, to

“(II) the total amount of earnings and profits attributable to such separate category.

“(B) Special Rules.—For purposes of this paragraph—

“(i) In General.—Rules similar to the rules of section 960 of such Code, the amendments made by section 1105 of the Taxpayer Relief Act of 1997, are hereby repealed.

“(ii) Earnings and Profits.—(I) In General.—The rules of section 960 shall apply.

“(II) Regulations.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer’s acquisition or disposition of the stock to which the distributions relate.

(b) Conforming Amendments.—

(1) Subparagraph (E) of section 904(d)(1), as in effect both before and after the amendments made by section 1105 of the Taxpayer Relief Act of 1997, is hereby repealed.

(2) Section 904(d)(2)(C)(ii) is amended to read as follows:

“(C) Income exceeding 80 percent of gross income.—

“(i) Exception for interest on certain securities.—Section 904(d)(2)(C)(ii) (relating to high withholding tax interest) is amended by redesigning clause (iii) as clause (iv) and by inserting after clause (iv) the following new clause:

“(iii) Exception for interest on certain securities.—Section 904(d)(2)(C)(ii) shall be amended by inserting after clause (iv) the following new clause:

“(A) Exception for interest on certain securities.—(1) In General.—The term ‘high withholding tax interest’ shall not include any interest on a security (within the meaning of section 475(c)(2)) which is received or accrued by a person that holds the security in connection with the holder’s activities as a dealer in securities (within the meaning of section 475(c)(3)).

“(2) Financial Services Income in Excess of 80 Percent of Gross Income.—Section 904(d)(2)(C)(ii) (relating to financial services income) is amended by adding, at the end of the preceding new clause:

“(iv) Income exceeding 80 percent of gross income.—If the financial services income in excess of 80 percent of gross income is treated as income from sources within the United States, such income will be treated as income from sources without the United States.

“(B) Financial Services Income.—

“(i) Exception for interest on certain securities.—Section 904(d)(2)(C)(ii) shall be amended by redesigning clause (iii) as clause (v) and by redesigning clause (v) as clause (iv).

“(2) Financial Services Income.—Section 904(d)(2)(C)(ii) shall be amended by inserting “(C)(iii)(III)” and inserting “(C)(iii)(III)”.

“(C) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 205. APPLICATION OF LOOK-THRU RULES TO FOREIGN TAX CREDIT.

(a) Interest, Rents, and Royalties.—
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(1) NONCONTROLLED SECTION 902 CORPORATION.—Section 904(d)(4)(A), as amended by section 204, is amended to read as follows:

"(A) IN GENERAL.—For purposes of this subsection, carryforward or carryback to a taxable year, plus

"(i) the credits arising in the carryover year, plus

"(ii) carryforwards and carrybacks to the carryover year from taxable years earlier than the carryover year in which the credit is being carried (whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 207. REPEAL OF LIMITATION OF FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 9904(d)(4)(A) (relating to alternative minimum tax foreign tax credit) is amended by adding (D) Section 904(g)(10)(A).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 208. REPEAL OF SPECIAL RULES FOR APPLYING FOREIGN TAX CREDIT IN CASE OF FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Section 907 (relating to special rules in case of foreign oil and gas income) is amended by adding``.(c) CREDIT CARRYOVERS.—The credits arising in the carryover year from taxable years earlier than the carryover year in which the credit is being carried (whether or not the taxpayer chooses to have the benefits of this subpart apply with respect to such earlier taxable year).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 301. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS.

(a) CONSTRUCTIVE OWNERSHIP RULES TO APPLY IN DETERMINING 80-PERCENT OWNERSHIP.—Section 245 (relating to post-1986 undistributed earnings and profits) is amended by adding at the end the following flush sentence:

"Section 318(a) shall apply for purposes of subparagraph (B)."

(b) DIVIDENDS TO INCLUDE SUBPART F DISTRIBUTIONS.—Section 245(a) (relating to dividends from 10-percent owned foreign corporations) is amended by adding at the end the following new paragraph:

"(12) SUBPART F INCLUSIONS TREATED AS DIVIDENDS.—For purposes of this subsection, the term `dividend' shall include any amount of a dividend of a regulated investment company that is attributable to interest (other than interest described in subparagraph (E)(i) or (iii)) received by such company on indebtedness issued by such person in connection with or partnership with respect to which such person is a 10-percent shareholder."
(i) to any interest-related dividend with respect to stock of a regulated investment company unless the person who would otherwise be required to deduct and withhold tax from such dividends is a related person, or makes a statement (which meets requirements similar to the requirements of subsection (h)(5)) that the beneficial owner of such stock is not a related person.

(ii) to any interest-related dividend paid to any person within a foreign country (or an interest-related dividend payment address of such person) not in United States possession or territory (or in such country or person within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary's determination under subsection (h)(6).

(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders at least 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated which qualified as described in clause (ii)) is greater than the amount so designated with respect to any stock of another regulated investment company from sources within the United States, the portion of each distribution which shall be an interest-related dividend shall be that portion of the aggregate so designated which qualified as described in clause (ii).

(D) QUALIFIED SHORT-TERM Gain.—For purposes of subparagraph (C), the term ‘qualified short-term gain’ means the qualified interest income of the regulated investment company for the taxable year over the long-term capital gain (if any) of such company for such taxable year.

(ii) any interest-related dividend paid to any person within a foreign country (or an interest-related dividend payment address of such person) not in United States possession or territory (or in such country or person within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary’s determination under subsection (h)(6).

(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders at least 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated which qualified as described in clause (ii)) is greater than the amount so designated with respect to any stock of another regulated investment company from sources within the United States, the portion of each distribution which shall be an interest-related dividend shall be that portion of the aggregate so designated which qualified as described in clause (ii).

(D) QUALIFIED SHORT-TERM GAIN.—For purposes of subparagraph (C), the term ‘qualified short-term gain’ means the qualified interest income of the regulated investment company for the taxable year over the long-term capital gain (if any) of such company for such taxable year.

(ii) any interest-related dividend paid to any person within a foreign country (or an interest-related dividend payment address of such person) not in United States possession or territory (or in such country or person within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary’s determination under subsection (h)(6).

(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders at least 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated which qualified as described in clause (ii)) is greater than the amount so designated with respect to any stock of another regulated investment company from sources within the United States, the portion of each distribution which shall be an interest-related dividend shall be that portion of the aggregate so designated which qualified as described in clause (ii).
(1) Paragraph (1) of section 897(h) is amended by striking "REIT" each place it appears and inserting "qualified investment entity".

(2) Paragraphs (2) and (3) of section 897(h) are amended by striking "qualified investment entity" and inserting "domestically controlled qualified investment entity".

(3) Subparagraphs (A) and (B) of section 897(h)(4) are amended to read as follows:

(A) QUALIFIED INVESTMENT ENTITY.

The term "qualified investment entity" means any real estate investment trust and any regulated investment company.

(B) DOMESTICALLY CONTROLLED.

The term "domestically controlled qualified investment entity" means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons.

(4) Subparagraphs (C) and (D) of section 897(h)(4) are each amended by striking "REIT" and inserting "qualified investment entity".

(5) The subsection heading for subsection (h) of section 897 is amended by striking "REIT" and inserting "CERTAIN INVESTMENT ENTITIES".

(d) EFFECTIVE DATE.

(1) IN GENERAL.

Except as otherwise provided in this subsection, the amendments made by this section shall apply to dividends paid on or after the date of the enactment of this Act.

(2) ESTATE TAX TREATMENT.

The amendment made by subsection (b) shall apply to estates of decedents dying after the date of the enactment of this Act.

(3) OTHER PROVISIONS.

The amendments made by subsection (c) (other than paragraph (1) thereof) shall take effect as if the amendment described in section 933(a)(2) of the Internal Revenue Code of 1986 (as so in effect).

(4) DEDUCTIONS FROM DEFINITION OF INTANGIBLE PROPERTY.

The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

SEC. 308. REPEAL OF REDUCTION OF SUBPART F INCOME OF EXPORT TRADE CORPORATIONS.

(a) De Minimis.

Section 6038A(b) (relating to required information) is amended by adding at the end the following new flush sentence:

"The Secretary shall not require the reporting corporation to report any information with respect to any foreign person which is a related person if the aggregate value of the transactions between such person and the related person (and any person related to such person) during the taxable year does not exceed $5,000,000."

(b) TIME FOR PROVIDING TRANSLATIONS OF SPECIFIC DOCUMENTS.

Notwithstanding Internal Revenue Service Regulation §1.6038A-3(2), a taxpayer shall have at least 60 days to provide translations of specified documents if it is requested to translate. Nothing in this subsection shall limit the right of a taxpayer to file a written request for an extension of time to comply with the request.

(c) EFFECTIVE DATES.

(1) EXCEPTION.

The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

(2) TRANSLATIONS.

Subsection (b) shall apply to requests made by the Internal Revenue Service after December 31, 1999.

By Mr. MACK (for himself, Mrs. Feinstein, Mr. Murkowski, Mr. Breaux, Mr. Gramm, Mr. Rosa, Mr. Chafee, Mr. Bryan, Mr. Torricelli, Mr. Warner, Mr. Thurmond, Mr. Grams, Mr. Kyl, Mr. Helms, Mr. Hutchinson, Mr. Lugar, and Mr. Cochran):

S. 1163. A Bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Finance.

DEFENSE JOBS AND TRADE PROMOTION ACT OF 1999

Mr. MACK. Mr. President, I rise to introduce the Defense Jobs and Trade Promotion Act of 1999. This bill, co-sponsored by Senator Feinstein and 36 of my colleagues, would amend the tax code to provide a provision of tax law which discriminates against United States exporters of defense products.

Other nations have systems of taxation which rely less on corporate income taxes and more on value-added taxes. By rebating the value-added taxes for products that are exported, these nations lower the costs of their exports and provide their companies a competitive advantage that is not based on quality, ingenuity, or resources but rather on this tax rebate.

In an attempt to level the playing field, our tax code allows U.S. companies to establish Foreign Sales Corporations (FSCs) through which U.S.-manufactured products may be exported. A portion of the profits from FSC sales are exempted from corporate income taxes, to mitigate the advantage that other countries give their exporters through value-added tax rebates.

But the tax benefits of a FSC are cut in half for defense exporters. This 50% limitation is the result of a compromise enacted 23 years ago as part of...
the predecessor to the FSC provisions. This compromise was not based on policy considerations, but instead merely split the difference between members who believed that the U.S. defense industry was so dominant in world markets that the foreign tax advantages were not consequential, and members who believed that all U.S. exporters should be treated equally.

Today, U.S. defense manufacturers face intense competition from foreign businesses. With the sharp decline in the defense budget over the past decade, military sales of defense products play a prominent role in maintaining a viable U.S. defense industrial base. It makes no sense to allow differences in international tax systems to stand as an obstacle to exports of U.S. defense products. We must level the international playing field for U.S. defense product manufacturers.

The fifty percent exclusion for sales of defense products makes even less sense when one considers that the sale of every defense product to a foreign government involves the determination of both the President and the Congress that the sale will strengthen the security of the United States and promote world peace. This is more than a matter of fair treatment for all U.S. exporters. National security is enhanced when our U.S.-manufactured military equipment, because of its compatibility with equipment used by our armed forces.

The Department of Defense supports repeal of this provision. In an August 26, 1998 letter, Deputy Secretary of Defense John Hamre wrote to Treasury Secretary Rubin about the FSC. Hamre wrote, “The Department of Defense (DoD) supports extending the full benefits of the FSC exemption to defense exporters...” Putting defense and non-defense companies on the same footing would encourage defense exports that would promote standardization and interoperability of equipment among our allies. It also could result in a decrease in the cost of defense products to the Department of Defense.

The bill we are introducing today supports the DoD recommendation. It repeals the provision of the Foreign Sales Corporation laws that discriminates against U.S. defense product manufacturers, enhancing both the competitiveness of U.S. companies in world markets and our national security.

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:

SEC. 2. REPEAL OF LIMITATION ON RECEIPTS ATTRIBUTABLE TO MILITARY PROPERTY WHICH MAY BE TREATED AS EXEMPT TRADE INCOME.

(a) IN GENERAL.—Subsection (a) of section 923 of the Internal Revenue Code of 1986 (defining exempt foreign trade income) is amended by striking paragraph (3) and by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. NICKLES:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Finance.

PROTECT SOCIAL SECURITY NOW LEGISLATION

Mr. NICKLES. Mr. President, today I have introduced legislation to clarify the proper depreciation of natural gas gathering lines. While depreciation is an arcane and technical area of the tax code, the controversy regarding the proper depreciation of these assets is having real and adverse impacts on members of the natural gas industry.

The purpose of this bill is quite simple—to clarify that natural gas gathering lines are properly depreciated over seven years. The legislation would codify the seven-year treatment of these assets as well as providing a sufficient definition for the term “natural gas gathering line” to distinguish these lines from transmission pipelines for depreciation purposes.

I believe that these assets should currently be depreciated over seven years under existing law, and that this is the long standing practice of members of the industry. However, it has come to my attention that the Internal Revenue Service has been asserting both on audits and in litigation that seven-year depreciation is available only for gathering assets owned by producers. The IRS has asserted that all other gathering equipment is to be depreciated as transmission pipelines over a fifteen-year period. This confounding position ignores not only the plain language of the asset class guidelines governing depreciation, but would result in disparate treatment of the same assets based upon ownership for no discernible policy reason. Moreover, this position ignores the fundamental distinction between gathering and transmission lines. It continued uncertainty regarding the proper depreciation of these assets is having real and adverse impacts on members of the natural gas industry.

The promise of Social Security is sacred and must not be broken. Millions of Americans count on Social Security to provide the bulk of their retirement income, because that is what the system was promised to be. Allowing the federal government to continue spending the tax dollars in the Social Security Trust Fund on more government threats the financial security of our nation’s retirement system.

The legislation I am introducing today will finally stop the government from stealing money from Social Security. It will lock up the Trust Fund and shore it up with the excess taxes collected by the federal government. It will guarantee that today’s seniors who have worked and invested in the Social Security system will receive the benefits they were promised, without placing an unfair burden on today’s workers.

The legislation does three simple, but very important things. First, it repeals the burdensome and unfair Social Security earnings test that penalizes Americans between the ages of 65 and 70 for working and remaining productive after retirement. Under the current law, a senior citizen loses $1 of Social Security benefits for every $3 earned over the established limit, which is $15,500 in 1999.

Because of this cap on earnings, our senior citizens are being ensnared in the federal government’s Fair Share Trust Fund tax. Under the current law, a senior citizen loses $1 of Social Security benefits for every $3 earned over the established limit, which is $15,500 in 1999.

By Mr. MCCAIN:

S. 1168. A bill to eliminate the social security earnings test for individuals who have attained retirement age, to protect and preserve the social security trust funds, and for other purposes; to the Committee on Finance.
work in order to cover their basic expenses: food, housing and health care. These lower-income seniors are hit hardest by the earnings test, while most wealthy seniors escape unscathed. This is because supplemental "unearned" income from stocks, investments and savings is not affected by the earnings test.

For too long, many have given lip service to eliminating the earnings test, but to no avail. It is time that we finally eliminate this ridiculous policy. In his annual State of the Union speech, President Clinton indicated that he may finally be ready to repeal the unfair Social Security earnings test, as originally promised during his 1992 campaign. However, the President did not include repeal of the earnings test in his budget proposal for 2000.

Hard-working senior citizens who need to work to help pay for their food, rent, prescription drugs, and daily living expenses are tired of empty promises, being penalized for working. Repealing the unfair earnings test, as proposed in this legislation, is the right thing to do.

Second, the bill protects the money in the Social Security Trust Funds by taking Social Security "off budget" and keeping this money out of the hands of politicians. This provision is similar to other "lock box" proposals, except that it eliminates all the loopholes and exceptions, and truly locks up the money.

I support and applaud the efforts of my Republican colleagues to move forward on the Social Security Lock Box legislation that has been delayed by members of the other party. However, I am concerned that it contains loopholes which would allow Social Security funds to be spent on items other than retirement benefits for seniors. It includes exceptions for emergencies, including economic recession, and allows the surpluses to be used to reduce the public debt. While I understand the intent of these provisions, I believe that we must stop making exceptions and lock up Social Security funds for Social Security purposes only.

For too long, Social Security funds have been used to pay for existing federal programs, create new government programs, and to mask our nation’s deficit. We must stop using Social Security to fund general government activities, which will truly protect Social Security for the future, and it will remove the unfair tax on working seniors. I urge my colleagues to support the bill and I intend to work for its passage this Congress.

Mr. President, this is legislation that will truly protect Social Security and Medicare. I reviewed this legislation and has provided a letter in support of it that I would like to insert in the RECORD at this point.

Mr. President, this is legislation that will greatly protect Social Security for the future, and it will remove the unfair tax on working seniors. I urge my colleagues to support the bill and I intend to work for its passage this Congress.

Mr. President, I would like to note that the National Committee to Preserve Social Security and Medicare has reviewed this legislation and has provided a letter in support of it that I would like to insert in the RECORD at this point.

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

S. 1166

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

TITLE I—ELIMINATION OF SOCIAL SECURITY EARNINGS TEST

SEC. 101. SHORT TITLE. This title may be cited as the "Older Americans Freedom to Work Act".

SEC. 102. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE. (a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33 1/3 percent" and all that follows through "any other individual," and inserting "50 percent of such individual’s earnings for such year in excess of the product of the exempt amount as determined under paragraph (1) and such individual’s age as of the last day of such taxable year,

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(2)(A), by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

and

(b) EFFECTIVE DATE.—Section 203 shall take effect on May 27, 1999.
SEC. 202. FINDINGS.

Congress finds that—

(1) the $69.246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should not use the social security trust funds surpluses to balance the budget or fund existing or new non-social security programs;

(3) all surpluses generated by the social security trust funds must go towards saving and strengthening the social security system; and

(4) at least 62 percent of the on-budget (non-social security) surplus should be reserved and applied to the social security trust funds.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be paid for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—Balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used solely for paying social security benefits as promised to be paid by law.

(b) PROTECTION OF SURPLUS.—The outlays and receipts of the social security program under title II of the Act, including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and the related provisions of the Federal Government.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31 United States Code, is amended by striking "in a manner consistent with the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 301. DESIGNATION OF ON-BUDGET SURPLUS.

(a) IN GENERAL.—In granting an amendment to any other provision of law, not less than the amount referred to in subsection (b) for a fiscal year shall be reserved for and applied to the social security trust funds for that fiscal year in addition to the Social Security Trust Fund surpluses.

(b) AMOUNT Reserved.—The amount referred to in this subsection is—

(1) for fiscal year 2001, $6,820,000,000;

(2) for fiscal year 2002, $6,820,000,000;

(3) for fiscal year 2003, $6,820,000,000;

(4) for fiscal year 2004, $6,820,000,000;

(5) for fiscal year 2005, $6,820,000,000;

(6) for fiscal year 2006, $6,820,000,000;

(7) for fiscal year 2007, $6,820,000,000;

(8) for fiscal year 2008, $6,820,000,000;

(9) for fiscal year 2009, $6,820,000,000.

SEC. 302.SENSE OF THE SENATE ON DEDICATING ADDITIONAL SURPLUS AMOUNTS.

It is the sense of the Senate that the budget surplus in future years is greater than the currently projected surplus, serious consideration should be given to directing more of the surplus to strengthening the social security trust funds.


Honor John McCain, Russell Building, U.S. Senate, Washington, D.C.

Dear Senator McCain: On behalf of the approximately five million members and supporters of the National Committee, I commend your leadership on the issue of protecting the Social Security trust funds and eliminating the Social Security earnings test.

The National Committee's members earnestly believe in the future of the Social Security system and its critical importance to America's hard working families. Your legislation would not only safeguard the Social Security trust funds and reaffirm Social Security's off-budget status, but would also strengthen the program's solvency by committing 62 percent of projected off-budget surpluses to Social Security. Using the off-budget surpluses to fortify Social Security will provide a strong economic foundation for Social Security and will help our nation meet the challenge of the baby-boom generation's retirement.

We also commend you for your long commitment to eliminating the earnings test for individuals who have reached normal retirement age. Encouraging seniors to remain in the workforce as long as they are willing and able to work strengthens their ability to remain financially independent throughout their retirement years.

Sincerely, MAX RICHTMAN, Executive Vice President.

By Mr. McCaIN (for himself, Mr. COCHRAN, and Mr. BURNS):

S. 1169. A bill to require that certain multilateral development banks and other lending institutions implement independent third-party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

COMPETITION IN FOREIGN COMMERCE ACT OF 1999

Mr. McCaIN. Mr. President, I along with Senators CoCHRAN and Burns are proud to introduce the Fair Competition in Foreign Commerce Act of 1999, to address the serious problem of waste, fraud and abuse resulting from bribery and corruption in international development projects. This legislation will set conditions for U.S. funding of multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms and independent third-party procurement monitoring of their international development projects.

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasury troves. Today, we cannot afford to look the other way when we see bribery and corruption running rampant in other countries because these practices undermine our goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses.

The United States is increasingly called upon to lead multilateral efforts to provide much needed economic assistance to developing nations. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the North American Development Bank, and the African Development Fund.

However, it is critical that we take steps to ensure that Americans' hard-earned tax dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1999 is designed to decrease the stifling effects of bribery and corruption in international development contracts. By doing so, we will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption, and (2) encourage additional direct investment to developing nations, thus increasing
their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects, not to line the pockets of foreign bureaucrats and their well-connected political allies. While used for its intended purpose, foreign aid yields both short- and long-term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets to which U.S. businesses can export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy.

The current laws and procedures designed to detect and deter corruption after the fact are inadequate and meaningless. This bill seeks to ensure that U.S.-financed projects are used appropriately, by detecting and eliminating bribery and corruption before they can taint the integrity of international projects. Past experience illustrates that it is ineffective to attempt to reverse waste, fraud, and abuse in large-scale foreign infrastructure projects, once the abuse has already begun. Therefore, it is vital to detect the abuses before they occur.

This Act has two important exceptions, foreign aid yields both short- and long-term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets to which U.S. businesses can export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy.

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Mr. President, this system has worked for other governments. Procurement reforms and third-party procurement monitoring resulted in the governments of Kenya, Uganda, Colombia, and Guatemala experiencing significant cost savings in recent procurements. For instance, the Government of Guatemala experienced an overall savings of 48% when it adopted a third-party procurement monitoring system and other procurement reform measures in a recent contract for pharmaceuticals.

Mr. President, bribery and corruption have many victims. Bribery and corruption hamper vital U.S. interests. Both honest companies, and honest traders who lose contracts, production, and profits because they refuse to offer bribes to secure foreign contracts. Bribery and corruption have become a serious problem. A World Bank survey of 3,600 firms in 69 countries showed 40% of businesses paying bribes. More startling is that Germany still permits its companies to take a tax deduction for bribes. Commerce Secretary Daley summed up the serious impact of bribery and corruption upon American businesses ability to compete for foreign contracts in 1997:

Since mid-1994, foreign companies have used bribery to win approximately 100 commercial contracts valued at nearly $20 billion. We estimate that over the past year, American companies have lost at least 50 of these contracts, valued at $15 billion. And since many of these contracts were for groundbreaking efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD"). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD"). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD").

Bribery and corruption drive up costs. Companies are forced to increase prices to cover the cost of bribes they deemed necessary to secure the contract. This contract can raise costs by 15%. Over time, tax revenues will have to be raised or diverted from other more deserving projects to fund these excesses. Higher taxes and the inefficient use of resources both hinder growth.

The World Bank and the IMF both recognize the link between bribery and corruption, and decreased economic growth. Recent studies also indicate that high levels of corruption are associated with low levels of economic growth. Furthermore, corruption lessens the effectiveness of industrial policies and encourages businesses to operate in the unofficial sector in violation of tax and regulatory laws. More important it corrupts the integrity of government and abuse on many fronts— from procurement practices to combat foreign corruption, waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of money lost but the ineffectual use of resources that the bribes encourage.

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like in international procurements for goods and services. Such corrupt prac-
tices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargains. In addition, despite the growing need of international markets to U.S. goods and service providers, many U.S. companies refuse to participate in international procurements that may be corrupt.

This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of U.S. contributions to multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This will encourage and support the development of transparent government procurement systems, which are vital for emerging democracies constructing the infrastructure that can sustain market economies.

Mr. President, on behalf of the millions of Americans who will benefit from the opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy and the efficient use of American economic assistance.

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. 1169

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 "Fair Competition in Foreign Commerce Act of 1999."

### SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The United States makes substantial contributions to multilateral development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the International Finance Corporation, the Asian Development Bank, and the African Development Bank.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments after they occur is inadequate and meaningless.

(b) PURPOSE.—The purpose of this Act is to build on the excellent progress associated with the Organization on the Development and Cooperation Agreement on Bribery and Corruption, by requiring the use of independent third-party procurement monitoring as part of the United States participation in multilateral development banks and other lending institutions and in the disbursement of nonhumanitarian foreign assistance funds.

### SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) PROCUREMENT.—The term "procurement" means the acquisition of goods, services, or other things that require the use of independent third-party procurement monitoring.

(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term "independent third-party procurement monitoring" means a program to—

(A) eliminate bias,

(B) promote transparency and open competition, and

(C) minimize fraud, corruption, waste, inefficiency, and other misuse of funds, in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) INDEPENDENT.—The term "independent" means that the person monitoring the procurement process does not render any paid services to the private industry and is neither owned nor controlled by any government or government agency.

(4) EACH STAGE OF PROCUREMENT.—The term "each stage of procurement" means the development and issuance of technical specifications, bidding documents, evaluation reports, contract preparation, and the delivery of goods and services.

(b) OTHER EXCEPTIONS.ÐSection 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

### SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the President and to appropriate committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reforms relating to the United States participation in multilateral development banks and other lending institutions.

(b) STRATEGIC PLAN.—The strategic plan shall include an instruction by the Secretary of the Treasury to the United States Executive Director of each multilateral development bank and lending institution to use the voice and vote of the United States to oppose procurement reforms that require the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement.

(c) ANNUAL REPORTS.—Not later than June 29 of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

### SEC. 5. EXCEPTIONS.

(a) NATIONAL SECURITY INTEREST.ÐSection 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States.

(b) OTHER EXCEPTIONS.ÐSection 4 shall not apply with respect to assistance to meet urgent humanitarian needs or lend to those in other countries, combined with the growing needs of working and the growing popularity of extending both...
the school day and the school year, have made this educational option a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan and 240 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer camps, and part-time jobs. Young people can now learn a great deal at summer camp, and a job gives them maturity and confidence. However, more time in school would provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread implementation still exists. Extended-day programs are much more common in suburban schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize $25 million per year over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year, studying the feasibility of a longer school day, and implementing strategies to maximize the quality of extended core learning time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.

By Mr. COVERDELL (for himself, Mrs. Feinstein, Mr. DeWine, Mr. Helms, Mr. Lott, Mr. Torricelli, Mr. Craig, Mr. Graham, and Mr. Reid):

S. 1171. A bill to block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

Legislation to Block Assets of Narcotics Traffickers

- Mr. COVERDELL, Mr. President, I am pleased to join my colleague from California, Senator Feinstein, in introducing legislation that will intensify our fight against the terrible scourge of drugs. A version of this bill was originally introduced on March 2. Since then, we have conferred with various agencies, including the Department of the Treasury’s Office of Foreign Assets Control, the Department of Justice, and the Office of National Drug Control Policy. All are supportive of this concept. The following are some of their comments and suggestions.

Simply put, Mr. President, this legislation decertifies the drug kingpins by preventing them, and any of their associates or associated companies, from doing business with the United States. The bill codifies and expands a 1995 Executive Order created under the International Emergency Economic Powers Act (IEEPA), which targeted Colombia drug traffickers. The bill expands the existing Executive Order to include other drug traffickers considered a threat to our national security. The bill freezes the assets of the identified drug traffickers and their associates and prohibits these individuals and organizations from conducting any financial or commercial dealings with the United States.

In the case of the Cali cartel in Colombia, this tool was remarkably effective in weakening the drug kingpins. The United States targeted over 150 individuals involved in the ownership and management of the Colombian drug cartels’ non-narcotics business empire, everything from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, cutting off key revenue flows to the cartels.

The goal is to isolate the leaders of the drug cartels and prevent them from doing business with the United States. Taking legitimate U.S. dollars out of drug dealers’ pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary new tool to wage war against illegal drugs and to curb the increasing power of the drug cartels.

By Mr. TORRICELLI:

S. 1173. A bill to provide for a teacher quality enhancement and incentive program; to the Committee on Health, Education, Labor, and Pensions.

Teacher Quality Enhancement Incentive Act

- Mr. TORRICELLI, Mr. President, today I am introducing the Teacher Quality Enhancement and Incentive Act. I rise to focus the nation’s attention on the potential shortage of school teachers we will be facing in upcoming years. While K-12 enrollments are steady increasing the teacher population is aging. There is a need, now more than ever, to attract competent, capable, and bright college graduates or mid-career professionals to the teaching profession.

The Department of Education projects that 2 million new teachers will have to be hired in the next decade. Shortage, if they occur, will most likely be felt in urban or rural regions of the country where working conditions may be difficult or compensation low. We cannot create a high quality learning environment for our students if they are forced to conduct their classes in overcrowded classrooms with under-qualified instructors. If our students are to receive a high quality education and remain competitive in the global market we must attract talented and motivated people to the teaching profession in large numbers.

Law firms, technology firms, and many other industries typically offer signing bonuses in order to attract the best possible candidates to their organization. Part of making the teaching profession competitive with the private sector is to match these institutional perks.

This bill would authorize $15 million per year over the next five years for the Department of Education to award grants to local educational agencies (LEAs) for the purpose of attracting highly qualified individuals to teaching. These grants will enable LEAs in high poverty and rural areas to award new teachers a $15,000 tax free salary bonus spread over two years of employment, over and above their regular starting salary. These bonuses will attract teachers to districts where they are most needed.

On an annual basis, LEAs will use competitive criteria to select the best and brightest teaching candidates based on objective measures, including test scores, grade point average or class rank and such other criteria as each LEA may determine. The number of bonuses awarded depends upon the number of students enrolled in the LEA.

Teachers who receive the bonus will be required to teach in low income or rural areas for a minimum of four years. If they fail to work the four year minimum, they will be required to repay the bonus they received.

By making this funding available, America’s schools will better be able to compete with businesses for the best talent, college graduates. These new teachers will, in turn, produce better students and lower the risk of a possible teacher shortage. With arguably the most successful economy of
any nation in history, we should be doing more to make teaching an attractive career alternative for qualified and motivated individuals. The Teacher Quality Enhancement and Incentive Act will be an excellent first step.

By Ms. COLLINS:

S. 1175. A bill to amend title 49, United States Code, to require that fuel economy labels for new automobiles include air pollution information that consumers can use to help communities meet Federal air quality standards; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce a bill that will give consumers important information many will want to factor into their decisions when they shop for a new vehicle. My legislation will ensure that consumers have the information they need to compare the pollution emissions of new vehicles. The Automobile Emissions Consumer Information Act of 1999 simply takes data already collected by the Environmental Protection Agency and requires that this information be presented to consumers in an understandable format as they purchase cars. This proposal, if enacted into law, will benefit both the consumer and the environment.

This legislation is modeled after existing requirements for fuel mileage information. It ensures that emissions information will be on the window sticker of new cars just as fuel efficiency information is currently displayed. Additionally, emissions information for all new vehicles will be published by the EPA in an easy-to-understand booklet for consumers.

This information is already collected by the EPA, but is disseminated in an extremely burdensome manner. First, consumers must proactively request emissions information. Then, after securing the relevant EPA documents, the consumer is presented with an overload of complicated data in spreadsheet form. Furthermore, the EPA organizes emissions data by engine type and not by the more commonly compared model and make categories.

Let me refer to a page from the EPA’s 1999 Annual Certification Test Results of emission standards. As my colleagues can see, it is an extraordinarily difficult document to read and interpret. The complicated nature of this document becomes increasingly apparent when this table is compared with the simplified information currently provided to consumers about fuel mileage. The federal government should be aiding consumers who want to consider emissions in choosing which vehicle to purchase. This bill will do just that.

Mr. President, this is not a new idea. The Clean Air Act Amendments of 1970 mandated that the EPA make available to the public the data collected from manufacturers on emissions. The 1970 Amendments further required, “Such results shall be described in such non-technical manner as will responsibly disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicles engine the comparative performance of the vehicles and engines tested.” Mr. President, clearly, the EPA is not abiding by the letter and spirit of the 1970 law.

It is important to note that the Automobile Emissions Consumer Information Act of 1999 does not require either motor vehicle manufacturers or the EPA to conduct new tests. Manufacturers must already test emissions of all new vehicles and submit the test results to the EPA. Unfortunately, the gathering of this information does not translate into useful information for consumers.

While all vehicles must meet the Federal standards, some vehicles exceed the standards. Consumers who are concerned about vehicle emissions deserve to be able to exercise their right to buy from manufacturers who take extra steps in reducing emissions, if they so choose.

Representative BRIAN BILRAY of California is introducing this bill in the House of Representatives today. I greatly appreciate his leadership on this issue and his bringing this commonsense proposal to my attention. He is clearly committed to protecting both consumers and the environment.

Mr. President, I urge my colleagues to join me in enacting the Automobile Emissions Consumer Information Act, and I ask unanimous consent that one hour be excused for the consideration of this legislation. I greatly appreciate his leadership on this issue and his bringing this commonsense proposal to my attention. He is clearly committed to protecting both consumers and the environment.

CERTIFICATION AND FUEL ECONOMY INFORMATION SYSTEM (CFEIS), 1999 ANNUAL CERTIFICATION TEST RESULTS, ALL SALES AREA—LIGHT DUTY VEHICLES AND LIGHT DUTY TRUCKS

By Mr. ROBB (for himself, Mr. WARNER, and Mr. SARBANES):

S. 1176. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

Mr. ROBB. Mr. President, today I’m introducing legislation to assist federal workers seeking affordable care for their young children.

Many federal facilities provide child care centers for their employees’ use. But for many lower and middle income employees, these services are simply unaffordable—their costs put them beyond the reach of these families. The bill I am introducing today, along with Senators WARNER and SARBANES, will make this option affordable for these employees.

This legislation authorizes federal agencies to use appropriated funds to help lower and middle income federal workers afford the child care services they need. Let me emphasize that these funds have already been appropriated, meaning no new government spending is involved. This is a modest, cost-effective solution that will certainly help parents who are understandably concerned about their child care needs.

Our federal employees should not have to choose between their desire for public service and their need for child care services.

By Mr. DASCHLE:

S. 1178. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 1999

Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act
of 1999. This proposal is the culmination of more than 2 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lies on the foundation of a long, unique history of mitigating loss of wild habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

In order to more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90-453 authorized construction and operation of the initial stage. The purposes of the Oahe Unit as authorized were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project contained the Oahe pumping plant located near Oahe Dam to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir located approximately 35 miles east of Pierre, South Dakota.

Under its authorizing legislation, 42,155 acres were to be acquired by the Federal government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature, purchased in July 1975, included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter’s Federal Water Project review process. The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY 1978 appropriations.

Thus, all major construction contract activities ceased and land acquisition was halted. The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who willingly had sold their lands to the project the right for them and their descendants to lease those lands and use them as they had in the past until November 30, 1984. This was required by the federal government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preference lease basis for those original landowners or their descendants and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized by the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Pierre Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland which constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species which are now listed as threatened or endangered.

Merriweather Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, “The herb and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom.”

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105-277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

The State’s habitat mitigation plan had received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI. The State’s habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota, including the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, and representatives of South Dakota sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission under the same terms and conditions they have enjoyed with the Bureau of Reclamation. If the preferential leaseholder fails to purchase a parcel within the 10-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the state of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the State of South Dakota.

Mr. President, the State of South Dakota, the Federal government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota’s wildlife resources. I am hopeful that the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen. I ask unanimous consent that the bill appear in the RECORD, as follows:

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There being no objection, the bill was ordered to be printed in the RECORD, as follows:
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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 “Blunt Reservoir and Pierre Canal Land Conveyance Act of 1999.”

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944” (58 Stat. 887, chapter 665, 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin program—

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

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

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

(D) for other purposes;

(2) the purpose of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principle features of the Oahe Irrigation Project included—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, located approximately 35 miles east of Pierre, South Dakota;

(B) the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 36 miles east of Pierre, South Dakota;

(C) to establish the Pierre Canal and Blunt Reservoir was purchased from willing sellers between 1972 and 1977, when construction on the Oahe Irrigation Project was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Program, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that constituted some of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State of South Dakota has developed and is in the process of implementing the Federal wildlife mitigation plan under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is required by section 602 of title V of Public Law 105-277 (112 Stat. 2661-663); and

(8) it is in the interests of the United States and the State of South Dakota to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State of South Dakota to allow implementation of its habitat mitigation plan.

SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State of South Dakota.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is under lease to a person other than a preferential leaseholder as of the date of enactment of this Act.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Irrigation Project authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665), as part of the Pick-Sloan Missouri River Basin Program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a leaseholder of a parcel of land described in subparagraph (A) or (B) that—

(A) is under lease from the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature;

(B) is under lease to a preferential leaseholder as of the date of enactment of this Act.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(7) STATE.—The term “State” means the State of South Dakota.

(b) ACTING SECRETARY.—In general.—The Secretary of the Interior may designate an acting Secretary to exercise the authority of the Secretary and perform any other duties of the Secretary under this section.

(c) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS. In general.—Except as provided in subparagraph (B), the Secretary shall—

(I) convey to the State of South Dakota all of the nonpreferential lease parcels to the State of South Dakota for the purpose of supporting public education; and

(ii) convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(d) PURCHASE OPTION.—In general.—A preferential leaseholder shall have an option to purchase from the Commission the preferential lease parcel that is the subject of the lease.

(1) TERMS.—In general.—Except as provided in subparagraph (B), a preferential leaseholder, at any time during the term of the lease, may elect to purchase a parcel on the following terms and in the following manner:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4) to be paid to the Secretary; and

(ii) 10 percent of that value.

(ii) Installment purchase, with 20 percent of the value of the parcel determined under paragraph (4) to be paid to the Secretary; and

(iii) Installment purchase, with 20 percent of the value of the parcel determined under paragraph (4) to be paid to the Secretary and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(3) OPTION EXERCISE PERIOD.—In general.—A preferential leaseholder shall have until the date that is 10 years after the date of the conveyance under subparagraph (A) to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Commission the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of conveyance.

(D) VALUATION.—In general.—The value of a preferential lease parcel shall be determined to be—

(i) the amount that is equal to—

(I) the number of acres of the preferential lease parcel; multiplied by

(ii) the amount of the per-acre assessment under subparagraph (A); and

(iii) the cost of the valuation shall be paid by the preferential leaseholder.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—In general.—The Secretary shall convey to the State of South Dakota for the purpose of supporting public education; and

(F) the remainder shall be used by the Commission to support public schools in the State of South Dakota.
shall be granted in the following order of priority:

A) Exchanges with current lessees for nonpreferential lease parcels.
B) Exchanges of adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.
C) AGREEMENT FOR IRRIGATION PIPE.—A preferential leaseholder that purchases land at Pierre Canal or exchanges land for land at Pierre Canal shall to allow the State of South Dakota to enter into an easement on the land for an irrigation pipe.

D) FUNDING OF THE SOUTH DAKOTA TERRESTRIAL LIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of title VI of Public Law 105-277 (112 Stat. 2681-663) is amended by striking "$108,000,000" and inserting "$111,000,000".

By Mrs. BOXER.

S. 1179. A bill to amend title 18, United States Code, to prohibit the sale, delivery, or other transfer of any type of firearm to a juvenile, with certain exceptions.

YOUTH ACCESS TO FIREARMS ACT OF 1999

Mrs. BOXER. Mr. President, last week, on the occasion of the juvenile justice bill, the Senate passed some reasonable, common-sense proposals to control the proliferation of guns in this country. I believe the Senate's action was an important first step. But there is more to be done. And, today, I am introducing legislation to prohibit the sale and transfer of any gun to a juvenile, unless it comes from a parent, grandparent, or legal guardian.

Let me start, Mr. President, with a review of current law. A federally licensed firearms dealer—that is, someone who runs a gun store—cannot sell a handgun to someone under the age of 21 and cannot sell any other type of gun to someone under the age of 18.

The law is different, however, for private transactions. Those are sales or transfers by unlicensed individuals at gun shows, at flea markets, or in a private home. Since 1994, it has been illegal for anyone under the age of 18 to buy a handgun in these cases. But it is not illegal for a juvenile to buy a longgun—that is, a rifle, a shotgun, or a semiautomatic assault weapon—in a private transaction. And, it is not illegal for a longgun to be transferred—given—to a juvenile.

This is not right. An 18-year-old cannot buy a can of beer. An 19-year-old cannot buy a bottle of liquor or a bottle of wine. Anyone under 18 cannot buy a pack of cigarettes. And, as I mentioned, since 1994, if you are under 18, you cannot buy a handgun.

There is a reason for this. There is a reason we keep certain things away from juveniles. And, it does not make sense to me to say that it is illegal to sell cigarettes, alcohol, and handguns to a kid, but it is okay to sell them a rifle or a shotgun or a semiautomatic assault weapon.

So, why not—the Youth Access to Firearm Act—simply says that it would be illegal to sell, deliver, or transfer any firearm to anyone under the age of 18.

Now, in recognition of the culture and circumstances in many areas of this country, my bill does contain some exceptions to this prohibition.

First, the bill would not make possession of a longgun by a juvenile a crime; it would only make the sale or transfer illegal.

Second, the bill would not apply to a rifle or shotgun given to a juvenile by that person's parent, grandparent, or legal guardian.

Third, it would not apply to another family member giving a juvenile a rifle or shotgun with the permission of the juvenile's parent, grandparent, or legal guardian.

Fourth, it would not apply to a temporary transfer—a loan—of a rifle or shotgun for hunting purposes.

And, fifth, it would not apply to the temporary transfer of a gun to a juvenile for employment, target shooting, or a course of instruction in the safe and lawful use of a firearm, if the juvenile has parent, grandparent, or legal guardian.

I have put these exceptions into the bill to make it clear what I am trying to do here. I am not trying to stop teenagers from having or responsibly using a rifle or a shotgun. I am not trying to keep parents from going hunting. I am not trying to prevent a parent or grandparent from giving a rifle or shotgun as a birthday present. But, what I am saying is that juveniles should not be able to buy a gun on their own—or be given one without the knowledge of their parents.

This is precisely what happened in Littleton, Colorado. The two teenage boys who shot up Columbine High School used four guns. Three of those four guns—two shotguns and a rifle—were given to them by an 18-year-old female friend. Under federal law, that was perfectly legal.

I should not be. You should not be able to sell a gun to a juvenile. And as I said earlier, there are certain things that are legally off-limits to juveniles. Selling and giving them guns, if you are not their parent, should be one of those things.

I urge my colleagues to support this bill.

By Mr. KENNEDY:

S. 1180. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's proposal for reauthorizing the Elementary and Secondary Education Act, and to present the "Excellence for All Children Act of 1999." along with Senators DODD, DASCHLE, MURRAY, SCHUMER, LEVIN, and DORGAN. This is another strong step by the President to ensure that all children have the benefit of the best possible education.

Since 1993, President Clinton has consistently led the way on improving schools and making sure that all children meet high standards.

Today, as a result, almost every state has established high standards for its students. "High standards" is no longer just a term for academics experts and policy makers—it is becoming a reality for the nation's schools and students.

The recently released National Assessment of Title I shows that student achievement is improving—and that the federal government is an effective partner in that success. This result is good news for schools, good news for parents, and good news for students—and it should be a wake up call to Congress. We need to do more to build on these emerging successes to ensure that every child has the opportunity for an excellent education.

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13 large urban districts that report three-year trend data, more elementary students in the highest poverty schools are now meeting district or state standards of proficiency in reading or math. Six districts, including Houston, New York, Dallas, Philadelphia, San Antonio, and San Francisco, made progress in both subjects. Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds away from middle-income schools and into high-poverty schools. Today, 95 percent of the highest-poverty schools receive Title I funds, up from 80 percent in 1993.

In addition, Title I funds help improve teaching and learning in the classroom. 99 percent of Title I funds go to the local level. 93 percent of those federal dollars are spent directly on instruction, while only 62 percent of all state and local education dollars are spent on instruction.

The best illustrations of these successes are in local districts and schools. In Baltimore County, Maryland, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended day programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, Texas, where 80 percent of the students are poor, Title I funds were used to increase parent involvement, train teachers to work more effectively with parents, and make other changes to bring high standards into every classroom. Student reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996. During the same period, math scores soared from the 10th to the 70th percentile, and writing scores rose from the 50th to the 80th percentile.

In addition to the successes supported by Title I, other indicators demonstrate that student achievement is improving. U.S. students scored near the top on the latest international assessment of reading. American 4th graders outperformed students from all other nations except Finland.

At Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of increases in teacher professional development and implementation of a whole-school reform plan to raise standards and achievement for all children. In 1996, 66 percent of the 3rd grade students scored in the lowest levels in math. In 1998, 100 percent scored in the highest levels. In 1997, 75 percent of 4th graders scored in the lowest levels in reading. In 1998, 4th graders scored at the lowest level, up from 56 percent scored in the highest levels.

The combined verbal and math scores on the SAT increased 19 points from 1982 to 1997, with the largest gain of 15 points occurring between 1992 and 1997. The average math score is at its highest level in 26 years.

Students are taking more rigorous subjects than ever—and doing better in them than ever before. Students taking advanced Placement courses in high schools increased 40 percent from 1992 to 1995 because of increases in high school and college, five years of actual teaching. 60 Golden Apple scholars enter the teaching field each year, and 90 percent of them stay in the classroom.

Colorado State University’s “Project Promise” recruits promising young men and women into teaching by selecting them during their junior year of high school, then mentoring them through the rest of high school, college, and five years of actual teaching. 60 Golden Apple scholars enter the teaching field each year, and 90 percent of them stay in the classroom.

Many communities are working hard to attract, keep, and support good teachers—and often they're succeeding. The North Carolina Teaching Fellows Program has recruited 3,600 high-ability high school graduates to go into teaching. The students agree to teach for five years in high-poverty public schools, in exchange for a four-year college scholarship. School principals in the state report that the performance of the fellows far exceeds that of other new teachers.

The bill focuses on three fundamental components for improving schools. The program is a comprehensive effort to improve recruitment, retention, and professional development of teachers throughout their careers.

Congress should build on and support these successful efforts across the country to ensure that the nation’s teaching force is strong and successful in the years ahead.

The Administration’s proposal makes a major investment in ensuring quality teachers in every classroom, especially in areas where the needs are greatest. It authorizes funds to help states and communities improve the recruitment, retention, and on-going professional development of teachers. It will provide states and local school districts with the support they need to recruit, retain, and support promising beginning teachers through mentoring programs, and to provide veteran teachers with the on-going professional development
English language learners, children—poor children, minority children, and those disabled—face barriers to a good education, and also face the high-stakes consequences of failing in the future because the system is failing them now.

Schools and communities must do more to ensure that students obtain the skills and knowledge they need in order to move on to the next grade and to graduate. If students are socially promoted or forced to repeat the same grade without changing the instruction that failed them last time, they are more likely to drop out. Clearly, these practices must end.

The Administration’s proposal makes public schools the centers of opportunity for all children—and holds schools accountable for providing this opportunity.

It requires schools, school districts, and states to provide parents with report cards that include information about student performance, the condition of schools, buildings, class sizes, the quality of teachers, and safety and discipline in their schools. These report cards give parents the information they need to see that their schools are improving and their children are getting the education they deserve.

The proposal also holds schools and districts accountable for children meeting the standards. The bill requires schools and districts to end the unsound educational practices of socially promoting children or making them repeat a grade. States must collect data on social promotion and retention rates as an indicator of whether children are meeting high standards, and schools must implement responsible promotion policies. The proposal is designed to eliminate the dismal choice between social promotion and repeating a grade. It does so in several ways—by increasing support for early education programs, by improving reading skills, by improving the quality of the teaching force, by providing extended learning time through after-school and summer-school programs, and by creating safe, disciplined learning environments for children.

Last year in Boston, School Superintendent Tom Payzant ended social promotion and traditonal grade retention. With extensive community involvement, Mayor Menino, Superintendent Payzant, and the School Committee implemented a policy to clarify the role of schools, teachers, parents, and students—the requirements needed to advance from one grade to the next, and to graduate from a Boston public school.

The call for a new promotion and retention policy came primarily from middle and high schools, where teachers were facing students who had not mastered the skills they needed in order to go on to a higher grade. Now, all students will have to demonstrate that they have mastered the skills they need in order to advance to the next grade. If they fail to do so, schools and teachers must intervene with proven effective practices to help the students, such as attending summer-school and after-school programs, providing extra help during the regular school day, and working more closely with parents to ensure better results. In ways like these, schools and teachers are held accountable for results.

The Administration’s proposal gives children who have fallen behind in their school work the opportunities they need to catch up, to meet legitimate requirements for graduation, to master basic skills, and to meet high standards of achievement. An high school diploma should be more than a certificate of attendance. It should be a certificate of achievement.

Finally, the President’s proposal helps create safe, disciplined, and healthy environments for children. Last year, President Clinton led a successful effort to increase funding for after-school programs in the current year. But far more needs to be done.

Effective after-school programs are urgently needed for children of all ages during the many hours they are not in school each week and during the summer. The “Home Alone” problem is serious, and deserves urgent attention. Every day, 5 million children, many as young as 8 or 9 or even younger, are left after school.

Juvenile crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juveniles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on school days and peak immediately after school dismissal. Children left unsupervised are more likely to be involved in illegal activities and destructive behavior. We need constructive alternatives to keep children off the streets, away from drugs, and out of trouble.

We need to do all we can to encourage communities to develop after-school activities that will engage children. The proposal will triple our investment in after-school programs, so that one million children will have access to worthwhile activities.

The Act also requires school districts and schools to have sound discipline policies that are consistent with the Individual with Disabilities Education Act, are fair, and are developed with the participation of the school community. In addition, the Safe and Drug-Free Schools and Communities Act is strengthened to support research-based prevention programs for early intervention and drug-use by youth.

In order to develop a healthy environment for children, local school districts will be able to use 5 percent of their funds to support coordinated services, so that children and their families will have better access to social, health, and educational services necessary for students to do well in school.

In all of these ways and more, President Clinton’s proposal will help schools and communities bring high standards into every classroom and ensure that all children meet them. Major new investments are needed to
improve teacher quality—hold schools, school districts, and states accountable for results—increase parent involvement—expand after-school programs—reduce class size in the early grades—and ensure that schools meet strict discipline standards. With investments like these, we are doing all we can to raise its overall level of educational achievement, and ensure that the nation’s public schools are the best in the world.

Education must continue to be a top priority in this Congress. We must address the technological, scientific, economic, challenges related to preparing students for re-education of our Nation’s students that the Fed-
cation 3 of the bill would rename the National
Section 5. Effective Dates. Section 5 of the bill would set out the effective dates for the bill. The bill would take effect July 1, 2000, the day after its enactment. By the effective date of the bill, may use such funds to carry out necessary adjustments, or use at least that portion of the reserved amount to carry out an alternative system of school and LEA improvement and corrective action described in the State plan and approved by the Secretary.

Section 1003(b) of the ESEA would permit the Secretary to carry out the requirements of each year’s Title I appropriation to conduct evaluations and studies, collect data, and carry out other activities under section 1501. PART A—basic grants

Section 111, State plans [ESEA, §1111]. Section 111(a) of the bill would amend section 111(a)(1) of the ESEA, which requires a State that wishes to receive a Basic Grant under Part A of Title I to submit a State plan to the Secretary of Education (the Sec-
Section 112(2)(C) would delete current section 1111(b)(2), which requires States to describe, in their plans, what constitutes adequate yearly progress by LEAs and schools participating in the Part A program. This requirement would be replaced by the new provisions on accountability in section 1111(b)(3), described below. Section 112(2)(C) would also redesignate paragraph (3) of section 1111, relating to assessments, as paragraph (2). Section 112(2)(D)(i) would clarify that States, during the year in which the plans described in current paragraph (3) of section 1111(b) (which the bill would redesignate as paragraph (2)) no later than the 2000-2001 school year.

Section 112(2)(D)(ii) would amend subparagraph (F) of current section 1111(b)(3), relating to the assessments of limited English proficient (LEP) children. Clauses (iv) and (v) would be added to require, respectively, that: (1) LEP students who speak Spanish be assessed with tests written in Spanish, if Spanish-language tests are more likely to yield accurate and reliable information on what those students know and can do in content areas other than English; and (2) all LEP students be given tests used to assess the reading and language arts proficiency of any student who has attended school in the United States for three or more consecutive years.

Section 112(2)(E) would add a new provision on accountability as section 1111(b)(3). It would replace the current requirement that States establish criteria for “adequate yearly progress” in LEAs and schools with a requirement that they submit an accountability plan to their State educational agency. The plan would have to include the critical role that accountability plays as a component of overall systems. In particular, each State would have to have an accountability system that is based on challenging standards, includes all students, promotes continuous improvement, and includes rigorous criteria for identifying and intervening in schools and districts in need of improvement. This proposal addresses concerns that many current accountability systems focus only on overall school performance and divert attention away from the students who need the greatest help.

Section 112(2)(F) would make a conforming amendment to section 1111(b)(4).

Section 112(2)(G) would delete paragraphs (5), (6), and (7) from section 1111(b). Paragraph (5) requires States to identify languages other than English that are present in the participating school population, to indicate the languages for which assessments are not available, and to make every effort to develop alternative assessments. This requirement is burdensome and unnecessary. Paragraph (6) describes the schedule, established in 1994, for States to develop the necessary standards and assessments for English-language learners. The transition period during which States were not required to have “final” standards and assessments in place. These provisions would be replaced by the new provisions on accountability in section 1111(b)(3). Instead, section 112(2)(G) would enact a new paragraph (5), providing that while a State may not have English-language tests, it must comply with the statutory timelines for identifying, assisting, and taking corrective action with respect to, LEAs and schools that need to improve.

Section 112(2)(H) and (I) would renumber paragraph (8) of section 1111(b) as paragraph (6) and make conforming amendments to sections 1111 and 1112.

Section 112(3) of the bill would amend section 1111(c) of the ESEA, to significantly shorten the list of assurances that each State must include in its plan. Section 1111(4)(A) would delete section 1111(d)(2), relating to withholding of funds for States that do not meet the timeline for developing the State plan under section 1111’s requirements. That provision duplicates Part D of the General Education Provisions Act, which establishes uniform procedures for Federal enforcement actions across a broad range of programs, including the ESEA programs, administered by the Department of Education. Section 1111(4)(B) would amend current section 1111(d)(2), relating to the time frames for activities, including the development of additional, rigorous technical guidelines for section 1111(d)(1).

Section 1111(4)(C) would amend current section 1111(d)(2), relating to the time frames for activities, including the development of additional, rigorous technical guidelines for section 1111(d)(1).

Section 1112(1)(E) would add a new provision of the bill to require the LEA’s plan to describe the Secretary’s role in carrying out its responsibilities under the new accountability system. Section 1112(2)(B) would amend section 1112(a)(1) of the ESEA, which describes the purposes of, and eligibility for, schoolwide programs under section 1114, by revising the subsection heading to "conserve resources and schools".
more accurately reflect subsection (a)’s content, and to delete current paragraph (2), which is obsolete.

Section 114(a)(3)(A) would make a conforming amendment to section 1114(a)(4)(A) to reflect the bill’s redesignation of section 1114(b)(2) as section 114(c).

Section 114(c) would amend the prohibition on using IDEA funds to support a schoolwide program to reflect the fact that section 633(a)(2)(D) of the IDEA, as enacted by the reauthorization of 2004, permits funds received under Part B of that Act to be used to support schoolwide programs, subject to certain conditions.

Section 114(d) would delete paragraph (5) of section 1114(a), relating to professional development in schoolwide programs. That topic is addressed by other applicable provisions, including the revised statement of the required elements of schoolwide programs. See, especially, proposed sections 1114(k)(3), language requiring peer review and LEA approval of a schoolwide plan before the school implements it.

Section 115, targeted assistance schools [ESEA, § 1115]. Section 115(1)(A)(i)(I) would make a technical amendment to section 1115(b)(1)(A) of the ESEA.

Section 115(1)(A)(ii) would delete the requirement that children be at an age at which they can benefit from an organized instructional program provided at a school or other educational setting in order to be eligible for services under Part A. As a result of this change, programs could be initiated at younger ages.

Section 115(1)(B)(iii) would amend section 1115(b)(2), which addresses the eligibility of certain groups of children, by deleting references to children who are economically disadvantaged. The current reference to that category of children is confusing, because it erroneously suggests that there are specific eligibility requirements for them.

Section 115(1)(B)(iv) would clarify that children who, within the prior two years, had received Title I preschool services are eligible for services under Part A, as are children who participated in a Head Start or Even Start program in that period.

Section 115(2)(A) and (D) would amend section 1115(b)(2)(C) and (D) to clarify that certain other groups of children are eligible for services under Part A.

Section 115(2)(C) would streamline section 1115(c)(1)(E), relating to coordination with, and support of, the regular educational programs.

Section 115(2)(D) would amend section 1115(c)(1)(F) to emphasize that instructional staff must meet the standards set out in revised section 1119.

Section 115(2)(E) would make a technical amendment to section 1115(c)(1)(G).

Section 115(3) would correct an error in section 1115(c)(1)(H).

Section 115(4) would delete section 1115(c)(2), relating to professional development, because other provisions of Part A would address that topic.

Section 115A, school choice (ESEA, § 1115A). Section 115A(2) would clarify that the state implementation requirement of section 1115(b)(4) of the ESEA.

Section 116, assessment and local educational agency and school improvement [ESEA, § 1116]. Section 116(a) of the bill would revise subsection (a) to clarify that the state can apply for a grant under section 1116(b)(2) in order to implement a plan.

Section 116(b) would provide examples of the criteria a State could use in designating Distinguished Schools, and would delete the cross-reference to section 1117, to reflect the bill’s streamlining of that section.

Section 116(c)(1)-(3), relating to a LEA’s obligation to identify participating schools that need improvement and to take various actions to bring about that improvement, would be strengthened, consistent with the bill’s overall emphasis on greater accountability.

Section 117, LEAs [ESEA, § 1117]. Section 117(e)(3) of the bill would revise subsection (e)(3) to address the need for reviews of schools served under Part A. As a result of this change, reviews of schools served under Part A would be revised to refer to amendments that the bill would make section 1111 (State plans).

Section 117(b) would provide examples of the criteria a State could use in designating Distinguished Schools, and would delete the cross-reference to section 1117, to reflect the bill’s streamlining of that section.

Section 117(c) would delete subsection (b) in its entirety. The revised section would strengthen current law, to reflect experience and research over the past several years, including significant aspects of the Comprehensive School Reform Demonstration program.

Section 117(d)(1)-(4) would amend the requirements of section 1117 relating to plans for schoolwide programs (current subsection (b)(2), which the bill would redesignate as subsection (c)), to delete an obsolete reference, including the revised statement of the required elements of schoolwide programs. See, especially, proposed sections 1114(k)(3), language requiring peer review and LEA approval of a schoolwide plan before the school implements it.

Section 118, parental involvement [ESEA, § 1118]. Section 118(1) would add, as section 1118(1), to require the SEA to take several actions designed to ensure that participating children receive high-quality instruction, and to add references to the proposed amendment to section 1117, relating to parental involvement in Part A programs.

Section 118(2) would amend section 1118(2), to require the SEA to take several actions designed to ensure that participating children receive high-quality instruction, and to add references to the proposed amendment to section 1117, relating to parental involvement in Part A programs.

Section 118(3) would add, as section 1118(3), language requiring LEA and SEA support and improvement for LEAs that have been identified for Title I purposes. Section 118(4) would amend section 1118(4) so that the requirement to provide full opportunities for participation by parents with limited English proficiency and parents with disabilities, to the extent practicable, applies to all Part A activities, not just to the specific provisions relating to parental involvement.

Section 118(5) would repeal subsection (g) of section 1118, to reflect the bill’s proposed repeal of the Goals 2000: Educate America Act.

Section 119, teacher qualification and professional development [ESEA, § 1119]. Section 119(1) would change the heading of section 1119 to “High-Quality Instruction” to reflect new provisions made to this section that are designed to ensure that participating children receive high-quality instruction, and to add references to the proposed amendment to section 1117, which is not needed, and redesignate subsections (b) through (e) of that section as subsections (d) through (g).

Section 119(3) would insert a new subsection (a) in section 1119 to require that each participating LEA hire qualified instructional staff, provide high-quality professional development to staff members, and use at least five percent of its Part A grant for fiscal years 2001 and 2002, and 10 percent of its grant for each year thereafter, for that professional development.

Section 119(4) would insert new subsections (b) and (c) in section 1119 to specify the minimum qualifications and levels of training required for paraprofessionals in programs supported with Part A funds. These requirements are designed to ensure that participating children receive high-quality instruction, and to add references to the proposed amendment to section 1117, which is not needed, and redesignate subsections (b) through (e) of that section as subsections (d) through (g).
Section 119(5)(A) would revise the list of required professional development activities in current section 1119(b), which would be redesignated as section 1119(c), to reflect experience with prospective approaches to professional development.

Section 119(b)(ii) would add child-care providers to those with whom an LEA could choose to purchase professional development activities under redesignated section 1119(d)(2)(H) (current section 1119(b)(2)(H)).

Section 119(c) would add a provision to SEC's LEA's Part A program. Section 120(b) would add an amendment to section 1120A(c) (which would be redesignated as section 1123(h), relating to the combined use of funds from multiple sources for professional development).

Section 120, participation of children enrolled in private schools [ESEA, § 1120]. Section 120(a) of the bill would add, to section 1120(a), the statement of an LEA's responsibility to provide for the equitable participation of students from private schools, language to guarantee that the services provided those children are to address their needs, and that the teachers and parents of these students participate on an equitable basis in services and activities under sections 1120(a) (enrollment and professional development).

Section 120(1)(B) would amend section 1120(a)(4) to give each LEA the option of determining the number of poor children in its private schools every year, as under current law, or every two years.

Section 120(2)(A) (ii) and (iii) would amend section 1120(a)(4) to require LEAs to report to the Secretary on which an LEA consults with private school officials about services to children in those schools, to include: (1) how the results of the assessment of the services the LEA provides are used to improve those services; (2) the amounts of funds generated by poor children in each participating attendance area; (3) the methods and data that the LEA uses to determine the number of those children; and (4) how and when the LEA will make decisions about the delivery of services to those children.

Section 120(2)(B)(iv) would amend section 1120(b)(2) to require that an LEA's consultation and professional development activities that are included in its Part A funds, and to ensure that those programs are of high quality. This language replaces, and builds on, current section 1121(c)(1)(H).

Section 120(c) would make a technical amendment to section 1120(b), relating to the implementation and assessment of the Head Start Amendments of 1998. Section 120(b) would make a technical amendment to section 1120(b), relating to the implementation and assessment of the Head Start Amendments of 1998.

Section 120(b) would add a subsection (d) to section 1120(b) to provide additional direction to preschool programs carried out with Part A funds.

Section 120(c)(3)(B) would amend section 1120A(c)(3)(B) to require LEAs to update the Head Start regulations issued by the Department of Health and Human Services, to reflect enactment of the Head Start Amendments of 1998.

Section 120(b)(3) would add a subsection (d) to section 1120(b) to provide additional direction to preschool programs carried out with Part A funds.

Section 120(c)(4) would make a technical amendment to section 1120(b)(4), relating to the implementation and assessment of the Head Start Amendments of 1998.

Section 120(b)(3) would add a subsection (d) to section 1120(b) to provide additional direction to preschool programs carried out with Part A funds.

Section 120(c)(4) would make a technical amendment to section 1120(b)(4), relating to the implementation and assessment of the Head Start Amendments of 1998.
the ESEA, which sets eligibility criteria for LEAs to receive concentration grants under section 122A. The current eligibility criteria would be retained.

Section 120(c)(1)(A)(ii) would make conforming amendments to section 112A(a)(11), relating to minimum allocations to States. Section 120(c)(1)(B) would replace the lengthy and complicated language in section 112A(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-referenced table of allocation provisions in section 112A(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them. In addition, the revised section would retain the authority, unique to the allocation of concentration grants, under which a State may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in eligible counties.

Section 120(c)(2) would delete subsections (b) and (c) from section 112A and redesignate subsection (d) as subsection (b). Subsection (b), relating to the total amount available for concentration grants, would be replaced by section 112A(c), providing for ratably reduced allocations in the case of insufficient funds, duplicates proposed in section 1125(c).

Section 120(c)(3) would make conforming amendments to section 1125(b) of the ESEA, relating to the calculation of targeted assistance grants for Part A. Section 120(c)(4) would amend section 1125(c), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120(c)(5) would replace the lengthy and complicated language in section 1125(d), relating to calculation of targeted assistance grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them.

Section 120(c)(6) would make a conforming amendment to section 1125(e), relating to allocations for neglected children. Section 120(d) would repeal section 1125A(e) of the ESEA, which authorizes appropriations for education finance incentive programs for local education agencies. Section 120(d) would make conforming amendments to that section. Appropriations for this provision would be covered by the general authorization of appropriations in section 112(c) of the ESEA.

Section 120(g) would make a conforming amendment to section 1126(a)(1), relating to allocations for neglected children.

Section 120(h) would codify program indicators in section 1131, as amended. Section 120(h) of the bill would add a new Subpart 3 of Program Indicators, to Part A of Title I of the ESEA. Subpart 3 would contain section 1131, which would identify 7 program indicators relating to schools participating in the Part A program, on which States would report annually to the Secretary.

Part B — Even Start

Part B of Title I of the bill would amend Part B of Title I of the ESEA, which authorizes the Even Start program.

Section 121, statement of purpose [ESEA, § 1201]. Section 121 of the bill would amend the Even Start statement of purposes in section 1201 of the ESEA by requiring that the existing purposes and resources on which Even Start programs are built be of high quality, and by adding a requirement that Even Start programs be based on the best available research on early childhood development, reading instruction, and prevention of reading difficulties. These amendments would reflect amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

Section 122 of the bill would amend section 1202(a) of the ESEA, which directs the Secretary to develop, publish, and distribute, in each year’s Even Start appropriation for certain populations and areas. As revised, section 1202(a) would emphasize that programs funded under the Even Start program are meant to serve as national models; retain the current requirement to support projects for the children of migrant workers, Indian tribes and tribal organizations, and the outlying areas; specify that the amount reserved each year for the outlying areas is one-half of one percent of the available funds; and permit the Secretary to award a grant to a program for services that serve additional populations (such as homeless families, families that include children with severe disabilities, and families that include incarcerated military personnel), and the maximum set-aside for technical assistance (the remaining activity under this provision) would be one percent. In addition, section 1202(b) would permit the Secretary to provide technical assistance directly, as well as through grants and contracts.

Section 123 of the bill would amend section 1203 of the ESEA, which directs the Secretary to publish, in each year on or before October 1, a competitive grant application for program elements, including the requirement of current section 1203(b), relating to program planning and higher quality programs, the flexibility to determine the ongoing need for technical assistance under section 1202(b). The latter provision would replace the current requirement to award a grant for a program in a woman’s prison when appropriations reach a certain level.

Section 124 of the bill would amend section 1204(b) of the ESEA, which authorizes the Secretary to provide technical assistance for the development of state plans under Part A of Title I in section 1122(c). Paragraph (4) would be revised to require that instructional programs integrate all the elements of family literacy services and use approaches that, according to the best available research, will be most effective. Paragraph (5) would contain new requirements relating to the qualifications of instructional staff and paraprofessionals that parallel the requirements proposed, under section 1119, for Part A and that are designed to ensure that Even Start participants receive high-quality services. Paragraph (6) (currently (5)) would add a new requirement that training be aimed at helping staff obtain certification in reading, writing, and arithmetic skills as the necessary skills. Paragraph (8) (currently (9)) would add (to language incorporated from current section 1203(c)(1)(E)(i)) a specific reference to individuals with disabilities as included among those who may be in need of services. Paragraph (9) would clarify and consolidate, into a single paragraph, the existing provisions that promote the retention of families in Even Start programs, including the requirement of current section 1202(b) to operate on a year-round basis, the requirement of current section 1202(a)(1)(C) to provide services for at least a 3-year age range, and the language in current section 1202(b)(3) that encourages participating families to remain in the program for a sufficient period of time to meet their program goals.

This updated statement of program elements reflects experience and research over the past several years. It will promote better program alignment and higher quality programs with better results for participating families.

Section 126, eligible participants [ESEA, § 1206]. Section 126 of the bill would amend section 1206 of the ESEA, which defines terms used in the Even Start program. Section 126(a) of the bill would amend section 1206(a)(1)(B) of the ESEA to restore the eligibility of teenage parents who are attending school, but who are above the age of compulsory school attendance. As amended in 1994, the current statute terminates a parent’s eligibility when he or she is no longer within the State’s age range for compulsory school attendance. Including many teen parents and their children who could benefit from Even Start services.

Section 127, applications [ESEA, § 1127]. Section 127 of the bill would amend section 1127(c) of the ESEA, relating to local Even Start plans, by emphasizing the importance of self-assessment and requiring a local program’s goals to include outcome goals for participating children and
families that are consistent with the State's program indicators; emphasize that the program must address each of the program elements in the revised section 1208 and require each to be addressed in the revised section 1208 for eligibility for the revised section of program elements in section 1205.

Section 127(b) of the bill would delete subsections (f) and (g) of section 1208, which purport to establish an eligible entity to submit its local Even Start plan as part of an SEA's consolidated application under Title XIV of the ESEA. This provision has had no practical effect.

Section 128, award of subgrants [ESEA, § 1208]. Section 128(a)(1) would amend section 1208 of the ESEA, relating to a State's criteria for selecting local programs for Even Start subgrants, by deleting subparagraph (A), which (a) provides a new 2-year range for providing services, because that provision would be converted to a program element under section 1205. Section 128(a)(2) would also make technical and clarifying amendments to section 1208(a)(1).

Section 128(a)(3) would require a State's review panel to include artists with expertise in family literacy programs, to enhance the quality of the panel's review and selections. Inclusion of one or more of the types of individuals described in section 1208(a)(3) in a revised section on evaluations (§ 1209) would be made optional, rather than mandatory.

Section 128(b) of the bill would add a new authority, as section 1208(c), for each State to continue Even Start funding, for up to two years beyond the statutory Byear limit, for not more than two projects in the State that have been highly successful and that show substantial potential to serve as models for other projects throughout the Nation and as mentor sites for formation of other projects in the State. This would allow States and localities to learn valuable lessons from well-tested, proven programs.

Section 129, evaluation [ESEA, § 1209]. Section 129 of the bill would delete paragraph (3) from the national evaluation provisions in section 1209 of the ESEA. That paragraph described the assistance that can be provided to local programs that are more appropriately addressed under section 1208(b).

Section 130, program indicators [ESEA, § 1210]. Section 130 of the bill would amend section 1210 of the ESEA to set a deadline of September 30, 2000 for States to develop the indicators of program quality required by the 1996 amendments, but would not include any deadline for the development of those indicators. In addition, the bill would add, to the current indicators that States are to develop, indicators relating to the levels of intensity of services and the duration of participating children and adults needed to reach the outcomes the States specify for their identified indicators.

Section 130A, repeal and redesignation [ESEA, §§ 1211 and 1212]. Section 130(a) of the bill would repeal section 1211 of the ESEA, relating to research. The essential elements of this section would be incorporated into the revised section on evaluations (§1209). Section 1211 of the bill would redesignate section 1212 of the ESEA as section 1211.

Part C—Education of migratory children

Part C of Title I of the bill would amend Part C of Title I of the ESEA, which authorizes grants to States to establish and improve programs of education for children of migratory farmworkers and fishermen, to enable them to meet the same high standards as other children. Part C of the bill would amend section 130(a) of the ESEA, which describes how available funds are allocated to States each year. The bill would replace the current provisions relating to the count of migratory children by using estimates of eligible children and full-time equivalents (FTE) of these children. These provisions are ambiguous, and require either a burdensome collection of data, or the continued use of outdated FTE adjustment factors based on 1994 data. The bill would base a State's child count on the number of eligible children, aged 3 thru 21, residing in the State in the previous year, plus the number of those children who received services under Part C in the previous year and who were provided by the State. This approach would be simple to understand and administer, minimize data-collection burden on States, and encourage States to design and recruit programs for eligible children. The double weight given to children served in summer or intersession programs would reflect the greater cost of the extra year participation by these children.

Section 131(a)(1) would also add, to section 130(a), a new paragraph (2), which would establish minimum and maximums for annual State allocations. No State would be allocated more than 120 percent, or less than 80 percent, of the number of migratory children remaining at the beginning of the current fiscal year, except that each State would be allocated at least $200,000. The link to a State's prior-year allocation would ameliorate the disruptive effects of increases and decreases in State child counts from year to year, which are typical among migrant children. The $200,000 minimum would ensure that States which receive enough funds to carry out an effective program, including the costs of finding eligible children and encouraging them to participate, would not be penalized.

Section 131(b) would revise subsection (b), which describes the computation of Puerto Rico's allocation, to phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States.

Section 132 of the bill would delete subsections (d) and (e) of section 1303, relating to certain consortia formed by LEAs and the methods the Secretary must follow to determine the estimated number of migrant children in each State, respectively. Subsection (d) is unduly burdensome for States and the Department and consortia can be addressed more effectively through incentive grants under section 1308(d). Subsection (e) would have no further relevance under the revised child-count provisions of section 1303(a)(1).

Section 132, State applications [ESEA, § 1304]. Section 132 of the bill would amend section 1304 of the ESEA, which requires States to submit applications for grants under the Migrant Education Program, describes the children who are to be given priority for services, and authorizes the provision of services to certain categories of children who are no longer migratory.

Section 133, competitive awards. Section 133(a) would amend section 1304(b)(1) to require the State's application to include certain material that is now required to be in its comprehensive plan (but not submitted in its application under section 1306(a)). This reflects the proposed repeal of the requirement for a comprehensive service-delivery plan that is separate from the State's application, and to examine program requirements and reduce paperwork burden on States.

Section 133(b) would amend section 1304(b)(5) to clarify the factors that States are to consider when making subgrants to local operating agencies.

Section 133(c) would redesignate paragraphs (5) and (6) of section 1304(b) as paragraphs (6) and (7), respectively.

Section 133(d) would insert a new paragraph (5) in section 1304(b) to require a State's application to describe how the State will encourage migratory children to participate in the assessments required under Part A of Title I.

Section 133(e)(1) and (2) would make technical and conforming amendments to section 1304(c)(1) and (2).

Section 133(f) would strengthen the requirements of section 1304(c)(3) relating to the participation of parents and parent advisory councils.

Section 133(g) would make a conforming amendment to section 1304(c)(7) to reflect the bill's amendments relating to child counts.

Section 133(h) would authorize activities [ESEA, § 1305]. Section 133(b) of the bill would amend section 1305 of the ESEA, in its entirety, section 1306 of the ESEA, to delete the requirement that a participating State develop a comprehensive service-delivery plan that is separate from its application for funds under section 1304. The important elements of this plan would be incorporated into section 1304, as amended by section 132 of the bill. In addition, provision 133(d) would clarify current provisions regarding priority in the use of program funds; the use of those funds to provide services described in Part A; and the prohibition on using program funds to provide services that are available to migrant children under both the Migrant Education program and Part A; and the prohibition on using program funds to provide services that are available to nonmigrant children.

Section 134, coordination of migrant education activities [ESEA, § 1308]. Section 134 of the bill would amend section 1303(b) of the ESEA, which authorizes States to provide services for migratory children to prominent and intrastate coordination of migrant education activities.

Section 134(a)(1) would make nonprofit entities eligible for awards under section 1308(a). The current restriction to nonprofit entities has made it difficult to find organizations with the necessary technical expertise and experience to carry out certain important activities, such as the 1-800 help line and the program support center.

Section 134(b) would make a technical amendment to section 1308(a)(2).

Section 134(c) would amend section 1308(b) to make available for State incentive grants under section 1308(c) the records of migratory children and to conform to the proposed deletion of references in section 1303 to the ‘‘full-time equivalent’’ numerator for those students in determining child counts.

Section 134(d) would increase, from $50,000 to $10,000, the minimum amount that the Secretary could reserve each year from the appropriation for the Migrant Education program to support coordination activities under section 1308. This increase would be consistent with the Department’s appropriations Acts for the two most recent fiscal years, increase the amount available for State incentive grants under section 1308(d), and make funds available to assist States and LEAs in transferring the school records of migratory students.

Section 134(e) would amend section 1308(d), which authorizes incentive grants to States that form consortia to improve the delivery of services to migratory children if education is interrupted. These grants would be permitted, rather than required as under current law, so that the Secretary would have flexibility to draw down the funds year to year, whether funds ought to be devoted to other activities under section 1308. The maximum amount that could be reserved for these grants would be capped at $5 million to $3 million so that, in years when these grants are warranted, they can be made to more than a token number of States. The requirements that these awards on a competitive basis would be deleted because it is needlessly restrictive and
results in an unduly complicated process of determining the merits of applications in relation to each other in years when all applications warrant approval and sufficient funds are available. Deleting this requirement would provide the Secretary with flexibility, to, for example, award equal amounts to each consortium with an approvable application. Larger awards to consortia including States that receive relatively small allocations under section 1303.

Section 135 definitions [ESEA, §1390]. Section 135 of the bill would delete two references to a child’s guardian in the definition of “migratory child” in section 1302(2) of the ESEA, because the term “parent” which is also used in that section, is defined in section 14101(22) of the ESEA (which the bill would redesignate as section 11101(22)) to include “a legal guardian or other person standing in loco parentis”.

Part D—Neglected and delinquent

Part D of Title I of the bill would amend Part D of Title I of the ESEA, which authorizes assistance to States, to local agencies, to provide educational services to children and youth who are neglected or delinquent.

Section 1401 general provisions [ESEA, §1401]. Section 1401 of the bill would amend the heading of Part D of Title I of the ESEA to read, “State Agency Programs for Children and Youth Who Are Neglected or Delinquent”. This narrowing language more accurately reflects the bill’s proposed deletion of the authority for local programs in Subpart 2.

Section 1402 findings; purpose; program authorized [ESEA, §1402]. Section 1402(a) of the bill would update the findings in section 1402(a) of the ESEA, and shorten them to reflect the proposed deletion of Subpart 2. Section 1402(b) would amend the statement of purpose in section 1402(b) to reflect the proposed deletion of Subpart 2.

Section 1403(c) would amend the statement of the program’s authorization in section 1403(b) to reflect the proposed deletion of Subpart 2.

Section 143, payments for programs under Part D [ESEA, §1402]. Section 143 of the bill would amend section 142(b) of the ESEA, which requires that States retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residencial facilities and other supporting community day programs for delinquent children and youth, and use those Part A funds for local programs under subpart 2 of Part D. Section 142(b) would amend the bill’s general provision to delete Subpart 2. Section 142(c) would make other conforming amendments to section 1402.

Section 144, allocation of funds [ESEA, §1412]. Section 144 of the bill would amend section 1412(b) of the ESEA, which describes the computation of Puerto Rico’s allocation under section 1412. Over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States. Section 144 would also make conforming and technical amendments to section 1412(a).

Section 145, State plan and State agency application [ESEA, §1414]. Section 1452(a)(1) of the bill would amend section 1414(a)(2) of the Act, relating to the contents of a State’s plan, to require the plan to provide that participating children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools; and also correct erroneous citations in section 1414.

Section 146, use of funds [ESEA, §1415]. Section 146 of the bill would correct an erroneous citation of part D of the ESEA relating to the permissible use of Part D funds.

Section 147, local agency programs [ESEA, §§1412-1426]. Section 147 of the bill would repeal Subpart 2 (Local Agency Programs) of Part D and redesignate Subpart 3 (General Programs) of Part D. The local agency program is unduly complicated for States to administer and does not provide effective services for children who are, or have been, neglected or delinquent. Services are better provided through other local, State, and Federal programs, including other ESEA programs, such as Basic Grants under Part A.

Section 148, program evaluations [ESEA, §1431]. Section 148(b) of the bill would amend section 1431(a) of the ESEA, relating to the scope of evaluations, to conform to the proposed repeal of Subpart 2.

Section 148(c) would amend section 1431(b) to require that the multiple measures of student progress that a State agency must use in conducting program evaluations, while consistent with section 1414’s requirement to provide participating children the same opportunities to learn and to hold them to the same standards that would apply if they were attending local public schools, must be appropriate for the delinquent or neglected youth, as are given to children of the same age who are in traditional public schools.

Section 148(d) of the bill would amend section 1431(c), relating to the results of evaluations, to reflect the proposed repeal of Subpart 2.

Section 149, definitions [ESEA, §1432]. Section 149 of the bill would delete the definition of “at-risk youth” in paragraph (2) of section 1432, and renumber the remaining paragraphs.

Section 149(a) would amend section 1433(b) to provide that the requirements for maintaining a particular plan, to require the plan to provide that participating children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools; and also correct erroneous citations in section 1414.

Section 149(b) would amend section 1434 to remove the requirement that States shall retain funds from the Title I programs and provide information, and other Federal activities [ESEA, §1434].

Section 149(c) would amend section 1435(c) to change the name of the program from “Early Reading First” to “Reading First.”

Section 149(d) of the bill would amend section 1435(d) to conform the program to the proposed repeal of Subpart 2.

Section 149(e) would amend section 1435(e) to reflect the proposed elimination of the Title I programs and to provide information, and other Federal activities [ESEA, §1435].

Section 149(f) would amend section 1436(a) to reflect the proposed elimination of the Title I programs and to provide information, and other Federal activities [ESEA, §1436].

Section 150, definitions [ESEA, §1432]. Section 150 of the bill would amend section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations, and collect data, and carry out other activities that support the Title I programs and provide information useful to the Secretary to administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research, technical assistance, dissemination, and recognition activities; and obtaining updated census information so that funds are allocated using the most up-to-date information about low-income families. Section 1501 would also provide for the continued conduct of the national assessment of Title I and the national longitudinal study of Title I schools.

Section 151, demonstrations of innovative practices. Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.

Part E—Federal evaluations, demonstrations, and transition projects

Section 151, evaluations, management information, and other Federal activities [ESEA, §1501]. Section 151 of the bill would amend, in its entirety, section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations and collect data, and carry out other activities that support the Title I programs and provide information useful to the Secretary to administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research, technical assistance, dissemination, and recognition activities; and obtaining updated census information so that funds are allocated using the most up-to-date information about low-income families. As revised, section 1501 would also provide for the continued conduct of the national assessment of Title I and the national longitudinal study of Title I schools.

Section 152, demonstrations of innovative practices. Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.
program’s objective of helping children to read by the 3rd grade is met.

Section 126, 707, 708. The bill would make amendments to section 2256 of the ESEA, which authorizes subgrants to LEAs for training and technical assistance activities, that correspond to the amendments to section 2255 (local educational improvements grants) and 2256 (local educational assistance grants) that are not eligible through this route for local reading improvement subgrants under section 2255. Making the eligibility criteria the same for the two types of subgrants, as provided by this amendment, will increase the likelihood that tutorial activities are carried out in the same LEAs that receive local reading improvement subgrants, promoting the coordination of the activities supported by the two types of subgrants.

Paragraph (5) would delete, from current section 2255(a)(2)(B), which the bill would redesignate as section 2255(a)(3)(B), and make conforming amendments to current subsection (a), language concerning the receipt of all Title I funds by each LEA that is currently eligible under section 2256 on its providing public notice of the transfer of funds to local educational agencies and possible providers of tutoring services. This provision is grossly disproportionate in its severity and is not logically related to the large amounts of funds it affects under the other Title I programs. Any failure to provide the notice described in this section should be subject to the same range of consequences as possible noncompliance with any other requirement of the statute.

Paragraph (6) would make conforming amendments to current section 2256(a)(3), which the bill would redesignate as section 2256(a)(4), to reflect the proposed deletion of eligibility of LEAs on the basis of having a school located in an empowerment zone or enterprise community under section 2256(a)(1)(A).

Paragraph (7) would make technical and conforming amendments to current section 2256(a)(4), which the bill would redesignate as subsection (a)(5).

Section 177, national evaluation [ESEA, § 2257]. Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations.

Section 177, authorization of appropriations [ESEA, § 2256]. Section 177 of the bill would repeal section 2260 of the ESEA, which authorizes appropriations for the program, to reauthorize the program, and to codify the requirement that any authorization of appropriations to section 1002(e) of the ESEA.

Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations. Section 178, transfer and redesignations.

Section 179, service of notice. Section 179, service of notice. Section 179, service of notice.
Section 2127 would also describe the activities that award recipients must carry out and require them to submit an annual report to the SEA, with fiscal year 2002, on their progress against indicators of program performance that the Secretary may establish. The SEA would provide the report with these reports.

Section 2128, competitive local awards. Section 2128 would require SEAs to award competitive subgrants to LEAs from the funds reserved for that purpose under section 2125. The SEA would use a peer-review process that includes reviewers who are knowledgeable in the academic content areas. SEAs would award subgrants based on the quality of the applicants' proposals and their likelihood of success, and on the demonstrated need of applicants, based on specified criteria.

Section 2128 would also require SEAs to adopt strategies to ensure that LEAs with the greatest need are provided a reasonable opportunity to receive an award. Subgrants would be for a three-year period, which the SEA would extend for an additional two years if it determines that the LEA is making substantial progress toward meeting the goals in the LEA's district-wide plan for raising student achievement against State standards. The annual reports to the Secretary on the LEA's progress against the indicators identified by the Secretary under section 2130.

Section 2129, local applications. Section 2129 would require an LEA to submit an application to the SEA in order to be eligible to receive a formula or competitive subgrant. The application would include a district-wide plan that describes how the LEA would raise student achievement against State standards by: (1) supporting the alignment of curricula assessments, and professional development to challenging State and local content standards; (2) providing professional development in the core academic content areas; (3) carrying out strategies to assist needy LEAs to require LEAs that were low-performing schools during their first three years in the classroom; and (4) ensuring that teachers employed by the LEA are proficient in teaching skills and content knowledge.

In addition, the LEA application would: (1) identify specific goals for achieving the purposes of the program; (2) describe how the proposed activities of such teachers, and the professional development of such teachers, will coordinate with other State and Federal programs; (3) describe how the LEA will use its subgrant funds awarded by formula to address the items under the district-wide plan described in (2); (4) describe how the LEA would use the additional funds from a competitive subgrant, if it is applying for one, to implement that plan.

Section 2130, uses of funds. Section 2130 would describe the activities an LEA may conduct with program funds in order to implement its district-wide plan. Section 2131, local accountability. Section 2131 would require each LEA to submit an annual report to the SEA, beginning in fiscal year 2003, and each year thereafter, on its progress against the indicators of program performance that the Secretary identifies and against the LEA's program goals; (2) on its progress against the achievement level as defined by the Secretary; and (3) a description of the methodology the subgrantee used to gather the data.

Section 2132, local cost-sharing requirement. Section 2132 would provide that the Federal share of activities carried out under Subpart 2 with funds received by formula may not exceed 75 percent for any fiscal year. The Federal share of activities carried out under this subpart with funds awarded on a competitive basis could not exceed 28 percent during the first year of the subgrant, 75 percent during the second year, 65 percent during the third year, 55 percent during the fourth year, and 50 percent during the fifth year.

Section 2133, maintenance of effort. Section 2133 would require each participating LEA to maintain its fiscal effort for professional development at the average of its expenditures over the previous three years.

Section 2134, equipment and textbooks. Section 2134 would provide that subgrantees may not use program funds for equipment, computer hardware, textbooks, telecommunications fees, or other items, that otherwise would be obtained in the regular manner by the LEA or School districts.

Section 2136, share of activities carried out under Subpart 2 with funds received by formula may not exceed 67 percent for any fiscal year. The Federal share of activities carried out under this subpart with funds awarded on a competitive basis could not exceed 28 percent during the first year of the subgrant, 75 percent during the second year, 65 percent during the third year, 55 percent during the fourth year, and 50 percent during the fifth year.

Section 2137, definitions. Section 2137 would define "core academic subjects", "high-poverty local educational agency", "low-performing school", and "professional development".

Subpart 3—National activities for the improvement of teaching and school leadership

Section 2141, program authorized. Section 2141 would authorize the Secretary to make subprograms for Formula and Private Grant Program agencies and entities to support: (1) activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools; and (2) activities of national significance that will contribute to the recruitment of highly qualified teachers in subject areas identified by the Secretary.

Section 2142, formula authorized. Section 2142 would provide that the Secretary would award competitive grants to the States for the purposes of the program. Section 2142 would provide that, before making any awards under section 2142, the authority in current section 2142(b) for the Eisenhower National Clearinghouse for Mathematics and Science Education, as follows:

Subsection (a) would provide for the Clearinghouse.

Subsection (b) would authorize activities and require the establishment of the Clearinghouse, including the application and award process, the duration of the grant or contract, the activities the award recipients may perform, the cost-sharing requirements, responsibilities of the Clearinghouse, and cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out program activities identified in 2142.

Section 2111, findings. Section 2111 of the ESEA would set out the Congressional findings for the new Part B. In the next decade, school districts will need to hire more than 2 million teachers, especially in the areas of math, science, foreign languages, special education, and bilingual education. The need for teachers to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

The percent of teachers of academic subjects have neither a major nor a minor in their main assignment fields. This problem is even more acute in high-poverty areas, with students out-of-field teachers. Based on the TIMSS data, it is also evident that a stronger emphasis needs to be placed on the professional preparation of our children in mathematics and science.

Further, one-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

Many career-changing professionals with strong content-area skills are interested in making a transition to a teaching career, but need assistance in getting the appropriate preparation to become teachers. The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty school districts.

Section 2121, purpose. Section 2121 of the ESEA would establish the purpose of the program, which would be to address the need of high-poverty school districts for highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education needed by those school districts. This would be accomplished by continuing and enhancing the Transition to Teaching model for recruiting and supporting the placement of such teachers, and by supporting high-quality candidates who have knowledge and experience that would help them become such teachers.

Section 2121, purpose. Section 2121 of the ESEA would establish the purpose of the program, which would be to address the need of high-poverty school districts for highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education needed by those school districts. This would be accomplished by continuing and enhancing the Transition to Teaching model for recruiting and supporting the placement of such teachers, and by supporting high-quality candidates who have knowledge and experience that would help them become such teachers.

Section 2122, program authorized. Section 2122 of the ESEA would establish the program authorization and the authorization of appropriations for the Transition to Teaching program. Under section 2122(a), the Secretary would be authorized to use funds appropriated under section 2122(c) for each fiscal year to make grants to Federal, State, and local public and private nonprofit agencies or organizations to carry out program activities identified in 2122.

Section 2122(b)(1)(A) would provide that, before making any awards under section 2122(b), the Secretary would be authorized to use funds appropriated under section 2122(c) for each fiscal year to make grants to Federal, State, and local public and private nonprofit agencies or organizations to carry out program activities identified in 2122.

Section 2122(b)(1)(B) would provide that, before making any awards under section 2122(b), the Secretary would be authorized to use funds appropriated under section 2122(c) for each fiscal year to make grants to Federal, State, and local public and private nonprofit agencies or organizations to carry out program activities identified in 2122.
221(a), the Secretary would be required to consult with the Secretaries of Defense and Transportation with respect to the appropriate amount of funding necessary to continue the Troops to Teachers program. Additionally, section 221(b)(1)(B) would provide that, upon agreement, the Secretary would transfer the amount under section 221(b)(1) to the Department of Defense to carry out the Troops to Teachers program. Further, section 221(b)(2) would allow the Secretary to enter into a written agreement with the Department of Transportation, or take such steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, section 221(c) would authorize the appropriation of such sums as may be necessary to carry out Part B for fiscal years 2001 through 2005.

Section 221, application. Section 2214 of the ESEA would establish the application requirements. Section 2214 would provide that an applicant that desires a grant under Part B must submit to the Secretary an application containing such information as the Secretary may require. Applicants would be required to: (1) include a description of the target group of career-changing professionals on which the applicant is planning to carry out programs under this part, including a description of the characteristics of that target group that shows how the knowledge and experiences of such professionals is relevant to carrying out the purpose of this part; (2) describe how it plans to identify and recruit program participants; (3) include a description of the training conditions in which program participants would be placed and how that training would relate to their certification as teachers; (4) describe how it would ensure that program participants were placed in programs that are teaching in high-poverty LEAs; (5) include a description of the teacher induction services that program participants would receive throughout at least their first three years in the field; (6) include a description of how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this part, including evidence of the commitment of the institutions, agencies, or organizations to the applicant’s program; (7) include a description of the performance indicators that the applicant would use to measure the program’s progress, and the outcome measures that would be used to determine the program’s effectiveness; and (8) submit a description of how the applicant would provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this part.

Section 2215, uses of funds and period of service. Section 2215 of the ESEA would describe the activities authorized under Part B. Under section 2215(b)(1), Part B funds could be used to: (1) recruit program participants, including informing them of opportunities under the program and putting them in contact with organizations that would train, place, and support them; (2) authorize training stipends and other financial incentives for program participants; (3) provide scholarships for LEAs that would train, place, and support program participants; (4) authorize placement activities, including identifying high-poverty LEAs with needs for particular skills and other financial incentives for program participants; (5) authorize post-placement induction or support activities for program participants; and (5) authorize post-placement induction or support activities for program participants.

Section 2215(b)(2), a program participant who completes his or her training would be required to teach in a high-poverty LEA for four years, or the number of such children exceeds 10,000. Section 2217(2) would define the term “high-poverty local educational agency” as an LEA in which the percentage of children, ages 5 through 17, from families below the poverty line for a fiscal year, and the number of such children exceeds 10,000. Section 2217(2) would define the term “program participants” as career-changing professionals who, within six years of earning a baccalaureate degree, demonstrate interest in, and commitment to, becoming a teacher, and have knowledge and experience relevant to teaching in a high-need subject area in a high-poverty LEA.

Part C—Early childhood educator professional development

Section 2301, purpose. Section 2301 of the ESEA would establish the purpose of the new early childhood educator professional development program. Section 2301(a) would authorize the appropriation of such sums as may be needed to establish a program to: (1) support the national effort to attain the first of America’s Education Goals by enhancing school readiness and preventing reading difficulties in disadvantaged children; (2) establish partnerships that include at least one LEA that serves children from low-income families in high-need communities and in high-poverty communities with limited access to early childhood education programs that improve the knowledge and skills of early childhood educators working in high-poverty communities. The program would help meet the need for early childhood educators in high-poverty communities with limited access to early childhood education and high-quality early childhood education programs.

Section 2302, program authorized. Section 2302(a) of the ESEA would authorize the Secretary to enter into agreements with eligible partnerships. An eligible partnership would consist of: (1) at least one institution of higher education that provides professional development to early childhood educators who work with children from low-income families in high-need communities, or another public or private, nonprofit entity that provides that professionals development; and (2) at least one other public or private nonprofit agency or organization, such as an LEA, an SEA, a State human services agency, a Federal agency administering programs under the Child Care and Development Block Grant Act of 1990, or a Head Start agency.

Section 2302(b) would direct the Secretary to give a priority to applications from partnerships that include at least one LEA that operates early childhood programs for children from low-income families in high-need communities.

Section 2302(c) would authorize grants for up to four years, and limit each grantee to one grant under this section. Section 2302(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend and fail to complete their service obligation, repay all or a portion of such stipend or other incentive.

Section 2302, equitable distribution. Section 2302 of the ESEA would authorize the Secretary to give a priority to applications from partnerships that include at least one LEA that serves children from low-income families in high-need communities and in high-poverty communities with limited access to early childhood education programs that improve the knowledge and skills of early childhood educators working in high-poverty communities. The program would help meet the need for early childhood educators in high-poverty communities with limited access to early childhood education and high-quality early childhood education programs. Further, section 2302(b)(2) would authorize the Secretary, to the extent practicable, to make awards under Part B that support programs in districts that are identified as serving a high percentage of children from low-income families.

Section 2303, uses of funds. Section 2303 of the ESEA would require that, in general, the Secretary use funds received under Part C to support activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are central to the education of children in high-poverty communities. Allowable professional development activities for early childhood educators include, but would not be limited to, activities that will help early childhood educators with recent research on child, language, and literacy development and on early childhood pedagogy; train them to work effectively with children with limited English proficiency, disabilities, and other special needs; and assist educators during their first three years in the field; development and implementation of professional development programs for early childhood educators using distance learning and other technologies; and data collection, evaluation, and reporting activities necessary to meet program accountability requirements.

Section 2304, accountability. Section 2304(a) of the ESEA would require the Secretary to report annually on the Secretary’s progress in meeting these performance indicators. The Secretary could terminate a grant if the grantee is not making satisfactory progress against the Secretary’s indicator.

Section 2307, cost-sharing. Section 2307 of the ESEA would require each grantee to contribute at least half of the overall cost of its project, excluding a grant or matching each year, from other sources, which may include other Federal sources. The Secretary could waive or modify this requirement in the case of funds administered as the appropriation of such sums as may be necessary.

Section 2308, definitions. Section 2308 of the ESEA would define the terms “high-need community”, “low-income family”, and “early childhood education program”.

Section 2309, Federal coordination. Section 2309 of the ESEA would direct the Secretary to consult with the relevant agencies and organizations to coordinate activities of this program and other early childhood programs that they administer.

Section 2310, authorization of appropriations. Section 2310 of the ESEA would authorize the appropriation of such sums as may be necessary to carry out the program. Section 2311 of the ESEA would establish definitions for the terms “high-need community,” “low-income family,” and “early childhood education program.”
necessary for fiscal year 2001 and each of the four succeeding fiscal years to carry out Part C.

Part D—Technical assistance programs

Section 2401, findings. Section 2401 of the ESEA would state the Congressional findings for Part D as follows: (1) sustained, high-quality technical assistance that responds to State and local needs is an important means to implement more effectively the programs contained in the ESEA, including all funds under the ESEA, into an integrated system of providing technical assistance to LEAs, and other local recipients of funds under the ESEA; (2) the State's plan for using funds from all sources under the ESEA to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to LEAs and other recipients within the State; (4) how, in carrying out their technical assistance activities, using funds provided from all sources under the ESEA, the State will assist LEAs and schools in providing high-quality education to all children served under the ESEA to achieve challenging academic standards, give the highest priority to meeting the needs of high-poverty, low-performing LEAs (taking into consideration any assistance that the LEAs may be receiving under section 2406), and give special consideration to LEAs and other recipients of funds under the ESEA; (5) the role of the Secretary in determining whether to approve a State's applications for funds if it meets these requirements and is of sufficient quality to fund the technical assistance activities proposed; and (6) the role of the Secretary in reviewing applications, and could not disapprove any application without giving the State notice and opportunity for a hearing.

Section 2402, purpose. Section 2402 of the ESEA would state the purpose for Part D as being to create a comprehensive and cohesive, national system of technical assistance and data collection that is based on a set of principles for technical assistance in order to use funds under the ESEA to provide those students with opportunities to achieve challenging academic content standards and student performance standards; (2) an integrated system of providing high-quality technical assistance is essential to improving programs and in the implementation of high-quality technical assistance services; (2) an integrated system of providing high-quality technical assistance is essential to improving programs and in the implementation of high-quality technical assistance services; and (3) States, LEAs, and tribes receiving funds under the ESEA would require to carry out Subpart 1 as being to establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist SEAs and LEAs, and other consumers of technical assistance, to acquire high-quality technical assistance.

Section 2403, formula grants to State educational agencies. Section 2403 of the ESEA would set out the formula for awarding grants to States. The Secretary would allocate funds among the States in proportion to the number of children each State would have been required to receive for Basic Grants under Subpart 2 of Part A of Title I of the ESEA for the most recent fiscal year, if the Secretary had discretion to reallocate all grants under Subpart 2 of Part A to the States and high-need LEAs to develop and implement their own integrated systems of technical assistance. The Secretary would set out the formula for awarding grants to SEAs and LEAs that are eligible to receive direct grants under new section 2416. This allocation would be adjusted as necessary to ensure that, of the total amount allocated to States and to LEAs under section 2406, the percentage allocated to a State under section 2413 and to LEAs under section 2414 would be adjusted as necessary to ensure that, of the total amount allocated to States and to LEAs under section 2406,

Section 2411, purpose. Section 2411 of the ESEA would state the purposes of Subpart 1 of Title II. Section 2411(1) would state one such purpose as being to provide grants to SEAs and LEAs in order to: (1) respond to the growing demand for increased technical assistance needs and appropriate technical assistance services; (2) encourage SEAs and LEAs to assess their technical assistance services and develop plans for meeting those needs; and (3) encourage SEAs and LEAs to use technical assistance effectively and thereby improve their capacity to provide an opportunity for all children to achieve challenging academic content standards and student performance standards; (2) identifying State academic content standards and student performance standards; (3) the State's plan for using funds from all sources under the ESEA to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to LEAs and other recipients within the State; (4) how, in carrying out their technical assistance activities, using funds provided from all sources under the ESEA, the State will assist LEAs and schools in providing high-quality education to all children served under the ESEA to achieve challenging academic standards, give the highest priority to meeting the needs of high-poverty, low-performing LEAs (taking into consideration any assistance that the LEAs may be receiving under section 2406), and give special consideration to LEAs and other recipients of funds under the ESEA; (5) the role of the Secretary in determining whether to approve a State's application for funds if it meets these requirements and is of sufficient quality to fund the technical assistance activities proposed; and (6) the role of the Secretary in reviewing applications, and could not disapprove any application without giving the State notice and opportunity for a hearing.
and implementing strategies to promote opportunities for all children to achieve challenging State academic content standards and student performance standards.

Section 2416 of the ESEA would describe the formula for providing grants under Subpart 1 to the largest, high-need LEAs. Under section 2416, the Secretary would allocate funds among the LEAs described in section 2412(2)(B) in proportion to the relative amount of Federal Basic Grants under Subpart 2 of Part A of Title I for the most recent fiscal year. As under the State formula in section 2413, the Secretary would be required to reallocate unused LEA allocations.

Section 2417, local application. Section 2417 of the ESEA would detail the application requirements that States must meet to receive direct grants under Subpart 1. Each LEA would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application would be required to describe: (1) the LEA’s need for technical assistance in implementing ESEA programs (including the extent of a LEA’s experience with technical assistance); (2) how the LEA would use the grant funds to coordinate all its various sources of funds for technical assistance, including local, State, and other Federal programs and resources, to provide an integrated system for acquiring and using outside technical assistance and other services that would enable the LEA to achieve State academic content standards and student performance standards implementing programs under the ESEA; (3) a description of the SFOP, the ways the system would be monitored to determine whether to approve a State’s application, the ways the Secretary would be required to take into consideration the advice of peer reviewers, and whether the application would be disapproved without giving the State notice and opportunity for a hearing.

Section 2418, local uses of funds. Section 2418 of the ESEA would describe the ways in which an LEA could use direct grant funds awarded under Subpart 1. The LEA could use these funds to: (1) build its capacity to use ESEA funds to implement policies for comprehensive standards-based education reform; (2) use the LEA’s funds to coordinate and implement a targeted approach to providing technical assistance, including local, State, and other Federal programs and resources, to provide an integrated system for acquiring and using outside technical assistance and other services that would enable the LEA to achieve State academic content standards and student performance standards implementing programs under the ESEA; (3) use the LEA’s funds to coordinate and implement a targeted approach to providing technical assistance; (4) provide training and technical assistance to LEAs and other recipients of funds under the ESEA in selecting technical assistance activities and providers for their use. Such a contract could be awarded for a period of up to five years, and the Secretary could reserve, from the funds appropriated to carry out Subpart 1 for any fiscal year, such sums as the Secretary determines necessary to carry out section 2419A.

Section 2419A, authorization of appropriations. Section 2419A of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out Subpart 2—Technical assistance centers serving special needs.

Section 2421, general provisions. Section 2421 of the ESEA would set out the general provisions for a technical assistance provider that receives funds under Subpart 2, all consortia that receive funds under proposed Subpart 2 of Part B of Title III of the ESEA (as amended by Title III of the bill), and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act. Each provider, consortium, laboratory or clearinghouse would be required to: (1) participate in a technical assistance network with the Department and all other technical assistance providers in order to coordinate services and resources; (2) ensure that the services it provides are of high quality, cost-effective, reflect the best information available from research and practice, and are aligned with State and local education reform efforts in cooperation with SEAs, LEAs, and in the States served, educational service agencies and providers, and nonprofit organizations; (3) develop a targeted, cost-effective approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty LEAs that are designed to ensure the quality and effectiveness of technical assistance activities and providers available to LEAs, other recipients of funds under the ESEA, and the Secretary determines necessary to carry out section 2419A.

Section 2422, general provisions. Section 2422 of the ESEA would authorize the Secretary to carry out certain activities. If the Secretary determines that a center described in subsection (a)(1)(A) and has the highest percentages or numbers of children in poverty and the least student achievement levels, the Secretary would be required, to the extent practicable, to carry out the following activities: (1) develop a set of performance indicators that assesses whether the center is performing the work of the centers assists in improving teaching and learning under the ESEA for students in the special populations described; (2) collect such information as necessary to be able to determine if they are satisfied with the accessibility and quality of services provided; (3) collect, as part of the Department’s reviews of ESEA programs, information about the availability and quality of services provided by the centers, and share that information with the centers; and (4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include termination of an award under this part, the immediate termination of an interim arrangement, or the exercise of other available sanctions.

Section 2423, PIRCs. Section 2423 of the ESEA would authorize the Secretary to enter into agreements to public or private nonprofit organizations that serve pregnant (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish Parent Information Resource Centers (PIRCs), which are currently authorized under Title IV of the Goals 2000: Educate America Act. The Secretary would authorize the Secretary to award grants, contracts, or cooperative agreements to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish PIRCs. The PIRCs would coordinate the efforts of Federal, State, and local parent education and family involvement initiatives. In addition, the PIRCs would provide training, information, and support to SEAs, LEAs, parent groups, and families of children in low-performing schools, schools particularly high-poverty and low-performing schools, and organizations that support school (such as private schools and parent teacher organizations). In making awards, the Secretary would be required, to the
Section 2432(b) would establish the application requirements for the PIRCs. Applicants desiring assistance under section 2432 would be required to submit an application at such time, and in such manner, as the Secretary shall determine. At a minimum, the application would contain a description of the applicant's capacity and expertise to implement a grant under section 2432, a description of how the applicant would use its award to support the education and family involvement programs of LEAs, schools, and non-profit organizations in the State (particularly those organizations that make substantial efforts to reach a large number or percentage of minority or other children from low-income families). Currently, recipients are required to use 50 percent of their funds to provide services to schools. Section 2432(d)(2) would require that each recipient use at least 75 percent of its award to support activities that are designed to address large numbers of children from low-income families. Current recipients, therefore, are required to use 50 percent of their funds to provide services to schools. Section 2432(e) would require the Secretary to reserve up to 5 percent of the funds appropriated for section 2432 to provide technical assistance and strategies to overcome those barriers that the parent to improve learning in the home.

The term "Home Instruction for Preschool Youngsters program" would be defined as any childhood education and family involvement program that: is designed to provide all children of birth through age 5 the with information and support that such parents need to give their child a solid foundation for school success; is based on the model of the Parents As Teachers; provides regularly scheduled personal visits with families by certified parent educators; and requires that such visits be conducted in the home with the parent and child. Such a program would include: group meetings with other parents participating in the program; individual and group learning experiences with the parent and child; provision of resources and materials necessary for a child's development and parent-child learning; and other activities that enable the parent to improve learning in the home.

Section 2432(g) would require PIRC to submit reports with information on the following:

- Number and types of activities supported by the recipient with program funds; activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and the progress made by the PIRC in achieving the goals included in its application.
- Number of children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Number of families that are served by the PIRC.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
- Number of parents and children that the PIRC is able to serve, including any increases or decreases in the number of parents and children served.
- Information on the extent of compliance with the requirements of the Education Consolidated Appropriations Act, 2001, as amended by Title III of the bill.
SEAs, tribes, and other ESEA recipients in meeting the requirements of the Government Performance and Results Act of 1993. This assistance could include information on measuring program performance and student outcomes.

Section 3242 would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out Subpart 3.

Subpart 4—National evaluation activities

Section 3244, national evaluation activities. Section 3244(a) would require the Secretary to conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines to constitute effective technical assistance; (2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by or, as under Part E of Title II of the ESEA, and the educational laboratories, and clearingshouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act, (notwithstanding any other provision of such Act); and (3) increase the effectiveness of those programs.

TITLE III—TECHNOLOGY FOR EDUCATION

Section 301. Short Title. Section 301 of the bill would amend section 3101 of the ESEA to change the short title for Title III of the ESEA to the "Technology For Education Act."

Section 302. Findings. Section 302 of the bill would update the findings in section 311 of the ESEA to reflect progress that has been made in achieving the four national technology goals and identify those areas in which progress still needs to be made.

Section 303. National long-range technology goals. Section 303 of the bill would amend section 3112 of the ESEA to better align the purposes of Title III of the ESEA to the technology goals and the Department's goals for the uses of educational technology to improve teaching and learning. The purposes for this title are to: (1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and technology training; (2) ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive professional development activities that improve teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and designing lesson plans to use technology; (3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in the design and construction of new learning experiences; (4) provide grants for the development, dissemination, and intensive, high-quality professional development activities that improve teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and designing lesson plans to use technology; (5) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools; (12) ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency.

Section 304. Prohibition Against Supplanting. Section 304 of the bill would repeal section 3113 of the ESEA, which currently contains the definitions applicable to Title III of the ESEA. Definitions would instead be placed in the part of the title to which they apply. In its place, section 304 would add a new section 3113 to the ESEA that would require a recipient of funds awarded under this title to use that award only to supplement the amount of funds or resources that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the programs authorized under Title III of the ESEA, and not to supplant those non-Federal funds or resources.

Part A—Federal leadership and national activities

Section 311. Structure of Part. Section 311 of the bill would amend section 3112 of the ESEA to eliminate the current structure of Part A of Title III of the ESEA and add a new heading for Part A, "Federal leadership and national activities." This section also would repeal the current Product Development program, which has never received funding.

Section 312. Long-Range Technology Plan. Section 312 of the bill would amend section 3121 of the ESEA, which currently requires the Secretary to publish a national long-range technology plan within one year of the enactment of the Improving America's School Act of 1994. Instead, section 3121(b) of the bill would amend section 3121(a) of the ESEA to require the Secretary to submit a national long-range technology plan within one year of the enactment of the bill and to broadly disseminate the updated plan.

Section 313. Early childhood educational technology. Section 313(c) of the ESEA, which establishes the requirements for the national long-range technology plan, by adding the requirements that the plan describe how the Secretary will: promote the full integration of technology into learning, including the creation of new instructional opportunities through the use of educational technologies; increase the availability and use of information technology that would otherwise not have been available, and independent learning opportunities for students through technology; enable teachers and principals in high-poverty, low-performing schools to develop, through the use of technology, their own networks and resources for sustained and intensive, high-quality professional development; and encourage the commercial development of effective, high-quality, cost-competitive educational technology.

Section 314. Federal leadership. Section 314 of the bill would amend section 3122 of the ESEA to require the Secretary to exercise leadership in promoting the use of technology in education. Section 314(a) of the bill would amend section 3122(a) of the ESEA by eliminating reference to the United States National Commission on Libraries and Information Systems, and replacing it with the White House Office of Science and Technology Policy, on the advice of which the Secretary consults under this program.

Section 314(b) of the bill would amend section 3122(b) of the ESEA by removing the reference to the Goals 2000: Educate America Act, which would be repealed by another section of this bill. The National Education Goals would be renamed America's Education Goals and added to the ESEA by section 2 of the bill.

Section 315 of the bill would amend current section 3122(c) of the ESEA by eliminating the authority for the Secretary to undertake activities designed to facilitate maximum interoperability of technologies. Instead, the Secretary would be authorized to develop a national repository of information on the effective uses of educational technology, including the maintained and intensive, high-quality professional development, and the dissemination of that information nationwide.

Section 316. Repeal and redesignations: Authorization of Appropriations. Section 316 of the bill would repeal sections 3114 (Authorization of Appropriations), 3115 (Limitation on Use of Funds from FY 1999 Appropriation) and 3123 (Study, Evaluation, and Report of Funding Alternatives) of the ESEA. As amended by the bill, an authorization of appropriations section would be included in the part of Title III of the ESEA to which it applies. These changes would also eliminate the current statutory provision that requires that funds be used for a discretionary grant program when appropriations for current Part A of Title III of the ESEA are less than $75 million, and for a State formula grant program when appropriations exceed that amount. This provision currently be overridden in appropriation language each year in order to operate both the Technology Literacy Challenge Fund and the Technology Innovation Challenge Grants program.
and software; conduct evaluations and applied research studies that examine how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings, and the characteristics of student learning in educational settings that use educational technology effectively; collaborate with other Federal agencies that support research on, and educational use of, educational technology in educational settings; and carry out such other activities as the Secretary determines appropriate. The Secretary would be authorized to appropriately carry out the purposes of this section to carry out Title III of the ESEA for any fiscal year to carry out national evaluation strategy in that year.

Proposed new section 3204 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the purposes of this section to carry out the national evaluation strategy in that year.

P A R T B Ð Special projects

Section 321. Repeals; Redesignations; New Projects

Pursuant to section 3205 of the ESEA, the bill would repeal Part B, the Star Schools Program, Part C, the Ready-To-Learn Television Project, Part D, the Telecommunications Demonstration Project for Mathematics as Subpart 3 of Part B of Title III of the ESEA, and redesignate current Part D of Title III of the ESEA, the Telecommunications Demonstration Project for Mathematics, as Subpart 2 of Part B of Title III of the ESEA, and redesignate current Part C of Title III of the ESEA, the Ready-To-Learn Television Program, as Subpart 2 of Part B of Title III of the ESEA.

Proposed new section 3211 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that it is the purpose of the program to: (1) provide for the development of high-quality, digital multimedia software, digital video, and web-based resources; (2) develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the internet), and online-learning resources; (3) projects serving more than one State and involving large-scale innovations in the use of educational technology; (4) projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, limited English proficiency; (5) projects in which applicants provide substantial financial and other resources to achieve the goals of the program; and (6) projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

Proposed new section 3213 of the ESEA ("Uses of Funds") would require award recipients to use their program funds to develop new applications of educational technology and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, distributed learning environments (including distance learning networks), and the development of educational software and other applications. In addition, recipients would also be required to use program funds to carry out activities consistent with the purposes of the proposed new subpart, such as: (1) development tools for improving teachers' ability to integrate technology effectively into course curriculum, through the use of technology in professional development; (2) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources; (3) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, limited English proficiency); and students with limited English proficiency) through such activities as using technology to support mentoring; (4) providing classroom learning opportunities for students with disabilities (in particular parent education programs that provide parents with training, information, and support on how to help their children achieve high standards); (5) acquiring connectivity linkages, resources, distance learning networks, and services, including such services as described in the"Eligibility" section; and (6) accomplishing the goals of the proposed new subpart, and (7) collaborating with other Department of Education and Federal information technology research and development centers.

Proposed new section 3214 of the ESEA ("Evaluation") would authorize the Secretary to: (1) develop tools and provide resources for recipients of funds under the proposed new subpart to evaluate their activities; (2) provide technical assistance to assist recipients of funds under the proposed new subpart to evaluate their activities; (3) conduct independent evaluations of the activities assisted under the proposed new subpart; and (4) disseminate findings and methods to assist others in carrying out the purposes of the proposed new subpart, or other information obtained from such projects that would promote the design and implementation of effective models for evaluating the impact of educational technology on teaching and learning. This evaluation authority would enable the Department to provide projects and activities in the proposed new subpart with such technical assistance to assist them in evaluating their activities.

Proposed new section 3215 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this part for fiscal years 2001 through 2005.

Section 322. Ready To Learn Digital Television.

Section 322 of the bill would amend the subpart heading for Subpart 2 of Part B of Title III of the ESEA, redesignated by section 32(b)(1) of the bill to reflect advances in technology by replacing the reference to "television" with a reference to "digital television." In addition, section 322 of the bill would amend the provisions of this subpart to reflect the redesignations made by section 321(b) of the bill, and would authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.

Section 323. Telecommunications Program for Professional Development in the Core Content Areas.

Section 323 of the bill would amend the subpart heading for Subpart 3 of Part B of Title III of the ESEA (as redesignated by section 321(b)(1) of the bill) from "Telecommunications Demonstration Project for Mathematics" to "Telecommunications Demonstration Program for Professional Development in the Core Content Areas."
Proposed new section 3304 of the ESEA ("Purpose; Program Authority") would state, in subsection (a), that the purpose of this proposed new subpart is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban or rural communities with access to information technology and related training and provide technical assistance and support to community technology centers.

Proposed new section 3304(b) of the ESEA would authorize the Secretary, through the Office of Educational Technology, to award grants on a competitive basis to eligible applicants to carry out the purposes of the proposed new subpart. The Secretary could make these awards for a period of not more than three years.

Proposed new section 3302 of the ESEA ("Eligibility and Application Requirements") would set out the eligibility and application requirements for the proposed new subpart. Under proposed new section 3302(a) of the ESEA, to be eligible an applicant must: (1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities who would otherwise be denied such access; and (2) be an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization, an institution of higher education, an SEA, and LEA, or a consortium of these entities.

Under the application requirements in proposed new section 3302(b) of the ESEA, an applicant would be required to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application must include: (1) a description of the proposed new part which establishes a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community; (2) a demonstration of the commitment, including the financial commitment, of entities such as institutions of higher education, businesses, or other groups in the community that will provide support for the creation, expansion, and continuing operation of the proposed project, to the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of economically distressed urban or rural community; (3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and (4) a plan for the evaluation of the program, including benchmarks to monitor progress toward specific project objectives.

Under proposed new section 3302(c) of the ESEA, the Federal share of the cost of any project funded under the proposed new subpart would be 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

Proposed new section 3303 of the ESEA ("Uses of Funds") would describe the required and permissible uses of funds awarded under the proposed new subpart. Under proposed new section 3303 of the ESEA, the recipient would be required to use these funds for creating or expanding community technology centers; expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities, and evaluating the effectiveness of the program.

Under proposed new section 3303(b) of the ESEA, a recipient could use funds awarded under the proposed new subpart for activities that it described in its application that carry out the purposes of this subpart such as: (1) supporting a center coordinator, and staff, to establish partnerships with community-based organizations; (2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and (3) developing and providing training to community-based organizations that provide access to computers, information technology, and the use of such technology in support of pre-school, pre-kindergarten, and early childhood education; lifelong learning; and workforce development job preparation activities.

Proposed new section 3304 of the Act ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new subpart for each of the fiscal years 2001 through 2005.

Part C—Preparing tomorrow's teachers to use technology

Section 331. New Part. Section 331 of the bill would amend Title III of the ESEA by adding a new Part C, Preparing Tomorrow's Teachers To Use Technology.

Proposed new section 3301 of the ESEA ("Purpose; Program Authority") would authorize the Secretary, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms. The Secretary could make these awards for a period of not more than five years.

Proposed new section 3302 of the ESEA ("Eligibility") would detail the eligibility, application, and matching requirements for the proposed new part. Under proposed new section 3302(a), an applicant must be a consortium that includes at least one institution of higher education that offers a baccalaureate degree and prepares prospective teachers for initial entry into teaching, and at least one SEA or LEA. In addition, each consortium must include at least one of the following entities: (1) a public or private nonprofit organization, or community-based organization, an institution of higher education; (2) a school or college of arts and sciences at an institution of higher education; (3) a public or private nonprofit business, or a professional association; (4) a museum, library, or other organization with the capacity to contribute to the technology-related reform of teacher preparation programs.

The application requirements in proposed new section 3302(b) of the ESEA would require an applicant to submit an application to the Secretary at such time, and containing such information, as the Secretary may require, and that application would be required to include: a description of the project; and a description of how the proposed project would achieve to challenging State and local content and student performance standards; a demonstration of the commitment, including the financial commitment, of each of the members of the consortium to the proposed project; a description of the responsible parties to the proposed project; a description of the leadership of each member of the consortium for the proposed project; a description of how each member of the consortium would be involved in the project; and a description of the project's plan for the evaluation of the project and the amount that may be used to acquire equipment, networking capabilities or infrastructure, and would require that the non-Federal share of the cost of any such acquisition be in cash.

Proposed new section 3303 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out the proposed new part for each of the fiscal years 2001 through 2005.

Part D—Regional, State, and local educational technology resources

Section 341. New Part. Section 341 of the bill would add a new Part D, Regional, State, and Local Educational Technology Resources, to Title III of the ESEA to enhance the capacity of States and local educational agencies to create and implement technology strategies that will increase the capacity of districts and schools to provide students with access to advanced technology to foster learning, and workforce development job preparation activities.

Proposed new section 3401 of the Act ("Purpose") would state that it is the purpose of the TLCF to increase the capacity of...
SEAs and LEAs to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts to: (1) make effective use of technology in educational applications, networks, and electronic resources; (2) utilize research-based teaching practices that are linked to advancement of technical and professional development that increases teacher capacity to create improved learning environments; and (3) promote the integration of educational technology into instruction. These purposes would focus program efforts on activities that have been proven to improve teaching and learning.

Section 342. Allotment and Reallocation. Section 342 of the bill would amend section 3133 of the ESEA by modifying the minimum TL CF State grant amount in two ways. First, the minimum amount would be the lesser of one-half of one percent of the appropriations for TL CF for a fiscal year, or $2,250,000. Second, the new minimum amount would be a percentage of the total amount received by the Outlying Areas. Currently, this aggregate minimum amount for the Outlying Areas is accomplished through appropriated State funds.

Section 343. Technology Literacy Challenge Fund. Section 343 of the bill would amend current section 3133(a)(2) of the ESEA to provide for the Outlying Areas to receive the minimum TL CF. An SEA could use the remainder of its allocation for administrative costs and technical assistance. This change is necessary because section 314 of the bill would repeal current section 3135 of the ESEA, which limited the amount of any grant that could be used for administrative expenses.

Section 344. State Application. Section 344 of the bill would completely revise the application requirements for the State formula grant program in section 3133 of the ESEA. As revised, section 3133 of the ESEA would require an SEA to: (1) provide a new or updated State technology plan that is aligned with the State plan or policies for comprehensive standards-based education reform; (2) describe how it will meet the national technology goals, such as: (a) long-term strategies for financing educational technology, including how it would use other Federal and non-Federal funds, including E-Rate funds; (4) describe and explain its criteria for identifying an LEA as high-poverty and having a substantial need for technology; (5) describe how it would use technology to improve student achievement; (6) establish performance indicators for each of its goals described in the application regarding what must be included in the application; (7) describe how it would use technology to meet the needs of students with disabilities or limited English proficiency; and (8) how it would evaluate its activities under the plan. The application requirements would better align the information required from States with the purposes for the program.

Section 345. Local Uses of Funds. Section 345 of the bill would amend section 3133(b)(1) of the ESEA, which allows local LEAs to use TL CF under the TL CF. These local uses of funds would be: adapting or expanding existing and new applications of technology; providing support for professional development in the integration of advanced technologies into curriculum; enabling teachers to use the Internet to communicate with other teachers and to retrieve web-based learning resources; using technology to collect, manage, and analyze data for school improvement; acquiring advanced telecommunications; acquiring computer software, including those that provide access to challenging courses such as Advanced Placement courses; and assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

Section 346. Local Applications. Section 346 of the bill would amend section 3133(c) of the ESEA to make an "eligible local applicant," as defined in proposed new section 3137 of the ESEA, as added by section 348 of the bill.

Section 347(a) of the bill would amend section 3133(a)(2) of the ESEA, which currently requires LEAs to provide technical assistance in developing applications for program funds to LEAs with high concentrations of poor children and a demonstrated need for such assistance. In addition to this requirement, the amendment (3133(b)(2) of the ESEA) would require that an SEA provide an eligible local applicant with assistance in forming partnerships to apply for program funds and developing performance indicators.

Section 348. Definitions; Authorization of Appropriations. Section 348 of the bill would add two new sections to Title III of the ESEA. Proposed new section 3417 of the ESEA ("Definitions") would define "eligible local applicant" and "low-performing school." The definitions would be included to better target funds on high-poverty schools with the greatest need for educational technology. An "eligible local applicant" would be defined as: (1) an LEA with high numbers or percentages of children from households living at or below the poverty line; (2) a LEA that serves more than 1,000 low-performing schools, and has a substantial need for educational technology; or (2) a partnership that includes at least one LEA that serves more than 1,000 low-performing schools, and demonstrates a need for educational technology that is effective in improving student achievement.

In addition, several updating and conforming changes, section 346 of the bill would also amend section 3138 of the ESEA, regarding the requirements for the E-Rate. An applicant would be required to describe how the applicant would use funds to improve student achievement by making effective use of new technologies, networks, and electronic learning resources, using research-based teaching practices that are linked to advanced technologies, and supporting sustained and intensive, high-quality professional development. This requirement would focus local efforts on activities that have demonstrated the greatest potential for improving teaching and learning.

In addition, an applicant would also be required to: describe its goals for educational technology; describe its technology; describe strategies that would be used to achieve the goals; its plan for ensuring that all teachers are prepared to use technology to create improved classroom learning environments; the administrative and technical support it would provide to schools; its plan for the development of the local technology plan; how it would use technology to promote communication between teachers; how it would use technology to meet the needs of students with disabilities or limited English proficiency; and the role of the partner in the program. Finally, if the applicant is a partnership, the members of the partnership and their respective roles and contributions.

Proposed new section 3418 of the ESEA ("Authorization of Appropriations") would authorize the appropriation of such sums as may be necessary to carry out this subpart for fiscal years 2001 through 2005.
the ESEA, as amended by this section of the bill. 

Section 340(b) of the bill would amend section 3141 of the ESEA in several ways. First, section 340(b)(1)(b) of the bill would require the RTEC to coordinate its activities with appropriate entities. As revised, section 3141(b)(4) of the ESEA requires each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the ESEA; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region and other entities assisted in whole or in part by the ESEA, including State and local governments, regional organizations for programs to create and maintain drug-free, safe, and orderly schools and communities, and local educational agencies. As revised, section 3141(b)(4) of the ESEA would require each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the ESEA; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region and other entities assisted in whole or in part by the ESEA.

Section 340(b)(1)(c) of the bill would add a new section 3421 of the ESEA that would require the RTECs to work with appropriate entities. As amended, this section of the ESEA also would require the RTECs to develop and implement technology programs of the Department, including updates in section 3141 of the ESEA, including updates to the more current, general emphasis on educational technology programs of the Department, as amended by this section of the bill. 

Section 340(b)(2)(b)(ii) of the bill would amend section 3414(b)(2)(A) of the ESEA, which authorizes the Secretary to award grants, to permit the Secretary to reserve funds at the State level for joint program administration. As amended, this section of the ESEA would require the Secretary to reserve funds at the State level for joint program administration. 

Section 340(b)(2)(b)(iii) of the bill would amend section 3414(b)(2)(G) of the ESEA, which authorizes the Secretary to award grants, to permit the Secretary to reserve funds at the State level for joint program administration. 

Section 340(b)(2)(b)(iv) of the bill would amend section 3414(b)(2)(I) of the ESEA, which authorizes the Secretary to award grants, to permit the Secretary to reserve funds at the State level for joint program administration. 

Section 340(b)(2)(c)(iv) of the bill would amend section 3414(b)(3) of the ESEA by eliminating the requirement that the RTECs coordinate their activities with appropriate entities.

Section 340(b)(2)(C)(v) of the bill would require the RTECs to work with local districts and schools to develop support from parents and community members for educational technology programs. The amendments made by section 340(b)(2)(C)(v) of the bill would require the RTECs to work with local districts and schools to develop support from parents and community members for educational technology programs. 

Section 340(b)(2)(D) of the bill would revise section 3414(b)(4) of the ESEA, which requires the RTECs to coordinate their activities with appropriate entities. As revised, section 3414(b)(4) of the ESEA requires each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the ESEA; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region and other entities assisted in whole or in part by the ESEA, including State and local governments, regional organizations for programs to create and maintain drug-free, safe, and orderly schools and communities; and (3) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund and the Next-Generation Technology Innovation Grant Program (as added by section 3421 of the bill, respectively), to assist the Department and those recipients as requested by the Secretary. Finally, section 340(c) of the bill would re-designate section 3414 of the ESEA as section 3421 of the ESEA, and section 340(d) of the bill would amend Title III of the ESEA by inserting proposed new section 3421(b)(2) of the ESEA. As revised, section 3421(b)(2) of the ESEA would require each consortium to: (1) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the ESEA; (2) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region and other entities assisted in whole or in part by the ESEA, including State and local governments, regional organizations for programs to create and maintain drug-free, safe, and orderly schools and communities; and (3) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund and the Next-Generation Technology Innovation Grant Program (as added by section 3421 of the bill, respectively), to assist the Department and those recipients as requested by the Secretary.
to redistribute to other States, on the basis of the formula in section 4111(b)(1), any amount of State grant funds the Secretary determines a State will be unable to use within the time period established for the initial award and for defining "State" and "local educational agency."

Proposed new section 4112 ("State Applications") of the ESEA would set forth the State grant application procedure for this title. Proposed new section 4112(a) of the ESEA would make the current State grant application requirements, including the procedures the State will use to inform its LEAs of the State's performance indicators under this program and for assessing and publicizing program activities, as well as the procedures the State will use to inform LEAs and other entities of SDFSC State grant funds. This jointly submitted application would describe in their applications how the SEA at the State and local levels.

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make subgrants to more than 50 percent of the LEAs in the State and still comply with proposed new subparagraph (E) of this section.

Proposed new section 4113(c)(2)(E) of the ESEA would require SEAs to make their competitive awards to LEAs under proposed new section 4113(c)(2)(A), in a manner that supports high-quality, effective programs and activities that are designed to create safe, disciplined, and drug-free learning environments in schools and that are consistent with the principles of effectiveness described in section 4113(c)(2)(C)(ii); that did not receive a competitive award under section 4113(c)(2)(A), LEAs would be eligible to receive only one subgrant under this paragraph.

Proposed new section 4113(c)(3)(B) of the ESEA would require, for accountability purposes, that in order for an SEA to make a non-competitive award to an LEA under proposed new section 4113(c)(3)(A), the SEA must assist the LEA in meeting the information requirements under proposed new section 4113(a)(2)(E) of the ESEA pertaining to LEA needs assessment, results-based performance measures, and data on armed incidents, drug-free and illegal schools, plan, evaluation plan, and assurances, and provide continuing technical assistance to the LEA to build its capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness described in proposed new section 4113(c)(3)(A) of the ESEA.

Proposed new section 4113(d)(2) of the ESEA would provide that LEAs award under section 4113(c)(2)(B) can be for a project period not to exceed three years, and require that, in order to receive funds for the second or third year of a project, the LEA demonstrate to the satisfaction of the SEA that the LEA’s project is making reasonable progress toward its performance indicators under proposed new section 4116(a)(3)(C) of the ESEA. These proposed new section would also make technical changes to the local allocation formula in current law.

Proposed new section 4114 (‘Local Drug and Violence Prevention Programs’) of the ESEA would: (1) make technical changes to strengthen the current SEA application requirements for the development of applications by entities other than LEAs seeking subgrants under the ESEA, that it has a written agreement with one or more public safety officials; (c) early intervention and prevention programs and activities that are designed to create safe, supervised learning environments in schools and that are consistent with the principles of effectiveness described in proposed new section 4113(c)(2)(C)(ii) of the ESEA; (d) make technical changes, requiring applicants for subgrants from the SEA to submit an application to the SEA at such time, and include such other information, as the SEA may require, and (2) add a requirement not in the current statute, requiring applicants for subgrants from the Governor to submit an application at such time, and includes such other information, as the Governor may require.

Proposed new section 4116(a)(2)(A) of the ESEA would require that LEAs applying for State subgrants under proposed new section 4113(c)(2), 4113(c)(3), or 4113(c) of the ESEA develop applications in consultation with a local or regional advisory council that includes, to the extent possible, representatives of the local governing bodies of the LEA, school students, teachers, public school personnel, mental health service providers, appropriate State agencies, private schools, law enforcement, community-based organizations, and other groups interested in, and knowledgeable about, drug and violence prevention. Proposed new section 4116(a)(2)(B) of the ESEA would add a requirement to strengthen the current SEA application requirements for the development of applications by entities other than LEAs seeking subgrants under the ESEA, that it has a written agreement with one or more public safety officials; (c) early intervention and prevention programs and activities that are designed to create safe, supervised learning environments in schools and that are consistent with the principles of effectiveness described in proposed new section 4113(c)(2)(C)(ii) of the ESEA; (d) make technical changes, requiring applicants for subgrants from the SEA to submit an application to the SEA at such time, and include such other information, as the SEA may require, and (2) add a requirement not in the current statute, requiring applicants for subgrants from the Governor to submit an application at such time, and includes such other information, as the Governor may require.
Proposed new section 4121(c)(1)(A) of the ESEA would make minor technical changes to the current law to refocus the local reports required by this section on the LEA’s progress toward and finding its performance indicators for achieving drug-free, safe, and orderly learning environments in its schools, consistent with the changes proposed through proposed new section 4117(c)(1)(A) of the ESEA. The area would add a new requirement that the LEA include in this report a statement of any problems the LEA encountered and its performance indicators for programs that warrant the provision of technical assistance by the SEA, to assist the SEAs in planning its technical assistance activities. This requirement would apply to LEAs that receive SDFSC subgrants through their SEA under proposed new sections 4113(c)(2) or 4113(c)(3).

Proposed new section 4116(a)(3) of the ESEA would add a new requirement that SEAs review the annual LEA reports, and terminate funding for the second or third year of an LEA’s program unless the SEA determines that the LEA is making reasonable progress toward meeting its objectives.

Proposed new section 4116(a)(4) of the ESEA would add new language regarding the requirement that Governors’ award recipients under proposed new section 4115(c) of the ESEA submit a progress report to the Governor and the public containing the same type of information required for LEA progress reports under proposed new section 4117(c)(1)(A) of the ESEA. The Governor would be required to review the annual progress report, and to terminate funding for the second or third year of a subgrantee’s program if the Governor determines that the subgrantee is making reasonable progress toward meeting its objectives.

PART B—National programs

Proposed new section 4211 “(National Activities and Data Collections)” of the ESEA would authorize national programs. Proposed new section 4211(a) of the ESEA would, with only minor changes, authorize the Secretary to use national programs funds for programs to promote drug-free, safe, and orderly learning environments for students at all educational levels, from preschool through the postsecondary level, that promote lifelong physical activity. The Secretary would be authorized to carry out the national programs authorized under proposed new section 4211(a) through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and Federal agencies that support LEAs and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development; (11) services and activities that reduce the need for suspension and expulsions in maintaining order and discipline; (12) services and activities to prevent and reduce truancy; (13) programs to provide counseling services to troubled youth, including support for the development and hiring of counselors and the operation of telephone help lines; and (14) other activities that meet emerging or unmet national needs consistent with the purposes of this title.

Proposed new section 4211(c)(1) of the ESEA would authorize the Secretary to carry out programs for students that promote lifelong physical activity directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies that support LEAs and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development; (11) services and activities that reduce the need for suspension and expulsions in maintaining order and discipline; (12) services and activities to prevent and reduce truancy; (13) programs to provide counseling services to troubled youth, including support for the development and hiring of counselors and the operation of telephone help lines; and (14) other activities that meet emerging or unmet national needs consistent with the purposes of this title.

Proposed new section 4211(d) of the ESEA would retain the requirement in the current statute that the Secretary use a peer review process in reviewing applications for funds under proposed new section 4211(a) of the ESEA.

Part C—School emergency response to violence

Proposed new section 4311 “(Project SERV)” of the ESEA would authorize Project SERV, a program designed to provide services to individuals and families that would escape or remain in a violent school setting. As in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. The project would also carry out Project SERV directly, through grants, contracts, or cooperative agreements with public and private organizations, agencies, and other Federal agencies that support LEAs and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development; (11) services and activities that reduce the need for suspension and expulsions in maintaining order and discipline; (12) services and activities to prevent and reduce truancy; (13) programs to provide counseling services to troubled youth, including support for the development and hiring of counselors and the operation of telephone help lines; and (14) other activities that meet emerging or unmet national needs consistent with the purposes of this title.

Proposed new section 4311(b) of the ESEA, Project SERV, would provide: (1) as resources available to the LEA and community
in response to the situation, and developing a response plan to coordinate services provided at the Federal, State, and local level; (2) mental health crisis counseling to students, teachers, and others who are in need of such services; (3) increased school security; (4) training and technical assistance for SEAs and LEAs, State and local mental health agencies, law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans; (5) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and (6) other needed services and activities that are consistent with the purposes of Project SERV.

Proposed new section 4311(b) of the ESEA would require the Secretary of Education, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency, to establish criteria and application requirements as may be needed to select which LEAs are assisted under Project SERV, and permit the Secretary in determining requirements for uniform data and other information from all LEAs assisted under Project SERV.

Proposed new section 4311(c) of the ESEA would authorize the establishment of the Coordinating Committee on school crises comprised of the Secretary (who shall serve as chair of the Committee), the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary shall determine. This committee would be charged with coordinating the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

Part D—Related provisions

Proposed new section 4411 (“Gun-Free Schools Act”) of the ESEA would authorize the Gun-Free Schools Act as proposed new Part D of Title IV of the ESEA because of its close relationship with the SDFSC program. The Gun-Free Schools Act is currently authorized under Part F of Title XIV of the ESEA.

Proposed new section 4411(b) of the ESEA would continue with minor technical changes, the current requirement of the ESEA that students receiving Federal funds under the ESEA have in effect a State law requiring LEAs to expel from school, for a period of not less than one year, a student who is determined to have possessed a firearm at school under the jurisdiction of the LEA in that State, and that such State law allow the chief administrative officer of that LEA to modify the expulsion requirement for a student on a case-by-case basis. It would also define the term ‘firearm’ as that term is defined in the Federal National Standards for the Reportable Crimes (which includes bombs).

Proposed new section 4411 of the ESEA would contain: (1) a special rule that the provisions of this section be construed in a manner that is consistent with the Individuals with Disabilities Education Act; (2) local reporting requirements requiring each LEA requesting assistance from the SEA under the ESEA to provide to the State in its application: (a) an assurance that such LEA is in compliance with the State law required by proposed new section 4311 of the ESEA, (b) a description of circumstances surrounding any expulsions imposed under the State law required by proposed new section 4311(b), including the name of the student concerned, the number of such students expelled from such school (disaggregated by gender, race, ethnicity, and educational level); and (c) the type of weapons concerned; (3) the number of students referred to the criminal justice or juvenile justice system as required in section 4311; (4) a requirement that the chief administrator of an LEA modify the expulsion requirement described in the paragraph the Head of the LEA in that LEA to conditionally provide assistance under that LEA to any LEA unless it has a policy ensuring referral to the criminal justice or juvenile justice system of any student who possesses a firearm at school under the jurisdiction of the LEA.
Section 502(1) of the bill would repeal section 5111 of the ESEA (Innovative Programs). Activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5122 of the ESEA (Evaluation, Technical Assistance, and Dissemination) as section 5111 and incorporate its requirements into a new section ("Evaluation, Technical Assistance, and Dissemination") that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds in any fiscal year to evaluate magnet schools programs, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful magnet school programs. Section 502(g) of the bill would also require each evaluation, in addition to current items, to address to what extent to which magnet programs continue once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5131(a) of the ESEA (Authorization) to authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out this section. Section 501(h) of the bill would also redesignate section 5113 as section 5112.

WOMEN’S EDUCATIONAL EQUITY

Section 503. Amendments to the Women’s Educational Equity Program. Section 503(a)(1)(A) of the bill would amend section 5202(a) of the ESEA (Short Title) to update and change the short title of Part A to "Women’s Educational Equity Act of 1994" to the "Women’s Educational Equity Act.

Section 503(a)(1)(B) of the bill would amend section 5203(b) of the ESEA (Findings) to make it clear, in paragraph (3)(B), that classroom textbooks and other educational materials continue not to reflect sufficiently the experiences, achievements, or concerns of women and girls. Little progress has been made in this area since 1994. Section 502(b) of the bill would also amend slightly paragraph (3)(C) and adding a recent finding to that paragraph that girls are dramatically underrepresented in higher-level science courses.

Section 503(a)(2)(A) of the bill would amend section 5204 of the ESEA (Applications) to change several internal section references to conform section numbers to the part redesignation and to clarify that the application requirements in which these references appear apply only to implementation grants. Section 503(a)(2)(B) of the bill would amend section 5204(b)(2) of the ESEA to change a reference to "the National Education Goals" to "America’s Education Goals." Section 503(a)(2)(C) of the bill would eliminate section 5204(4) of the ESEA, which requires an application description of how program funds would be used in a consistent manner with the School-to-Work Opportunities Act of 1994. The School-to-Work Opportunities Act sunsets in 2001, and this reference will be obsolete. Paragraphs (5) through (7) in the section would be the same.

Section 503(a)(3) of the bill would conform a section reference to a later redesignation. Section 503(d) of the bill would amend section 5206 of the ESEA (Report). The report required by this section will be submitted soon, satisfying the requirement and making it unnecessary to amend it.

Section 503(a)(5) of the bill would amend section 5207 of the ESEA (Administration) by eliminating subsection (a), requiring the Secretary to conduct an evaluation of materials and programs developed under the program and to submit a report to Congress by May 27, 1999. The report would provide data, research, and evaluation on innovative approaches to high-quality public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools; (2) public elementary and secondary programs that involve partnerships with institutions of higher education and that are used to demonstrate, develop, implement, and test innovative approaches to high-quality public school choice; (3) magnet programs that involve partnerships with public or private employers, to create public schools that are dramatically underrepresented in higher-level science courses.

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the ESEA with a multi-year extension of the 1-year initiative, enacted in the Department’s appropriations Act for fiscal year 1999, to help States and LEAs improve education through reducing class sizes in the early grades, as follows:

**ESEA, § 6001, findings.** Section 6001 of the ESEA would set out 8 findings in support of the creation of Title VI.

**ESEA, § 6002, purpose.** Section 6002 of the ESEA would provide that the purpose of Title VI is to help States and LEAs recruit, train, hire, and retain 100,000 additional teachers, in order to: (1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; (2) ensure teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

**ESEA, § 6003, coordination of appropriations.** Section 6003 of the ESEA would authorize the appropriations of such sums as may be necessary to carry out Title VI for fiscal years 2001 through 2005.

**ESEA, § 6004, allocations to States.** Section 6004(a) of the ESEA would direct the Secretary to reserve a total of not more than 1 percent of the funds appropriated for Title VI to make payments, on the basis of their respective needs, to the several outlying areas and to the Secretary of the Interior for activities authorized or supported by the Bureau of Indian Affairs (BIA).

**ESEA, § 6005, applications.** Section 6005(a) of the ESEA would require the SEA of each State to develop an application to the Secretary.

**ESEA, § 6006, applications.** Section 6006(a) of the ESEA would require each LEA to provide for the equitable distribution of Title VI to participating LEAs to use its Title VI funds to make further class-size reductions in grades 1 through 3, reduce class sizes in other grades, or for activities, including professional development, to improve teacher quality.

**ESEA, § 6007, local applications.** Subsection (a) would require an LEA to use its share of funds to form a consortium with one or more other LEAs for the purpose of reducing class size; to help pay the salary of a full-time or part-time teacher hired to reduce class size; or, if the subgrant is less than $10,000, for professional development.

**ESEA, § 6008, use of funds.** Subsection (a) of the ESEA would require each LEA to use up to 3 percent of its subgrant for the costs of administering its Title VI program.

**ESEA, § 6009, subgrants.** Subsection (b) would permit each LEA to use up to a total of 15 percent of each year’s Title VI funds to: (1) assess new teachers for their competency in content knowledge and teaching skills; to hire new teachers to take any tests required to meet State certification requirements; and (3) provide professional development.

**ESEA, § 6010, nonsubstantiating.** Section 6010 of the ESEA would require each participating LEA to use its Title VI funds to increase the overall amount of its expenditures for the combination of: (1) teachers in regular classrooms in schools receiving assistance; (2) assessing new teachers and assisting them to meet state certification requirements; and (3) professional development for teachers.

**ESEA, § 6011, annual State reports.** Section 6011 of the ESEA would require each participating State to submit an annual report to the Secretary on its activities under Title VI.

**ESEA, § 6012, participation of private school teachers.** Section 6012 of the ESEA would require each LEA to provide for the equitable participation of teachers from private schools in professional development activities it carries out with program funds.

**ESEA, § 6013, definition.** Section 6013 of the ESEA would define ‘‘LEA’’ as meaning each of the 50 States, the District of Columbia, and Puerto Rico.

**ESEA, § 6014, outlays.** The outlaying areas, which would otherwise be treated as States, were given in current §14101(27) (to be redesignated as §11101(27)), would be funded through the special reservation in section 6004(a), rather than as fixed formula allocations to States in section 6004(b).

**TITLE VII—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS**

**Section 701. Findings, Policy, and Purpose.** Section 701 of the bill would amend sections 701, 703(b)(7), 702, 701, and 703 of the ESEA to incorporate recent findings and to add the policy that limited English proficient students be tested in English after three consecutive years in United States schools. This requirement is consistent with the school accountability requirements associated with limited English proficient students in Title I of the ESEA. Section 701 of the bill would also amend section 7102(c) (Purpose) of the ESEA to add helping to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

**Section 702. Authorization of Appropriations for Part A.** Section 702 of the bill would amend section 7103(a) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out programs under Part A, as amended, from the costs of administering its Title VI program, including professional development and improvement grants. The outlaying areas, which would otherwise be treated as States, were given in current §14101(27) (to be redesignated as §11101(27)), would be funded through the special reservation in section 6004(a), rather than as fixed formula allocations to States in section 6004(b).

**Section 703. Program Development and Enhancement Grants.** In order to simplify and streamline the administration of limited English proficiency services grants, section 703 of the bill would amend section 7113 of the ESEA (Enhancement Grants) to consolidate the activities of the Program Development and Implementation Grants program (currently in section 7112 of the ESEA and repealed in section 730 of the bill) and the Enhancement Grants program into a new three-year grant program, "Program Development and Enhancement Grants." Section 703(3) of the bill would authorize grants to be used to: (1) develop and implement comprehensive, preschool, elementary, or secondary education programs for limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services; (2) provide high-quality professional development; and (3) require annual assessment of student progress in learning English. Section 703(3) of the bill would amend section 7102(c) (Purpose) of the ESEA to add helping to ensure that limited English proficient students master English as a stated purpose and to make minor editorial changes.

**Section 704. Participation of Teachers.** Section 704 of the bill would authorize the Secretary to give priority to applicants that enroll fewer than 10,000 students and...
that have limited or no experience in serving limited English proficient students.

Section 704. Comprehensive School Grants. Section 704(b) of the bill would amend section 7114 of the ESEA to authorize Comprehensive School Grants for schoolwide instructional programs. Section 704(1) of the bill would amend section 7114(b)(2) of the ESEA to replace the termination provisions with a clearer system of accountability requiring the Secretary, before making a continuation award for the fourth year of a program under this section, to determine if the program is making continuous and substantial progress in assisting children and youth to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making substantial progress in implementing the program improvement plan, the Secretary would be required to deny a continuation award.

Section 705. Comprehensive School Grants for children and youth with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. The Secretary would base such determination on indicators established and data and information collected under the annual evaluations under section 7118 as designated and other data and information collected. The Secretary would require a recipient requesting a four-year continuation award under this section to submit, for review by the Secretary, a program improvement plan for its program. The Secretary would be required to promptly develop and submit to the Secretary a program improvement plan only if he or she determines that it held reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve to challenging State content and performance standards. If the Secretary determines that the recipient is not making continuous and substantial progress in assisting children and youth to learn English and achieve to challenging State content and performance standards, the Secretary would be required to deny a continuation award.

Section 706. Applications for Awards under Subpart 1. Section 706 of the bill would amend section 7116 of the ESEA (Applications and Comments) to clarify that SEAs must not only review Subpart 1 applications, but also transmit that review in writing to the Department. Section 706(2) of the bill would amend section 7116(f) of the ESEA (Required Documentation) to require documentation that evidence of how the activities funded under the program are coordinated with the overall school program and other Federal, State, or local programs serving limited English proficient students and youth; and (5) other information as the Secretary may require. This revision is necessary in order to require that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with the information needed to assess progress towards meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707. Evaluations under Subpart 1. Section 707(1) of the bill would amend current section 7123(a) of the ESEA (Evaluation) to require that grantees conduct an annual, rather than biennial, evaluation. This change would enhance the Department’s ability to hold projects accountable for teaching English to limited English proficient students and to determine to what extent to which these students are achieving State standards.

Section 707(2) of the bill would revise the list of evaluation components, in section 7123(c) of the ESEA, to require a recipient to: (1) use the data provided in the application and data showing the extent to which all students enrolled and demonstrate that they achieved academic achievement and gains in English proficiency for students in the program; (2) report on the validity and reliability of all instruments used to measure student progress; and (3) enable results to be disaggregated by such relevant factors as a student’s grade, gender, and language group and whether the student has a disability. This would be required to include: (1) data on the project’s progress in achieving its objectives; (2) data showing the extent to which all students served by the program are achieving State’s student performance standards; (3) program implementation indicators that address each of the program’s objectives and components, including the extent to which professional development activities have resulted in improved classroom practices and improved student achievement; (4) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient students and youth; and (5) other information as the Secretary may require. This revision is necessary in order to ensure that grantees submit data needed to make a determination on whether the project should be continued at the end of the third year or at the end of the fourth year, and also provide the Department with the information needed to assess progress towards meeting goals established for the Bilingual Education program under the Government Performance and Results Act (GPRA).

Section 707(3) of the bill would add a new subsection (d) (Performance Measures) that would require the Secretary to establish performance indicators to determine if programs under sections 7113 and 7114 (as redesignated) are making continuous and substantial progress and allow the Secretary to establish such indicators to determine if programs under section 7112 (as redesignated) are making continuous and substantial progress. The bill would also require the Secretary to establish the following five-year grants to learn English and achieve to high academic standards and make editorial revisions.
monitoring system, and develop, maintain, system, develop a data base management and requirements that the Clearinghouse be admin-
istered by Limited English Proficiency'', and to Clearinghouse the ``National Clearinghouse for Bilingual Education) to rename the section 7135 of the ESEA (National Clearing-
house for Bilingual Education: Children and Youth with Limited English Proficiency.

Section 712. Purpose of Subpart 3. The proposed amendments recognize that all instructional materials are basic understanding of effective methods for serv-
ing limited English proficient students. Be-
cause of the rapid growth in this population, pro-
vided that they are in limited English profi-
cient students in their class-
room at some point in their teaching ca-
er. These amendments also recognize the pro-
vide that they are in limited English profi-
cient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual education educators and make use of all existing and other languages of outlying areas. The pro-
ed to include the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 714. Use of Funds. The proposed amendments recognize that institutional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 715. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 716. Bilingual Education Career Lad-
der Program. Section 716 of the bill would amend section 714 of the ESEA (Bilingual Edu-
cation Career Ladder Program) to au-
thorize grants to a consortia of one or more ins-
stitutions of higher education and one or more institutions of higher education and one or more SEAs or LEAs to develop and implement bilingual education career ladder programs. A bilingual education career ladder program would be a program designed to achieve high-quality, career-prepare coursework and teacher training to edu-
cational personnel who do not have a bacca-
laureate degree and that would lead to time-
ly, career of a baccalaureate certif-
ication or licensure of program partici-
pants as bilingual education teachers or other educational personnel who serve lim-
ited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in postsecondary pro-
grams to train them to become bilingual educators, and make use of all existing and other languages of outlying areas. The pro-
ed to include the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 717. Graduate Fellowships in Bilin-
guial Education Program. Section 717 of the bill would amend section 714 of the ESEA (Special Con-
derations) to eliminate the current special con-
siderations and require the Secretary, In-
stead, to give special consideration to appli-
cations that provide training in English as a second language, including developing profi-
ciency in the instructional use of English and, as appropriate, a second language in classroom contexts.

Section 718. Applications for Awards. Section 718 of the bill would amend section 714 of the ESEA (Application) to clarify that the State educational agency must review and submit written com-
nents to the Secretary under both of the following categories: (a) the Secretary must review and submit written com-
nents to the Secretary under both of the following categories: (a) the Secretary must review and submit written com-
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Section 720. Personal Development. The proposed amendments recognize that insti-
tutional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 721. Instructional Materials Development. Section 721 of the bill would amend section 720 of the ESEA (Instructional Ma-
terials) to expand the current authorization for grants to develop, publish, and dissemi-
nate instructional materials. The current statute covers both in-service and preservice professional development practices for serving limited English proficient students, integrate course
work and teacher training to edu-
cational personnel who do not have a bacca-
laureate degree and that would lead to time-
ly, career of a baccalaureate certif-
ication or licensure of program partici-
pants as bilingual education teachers or other educational personnel who serve lim-
ited English proficient students. Recipients of grants would be required to coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual education educators and make use of all existing and other languages of outlying areas. The pro-
ed to include the professional development supported by the grant directly addresses the staffing needs of one or more LEAs.

Section 722. Graduation Rates. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 723. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 724. Graduation Rates. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 725. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 726. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 727. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 728. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 729. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 730. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 731. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 732. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 733. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 734. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 735. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.

Section 736. Personal Development. The proposed amendments recognize that institu-
tional materials may be needed in languages other than those listed in the current statute and that materials may be needed to prepare parents to become involved in the edu-
cation of their children.
Section 719. Evaluations under Subpart 3. Section 719 of the bill would amend section 719 of the ESEA (Program Evaluations) to require an annual evaluation and to clarify evaluation requirements. The purpose of these proposed amendments is to increase project accountability and ensure that the Department receives data from grantees that is required to demonstrate performance goals established under the GPRA.

Section 720. Transition. Section 720 of the bill would amend section 720 of the ESEA (Transition) to provide that a recipient of a grant under subpart 1 of Part A of this title that is in its third or fourth year of the grant on the day preceding the date of enactment of the bill would be eligible to re-engage in its program's purpose as is typical of other programs established under the GPRA.

Section 721. Findings of the emergency Immigrant Education Program. Section 721 of the bill would amend section 7301 of the ESEA (Findings and Purpose) of Part C (Emergency Immigrant Education Program) of Title VII of the ESEA to add an additional finding to better justify the program.

Section 722. State Administrative Costs. Section 722 of the bill would amend section 7302 of the ESEA (State Administrative Costs) to authorize States to use up to 2 percent of their instructional cost share to distribute funds to LEAs within the State on a competitive basis. The current provision caps State administrative costs at 1.5 percent, which is insufficient to cover the costs of holding a State discretionary grant competition.

Section 723. Competitive State Grants to Local Educational Agencies. Section 723 of the bill would amend section 7304(e)(1) of the ESEA to eliminate the $50 million appropriations trigger, on which the 20 percent cap for, allowing States each year to reserve funds from their program allotments and award grants, on a competitive basis, to LEAs with the State. This change reflects current budget policy and practice of allowing State recipients the opportunity to allow LEAs to compete for funds.

Section 724. Authorization of Appropriations for Part C. Section 724 of the bill you amend section 7309 of the ESEA (Authorizations of Appropriations) to authorize the appropriation of sums as may be necessary for each of fiscal years 2001 through 2005 to carry out Part C of Title VII.

GENERAL PROVISIONS

Section 725. Definitions. Section 725 of the bill would amend section 7501 (Definitions; Regulations) of Part E (General provisions) of Title VII of the ESEA to add a definition of "reclassification rate," a term used in the proposed amendments to the Applications and Evaluations sections of Subpart 1 of Part A of Title VII of the ESEA. The term would mean the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient. Also, the current definition of "Special Alternative Instructional Program", would be eliminated.

Section 726. Regulations, Parental Notification, and Use of Paraprofessionals. Section 726 of the bill would amend section 7502 (Regulations and Notification) of Part E to add requirements for projects funded under subpart 1 of Part A of the title relating to parental notification and the use of instructional staff who are not certified in the field in which they teach. Section 726(1) of the bill would amend the section heading to read: "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS:"

Section 726(2) of the bill would amend section 7502(b) (Parental Notification) of the ESEA by making conforming amendments in paragraphs (1)(A) and (C) of the subsection to change the paragraph heading to "Option to Withdraw" and to require an additional paragraph specifying the manner in which the option to withdraw may be exercised.

Section 726(3) of the bill would add a new subsection (c) to require, that on the date of enactment of the ESEA, for All Children Act of 1999, all new staff hired to provide academic instruction in programs supported under Part A, Subpart 1, will be in accordance with the requirements of section 1119(c) of the ESEA, relating to the employment of paraprofessionals. These amendments are designed to lead to an improvement of the professional skills of instructional staff providing services to limited English proficient students.

Section 727. Terminology. Section 727 of the bill would amend subparts 1 and 2 of Part A and section 7501(b) of the ESEA to conform references to bilingual education and special foreign language instruction programs for children and youth with limited English proficiency.

Section 728. Repeals. Section 730 of the bill would repeal current sections 7112, 7117, 7119, 7120, 7121, 7147 and Part B of Title VII of the ESEA.

Section 712 would no longer be needed since the authorized activity would be consolidated with the activity authorized by Section 713.

Section 729. Section 717 (Intensified Instruction), 7139 (Subgrants), 7120 (Priority on Funding), and 7121 (Coordination) of the ESEA would be repealed since these sections repeat language appearing elsewhere in the statute or cover situations that are unlikely to occur.

Section 7147 (Program Requirements) of the ESEA would be repealed because it requires that all LEAs that receive section 8002 payments for FY 1999 also be required to make similar payments to LEAs that received section 8002 payments for FY 1998 but that would no longer be eligible for Section 8002 payments.

Section 803(a) of the ESEA, which authorizes the Secretary of Education to provide grants assisting educational personnel in meeting State and local certification requirements, would be repealed since that requirement is not relevant to all of the authorized professional development activities.

Part B of Title VII of the ESEA would be moved to Title V of the ESEA. Section 729. Redesignations and Conforming Amendments. Section 731 of the bill would provide for the redesignation of various sections of the ESEA and for conforming references to those sections and to other sections of the ESEA that have been changed.

TITLE VIII—IMPACT AID

Section 801. Title VIII of the bill would amend Title VIII of the ESEA which authorizes the Impact Aid program.

Section 801. Title VIII of the bill would amend section 8001 of the ESEA to provide that the purpose of the Impact Aid program is to provide assistance to certain LEAs that are financially burdened as a result of activities of the Federal Government carried out in their jurisdictions, in order to help those LEAs provide educational services to their children, including federally connected children, so that they meet applicable educational standards. This will provide a succinct statement of the program's purpose, as is typical of other programs, in place of the statement in the current version which refers to certain categories of eligibility that other provisions of the bill would repeal.

Section 802. payments relating to Federal acquisition of real property [ESEA, § 8002]. Section 802 of the bill would amend section 8002 of the ESEA, which authorizes the Secretary of Education to make payments to States for Federal revenue lost due to the presence of non-taxable Federal property, such as a military base or a national park, in their jurisdiction. These amendments would enable the Secretary to arrange for better target funds on the LEAs most burdened by the presence of Federal property so that appropriations for Title VIII, which are not warranted under current law, may be justified in the future.

Section 802(a)(1) of the bill would delete language in section 8002(a) of the ESEA that refers to the fiscal years for which payments under section 8002 are authorized. That issue is fully covered by the authorization of appropriations in section 8014 of the ESEA.

Section 802(a)(2) would delete an alternative eligibility criterion (current section 8002(a)(1)(C)(ii)), which was enacted to benefit a single LEA, and would add a requirement that the Federal property claimed as the basis of eligibility have a current aggregate assessed value (as determined under section 8002(b)(3)) that is at least 10 percent of the total assessed value of all real property in the LEA. The requirement that Federal property constituted 10 percent of the total assessed value when the Federal Government acquired it would be retained. The new provision that payments under section 8002 are made only to LEAs in which the presence of Federal property is required to have a significant effect on the local tax base.

Section 802(b) would repeal subsections (d) through (g) and (i) through (k) of section 8002(b) of the ESEA of which each of these provisions is enacted for the benefit of a single LEA (or a limited number of LEAs) and describes a situation in which the burden, if any, from Federal property is not sufficient to compensate LEAs from Federal taxpayers. The presence of these provisions reduces the amount of funds available to LEAs that legitimately request funds under this authority.

Section 802(c) would replace the soon-to-be-obsolete "hold harmless" language in section 8002(h) of the ESEA with language for FY 1993 only. This section would eliminate the requirement that Federal property constitute at least ten percent of the current assessed value of all real property in the LEA. This phase-out will provide a reasonable period for these LEAs to adjust to the loss of their eligibility, while making more funds available to those LEAs whose local tax bases continue to be affected by the presence of Federal property.

Section 802(d) would make minor conforming amendments to section 8002(b)(1).

Section 803. payments for eligible federally connected children [ESEA, § 8003]. Section 803(a)(1) of the bill would amend the list of eligible children to authorize payments for purposes of basic support payments under section 8003(a), by deleting the various categories of so-called "(b)" children, whose attendance at LEAs is not considered Federal property by the definitions in the bill.

Sections 803(a) and 803(b) of the bill extend the list of eligible children to include: (a) children of Federal employees living in what are currently defined as "Federal" areas; (b) children of Federal employees living in what are currently defined as "Military" areas; (c) children living in certain areas; (d) children of Federal employees living in what are currently defined as "Uniformed Service" areas; (e) children of Federal employees living in what are currently defined as "Indian" areas; and (f) children of Federal employees living in what are currently defined as "State" areas.
(3) to reflect the elimination of "(b)" students from eligibility.

Section 803(a)(3) would delete section 803(a)(3)(A) and (B), each of which relates to categories whose eligibility would be ended under paragraph (1)

Section 803(b)(1)(B) would delete the requirement that LEAs have at least 20 eligible students (or that those students constitute at least three percent of their average daily attendance in the LEA) to receive a payment. A LEA with "(a)" children would qualify for a basic support payment.

Section 803(b)(1)(D) would amend section 8003(b)(1)(D), which would be redesignated as subparagraph (B) of section 8003(b)(1)(D) by section 803(d). The amendments to this provision are described above.

Section 803(b)(2)(B) would amend section 8003(b)(2)(B), which describes how the Secretary computes each LEA’s “learning opportunity threshold” (LOT). The Secretary computes each LEA’s LOT based on the percentage of student enrollment and the LEA’s average tax rate of the most recent fiscal year for which satisfactory data is available.

Section 803(b)(2)(B)(i) would delete section 8003(b)(2)(B)(i), which would be redesignated as subparagraph (C) of section 8003(b)(1)(B) by section 803(d). The amendments to this provision are described above.

Section 803(b)(2)(B)(ii) would delete section 8003(b)(2)(B)(ii), which would be redesignated as subparagraph (D) of section 8003(b)(1)(B) by section 803(d). The amendments to this provision are described above.

Section 803(b)(2)(B)(iii) would delete section 8003(b)(2)(B)(iii), which would be redesignated as subparagraph (D) of section 8003(b)(1)(B) by section 803(d). The amendments to this provision are described above.

Section 803(b)(2)(C) would amend section 8003(b)(2)(C) to clarify that payments that are proportionately increased from the amounts determined under the LOT provisions (but not to exceed the statutory maximum) when available funds are sufficient to make payments above the LOT-based amounts.

Section 803(b)(3) would delete section 8003(b)(3), which provides an unwarranted benefit to a LEA in its ability to serve two or more districts, if that LEA serves more students than the State in question and that also have internal administrative districts, this LEA’s eligibility for a payment, and the amount of any payment, should be determined with regard to the entire LEA, not its administrative units.

Section 803(c) is a technical amendment to section 8003(c) of the ESEA, which generally requires the use of data from the third preceding fiscal year in making determinations under section 8003. To comply with those provisions for Indian children under Title I, an LEA would have to be exercising an Indian Education Program grant under Part A of Title I, or a grant under Part C of Title I (which provides a substantial portion of those costs through some other program, it would provide additional funds to LEAs that qualify for the costs of a child’s basic education rests with an LEA and that, if the Federal Government is already paying a substantial portion of those costs through some other program, it would provide additional funds to LEAs that qualify for the costs of a child through the Impact Aid program.

Section 803(i) of the bill would delete the requirement, in section 803(i) of the ESEA, that LEAs maintain their fiscal efforts for education from year to year when receiving a payment under either section 8002 or section 8003. While appropriate in other Federal education programs that are intended to provide educational services, or to benefit children with particular needs, a maintenance-of-effort requirement is not appropriate for the Impact Aid program, which is intended to provide educational services to children on Indian lands. This provision would permit LEAs to meet the local costs of providing a free public education to federally connected children.
Section 804(3) would streamline the language in section 8004(b), relating to LEA retention of records to demonstrate its compliance with section 8004(a), without changing the substance of that provision.

Section 804(4) would delete subsection (c) of section 8004, which automatically waives the statement of preconditions for Federal assistance for payments, payments, and that LEAs should comply with them and keep records to document their compliance. Repealing this waiver provision would also be consistent with the prohibition on waiving any statutory or regulatory requirements relating to parental participation and involvement that applies to the Secretary’s general authorities to the waiver categories of LEAs covered by section 8014 of the ESEA, not just plans under Title I.

Section 805, applications for payments under sections 8002 and 8003 (ESEA, § 8005). Section 805 of the bill would amend section 8005 of the ESEA, relating to applications for payments under sections (c)(2) and (3), conforming a reference to the amended section 8004 in subsection (b)(2); (2) deleting a reference in subsection (d)(2) to section 8003 of the ESEA; and for facilities maintenance under section 8006 of the ESEA, not just plans under Title I. This limitation on eligibility would target limited construction funds on those needs and severely limited ability to meet those needs.

Section 807, construction (ESEA, § 8007). Section 807 of the bill would amend, in its entirety, section 8007 of the ESEA, which authorizes LEAs to receive payments under section 8003 and in which children residing in Indian lands make up at least half of the average daily attendance in the LEA of the eligible categories). This limitation on eligibility would target limited construction funds on LEAs with substantial school-construction needs and severely limited ability to meet those needs.

Subsection (b) of section 8007 would require an interested LEA to submit an application to the Secretary, including an assessment of its school-construction needs. Subsection (c) would provide that available funds would be allocated to qualifying LEAs in proportion to their respective numbers of children residing on Indian lands. Subsection (d) would set the maximum Federal share of an assisted project at 50 percent, and give an LEA three years after its proposal is approved to demonstrate that it can provide its share of the project.

Subsection (e) would clarify that an LEA could use a grant under this section for the minimum 2001-2002 requirements of the operation of the new or renovated school, as well as for construction.

Section 808, facilities (ESEA, § 8008). Section 808 would make technical and conforming amendments to section 8008 of the ESEA, relating to certain school buildings that are owned by the Department of Education, but used by LEAs to serve dependent students. It would codify the Department’s interpretation that grants for construction of school facilities may be awarded to LEAs to serve eligible children, and that LEAs may use the funds for authorized purposes.

Section 809, State consideration of payments in providing State aid (ESEA, § 8009). Section 809 of the bill would amend section 8009 of the ESEA, which generally prohibits a State from providing State aid to an LEA for a project until the State assures the Secretary that the LEA has a written plan that meets criteria. This limitation on eligibility would target limited construction funds on those needs and severely limited ability to meet those needs.

Section 810, Federal administration (ESEA, § 810). Section 810 of the bill would require LEAs to submit periodic reports to the Secretary for the purpose of ensuring that LEAs are meeting requirements.

Section 811, Forgiveness of overpayments (ESEA, § 811). Section 811 of the bill makes a technical amendment to section 811(a) to streamline that provision.

Section 812, Forgiveness of overpayments (ESEA, § 812). Section 812 of the bill makes a technical amendment to section 812 to streamline that provision.

Section 813, definitions (ESEA, § 813). Section 813 of the bill would remove the Secretary’s definition of “current expenditures” in section 813(4) of the ESEA to conform to the proposed repeal of current Title VI and to a corresponding amendment to the definition of the term in current section 1411(1).

Section 813(2) would amend the definition of “Federal property” (an important basis of eligibility for Impact Aid payments) in section 813(5) to delete references to certain property that would not normally be regarded as Federal property: these references were enacted for the special benefit of a small number of LEAs. This property does not merit payment under the Impact Aid program.

Section 813(3) through (7) would make technical and conforming amendments to other definitions in section 813, and delete the definition of “housing” and “revenue derived from local sources”, which are respectively, no longer needed and an unwarranted special-interest provision.

Section 814, authorization of appropriations (ESEA, § 814). Section 814 of the bill would amend section 814 of the ESEA to authorize the appropriation of funds to carry out various Impact Aid authorities through fiscal year 2002. Section 814 would provide that funds appropriated for school construction under section 8007 of the ESEA would not be available for an LEA under section 8008 of the ESEA, not just plans under Title I.

Section 804(2) would modify section 904(1) of the bill to require that the local assessment of the educational needs of its Indian students be comprehensive. This would help ensure that these assessments provide useful guidance to LEAs and parent committees in planning and carrying out curriculum and instruction programs.

Section 904(3)(A) would amend ambiguous language in section 904(1)(B)(8) of the ESEA to clarify that a majority of each participating LEA’s parent committee must be parents of Indian children.

Section 904(3)(B) would modify the standard for an LEA’s use of Impact Aid program to support a schoolwide program under Title I of the ESEA, as is permitted by section 904 of the bill. Under the proposed amendment, the parent committee would have to determine that using program funds in that manner would enhance, rather than simply diminish, the availability of such programs and related activities for American Indian and Alaska Native students.

Section 905, findings and purpose (ESEA, § 905). Section 905 of the bill would modify Section 905 of the ESEA, which authorizes a program of grants to LEAs to support certain demonstration programs and related activities, to increase educational achievement of American Indian and Alaska Native students.

Section 906, grants to local educational agencies (ESEA, § 910). Section 906 of the bill would amend section 910 of the ESEA, which authorizes formula grants to certain LEAs educating Indian children. Current section 910 would provide that when an eligible LEA is not established by a parent committee required by the statute, an Indian tribe that represents at least half of the LEA’s Indian students may apply for the LEA’s grant and is to be treated by the Secretary as if it were an LEA. The amendment would codify the Department’s interpretation that it is not subject to the statutory requirements relating to the parent committee, maintenance of effort, or submission of its grant application to the Secretary for educational review.

Section 907, amount of grants (ESEA, § 911). Section 907 of the bill would amend section 911 of the ESEA, which would codify the Department’s interpretation that the grants that LEAs receive for education of Indian children under the ESEA, which allows consortia of eligible LEAs to apply for grants, would be limited to 80 percent of the actual costs of providing those children. The proposed amendment would codify the Department’s interpretation that it is not subject to the statutory requirements relating to the parent committee, maintenance of effort, or submission of its grant applications to the Secretary for educational review. These requirements would be inappropriate to apply to an Indian tribe, as they are, under section 913(d), for schools operated or supported by the Bureau of Indian Affairs.

Section 908, facilities (ESEA, § 912). Section 908 of the bill would amend section 912 of the ESEA, which makes a technical amendment to section 912(b) of the ESEA, which allows consortia of eligible LEAs to apply for grants.
Section 905, authorized services and activities [ESEA, § 9115]. Section 905(1) of the bill would make a conforming amendment to section 912(b)(5) of the ESEA to reflect the renaming of the Perkins Act as P.L. 105-109. Section 905(1) would add four activities to the examples of authorized activities under section 912(b)(5) of the ESEA: (1) training of Indian individuals in professional Indian and Alaskan Native students in the areas of curriculum development, creating and implementing standards, improving student achievement, and gifted and talented education.

Section 906, student eligibility forms [ESEA, § 9116]. Section 906 would make a conforming amendment to section 916(f) of the ESEA.

Section 906(2) would amend section 916(1) to permit tribal schools operating under grants or contracts from the BIA to use either their child counts that are certified by the BIA for purposes of receiving funds from the Bureau or to use a count of children for whom the school has eligibility forms (commonly referred to as “506 forms”) that meet the requirements of section 9116. This would provide flexibility to tribal schools to avoid the burden of two separate child counts.

Section 906(3) of the bill would add a new subsection (h) to section 916 of the ESEA to allow each LEA to count, for a particular date or period (up to 31 days) to count the number of children it will claim for purposes of receiving funds.

Section 907, payments [ESEA, § 9117]. Section 907 of the bill would delete obsolete language from section 917 of the ESEA, relating to payment of grants to LEAs.

Section 908, State educational agency review [ESEA, § 9118]. Section 908 of the bill would rewrite section 9118 of the ESEA, relating to the responsibilities for the review of those applications by SEAs, in its entirety. As revised, section 9118 would not contain current subsection (a), which requires LEAs to submit applications to the Secretary, since that duplicates the requirement in section 9114(a) of the ESEA, where it logically belongs. The revised section would also improve the clarity of the requirement that an LEA submit its application to the SEA for its possible review.

Section 909, improvement of educational opportunities for Indian children [ESEA, § 9121]. Section 909 of the bill would amend section 9121(d)(2), relating to project applications, to: (1) clarify that certain application requirements do not apply in the case of applicants for dissemination grants under subsection (d)(1)(D); and (2) require applications for planning, pilot, and demonstration purposes to include information demonstrating that the program is either a research-based program or that it is a research-based program that has been modified to be culturally appropriate for the students who will be served, as well as a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over.

Section 910, professional development [ESEA, § 9122]. Section 910 of the bill would amend section 9122 of the ESEA, which authorizes training and related services to individuals in LEAs to address the needs of American Indian and Alaskan Native students in the age LEAs to address the needs of American Indian and Alaskan Native students in the age

Section 911, repeal of authorities [ESEA, §§ 9123, 9124, 9125, and 9131]. Section 911 of the bill would repeal various sections of Part A of Title IX of the ESEA that have not been recently funded and for which the Administration is not requesting funds for fiscal year 2000. The goals of these provisions (fellowships for Indian and Alaska Native children and adult educators; the development and operation of community-based learning centers; the operation of family-based education centers; the provision of in-service training to teachers in LEAs with substantial numbers of Native children in their classrooms. An eligible consortium would consist of a tribal college and an institution of higher education that provides or agrees to provide either a postsecondary education program or development and adult education) are more effectively addressed through other programs. Because Subpart 3 of Part A would be repealed, section 911 would also redesignate the remaining subparts.

Section 912, Federal administration [ESEA, §§ 9125 and 9135]. Section 912 of the bill would make technical amendments to sections 9125 and 9135 of the ESEA, to reflect the proposed repeal of Subpart 3 and the redesignation of the remaining subparts.

Section 913, authorization of appropriations [ESEA, § 9136]. Section 913 of the bill would amend section 9136 of the ESEA to authorize appropriations for Title IX of the ESEA through fiscal year 2005.

Part B—Native Hawaiian Education Act

Sec. 921, Native Hawaiian Education Act. Section 921 of the bill would amend Title IX of the ESEA in order to replace a series of categorical programs serving Native Hawaiian children and adults with a single, more flexible authorization to accomplish those purposes. In addition to technical and conforming changes, section 902 of the bill would repeal sections 9304 through 9306 of the ESEA. In place of the repealed sections, section 902 of the bill would insert a new section 9304 of the ESEA that would permit all of the types of activities currently carried out under the program to continue. However, it would give the Department more flexibility in operating the program in a manner that meets the educational needs of Native Hawaiian children and adults.

Proposed new section 9304 ("Program Authorized") of the ESEA would authorize the new Alaska Native Education program. Proposed new section 9304(a) would authorize the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native education programs or programs of instruction conducted in Alaska Native languages, and to enter into contracts with consortiums of such educational entities to carry out programs that meet the purposes of this part.

The activities that would be carried out under this section include: (1) the development and implementation of plans, methods, and strategies to improve the educational programs and activities; (2) educational programs and activities to address the educational needs of Alaska Native students; (3) professional development activities for Alaska Native educators; (4) the development of training materials and home instruction programs for Alaska Native preschool children; (5) the development and operation of student enrichment programs; (6) research and data-collection activities to determine the educational status and needs of...
Alaska Native children and adults; and (7) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

Proposed new section 1004(a) of the ESEA, which authorizes funds to support nationally significant programs and projects to improve the quality of elementary and secondary education and to assist students to meet challenging State content standards and challenging State performance standards, and to contribute to the achievement of America’s Education Goals.

Section 1001(3)(A) of the bill would amend section 10101(a) of the ESEA to emphasize that the Fund for the Improvement of Education (FIE) is a program focused on improving elementary and secondary education.

Section 1001(3)(B) of the ESEA would strengthen the provisions of the heading and designation of Subpart 1 of Title X of the ESEA; (2) authorize the appropriation of such sums as may be necessary to carry out this program through fiscal year 2005; and (3) add the Republic of Ireland to the list of authorized activities and culture to promote students’ academic progress, to the list of authorized activities under section 10102 of the ESEA.

Section 1002(1) would make a technical change to the program’s short title. Section 1002(4) of the bill would amend section 10103(d) of the ESEA by adding a new authorized activity, model arts and cultural programs in the arts for at-risk children and youth, particularly programs that use arts and culture as an integral part of the elementary and secondary school curriculum.

Section 1002(5) of the bill would strike out the existing and designating Subpart 1 of Part D of Title X of the ESEA. Section 1002(6) of the bill would amend section 10106(b) of the ESEA to authorize the appropriation of such sums as may be necessary to carry out this program through fiscal year 2005.

Section 1002(7) of the bill would repeal Subpart 2 of Part D of Title X of the ESEA. This subpart has never been funded, and the addition of the authorized activity in section 10401(d) of the ESEA, noted above, would provide a more flexible authorization for projects serving at-risk children and youth.

Section 1003, Inexpensive Book Distribution Program. Section 1005 of the bill would reauthorize without change Part E of Title X of the ESEA through fiscal year 2005. This program has never been funded, under which inexpensive books are distributed to students to motivate them to read.

Section 1006, Civic Education. Section 1006 of the bill would reauthorize and streamline Part F of Title X of the ESEA, which authorizes a program to educate students about the civic reform, by strengthening arts education in urban, suburban, and rural areas.

Section 1007 of the bill would amend section 10204(c) of the ESEA to require the National Center for Research and Development in the Education of Gifted and Talented Children to submit a report on the results of its activities to schools with high percentages of economically disadvantaged students. This modification would help to ensure that the activities targeted on low-income schools and school districts.

Section 1008 of the bill would amend section 10204(d) of the ESEA by adding a new authorized activity, model arts and cultural programs in the arts for at-risk children and youth, particularly programs that use arts and culture as an integral part of the elementary and secondary school curriculum.
Section 1007. Allen J. Ellender Program. Section 1007 of the bill would repeal Part G of Title X of the ESEA.

Section 1008. 21st Century Community Learning Centers. Section 1008 of the bill would: (1) authorize and improve Part I of Title X of the ESEA, which authorizes grants to rural and inner-city public schools to plan, implement, and evaluate programs that provide educational, health, social service, cultural, and recreational needs of a rural or inner-city community. It would also require that the Secretary give priority, in all applications submitted to carry out this part for any fiscal year, on behalf of one or more schools, or CBOs that serve communities with a substantial need for expanded learning opportunities; (2) extend the duration of grants awarded under this part from 3-years to 5-years.

Section 1009. Urban and Rural Education Assistance. Section 1009 of the bill would add a special rule to require a proportion of low-achieving students; lack of resources to establish or expand community learning centers; or other needs consistent with the purposes of this part.

Section 1010. High School Reform. Section 1010 of the bill would add a new Part H, High School Reform, to Title X of the ESEA.

Proposed new section 10801 ("Purposes") of the ESEA would state the congressional findings that support this new program. Subsection (b) would provide that the purposes of Part H are to: (1) support the planning and implementation of educational reforms in high schools; (2) support further development of educational reforms, designed specifically for high schools, that help students meet challenging State standards, and that increase connections between students and adults and provide safe learning environments; (3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvement in student achievement; (4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on best practices in elementary and secondary school language assistance programs; or (2) require the public elementary and secondary schools of the State to provide foreign language instruction.

Proposed new section 10901 of the ESEA ("Findings; Purpose") would set forth the findings and purpose of the part.

Proposed new section 10902 of the ESEA ("Elementary School Foreign Language Assistance Program") would authorize the Elementary School Foreign Language Assistance Program at the elementary school level by supporting State efforts to encourage and support such programs, local implementation of innovative programs that meet local needs, and identification and dissemination of information on best practices in elementary school foreign language programs.

Proposed new section 10904 of the ESEA ("Selection of LEAs") would require the Secretary to make competitive grants to LEAs to carry out the program. Subsection (b) would establish a maximum grant period of three years for each grant. Subsection (c) would provide that the Secretary could also make grants for one or more of the schools of the State to provide foreign language instruction. Under proposed new section 10902(a), an LEA could receive a grant under the section if: (1) it has established, or is establishing, State standards for foreign language instruction; or (2) it provides the public elementary and secondary schools of the State that carry out the program.

Proposed new section 10903 ("Application") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included.

Proposed new section 10904 ("Selection of Grant Applications"). The Secretary would establish the procedures and criteria the Secretary would use in selecting grantees.

Proposed new section 10905 ("Principles and Guidelines for Development of Requirements") of the ESEA would describe the outcomes that participating high schools are expected to achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to attain those outcomes.

Proposed new section 10906 ("Private Schools") of the ESEA would allow, for the equitable participation of personnel from private schools in any State or local educational development carried out with Part H funds. A grantee that uses Part H funds to develop curricular materials would also be required to ensure that the information and curricular materials available to private schools at their request.

Proposed new section 10907 ("Additional Activities") of the ESEA would direct the Secretary to reserve funds for the purposes of meeting the current requirement in section 10903(b) that states that LEAs report on the results of their programs to the Secretary. The bill would also add a new requirement that LEAs inform the Secretary of actions that will ensure that the information and materials available to private schools at their request.

Finally, proposed new section 10909 ("Authorization of Appropriations") of the ESEA would authorize the appropriation of such sums as may be necessary for fiscal years 2001 through 2005 to carry out the program.

Section 1011. Elementary School Foreign Language Assistance Program. Section 1011 of the bill would revise and move the "Foreign Language Assistance Program" from Title II of the ESEA to Title X of the ESEA, as new Part I. Proposed new Part I would seek to expand, improve the quality, and enhance the programs at the elementary school level by supporting State efforts to encourage and support such programs, local implementation of innovative programs that meet local needs, and identification and dissemination of information on best practices in elementary school foreign language programs.

Proposed new section 10901 of the ESEA ("Findings; Purpose") would set forth the findings and purpose of the part.

Proposed new section 10902 of the ESEA ("Elementary School Foreign Language Assistance Program") would authorize the Elementary School Foreign Language Assistance Program at the elementary school level by supporting State efforts to encourage and support such programs, local implementation of innovative programs that meet local needs, and identification and dissemination of information on best practices in elementary school foreign language programs.

Proposed new section 10904 of the ESEA ("Selection of LEAs") would require the Secretary to make competitive grants to LEAs to carry out the program. Subsection (b) would establish a maximum grant period of three years for each grant. Subsection (c) would provide that the Secretary could also make grants for one or more of the schools of the State to provide foreign language instruction.

Proposed new section 10902(a), an LEA could receive a grant under the section if: (1) it has established, or is establishing, State standards for foreign language instruction; or (2) it provides the public elementary and secondary schools of the State that carry out the program.

Proposed new section 10903 ("Application") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included.

Proposed new section 10904 ("Selection of Grant Applications"). The Secretary would establish the procedures and criteria the Secretary would use in selecting grantees.

Proposed new section 10905 ("Principles and Guidelines for Development of Requirements") of the ESEA would describe the outcomes that participating high schools are expected to achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to attain those outcomes.

Under proposed new section 10902(a), an LEA could receive a grant under the section if the program in its application: (1) describes the approach that is being carried out by more than one grant; (2) would demonstrate approaches that can be disseminated to, and duplicated by, other LEAs; (3) would include performance measures that meet local needs, and ensure that the information and materials that are available to private schools at their request.

Proposed new section 10903 ("Application") of the ESEA would require an LEA that desires a grant to submit an application and describe the information that must be included.

Proposed new section 10904 ("Selection of Grant Applications"). The Secretary would establish the procedures and criteria the Secretary would use in selecting grantees.

Proposed new section 10905 ("Principles and Guidelines for Development of Requirements") of the ESEA would describe the outcomes that participating high schools are expected to achieve, and would identify the components of the educational reforms that would have to be carried out in those schools in order to attain those outcomes.

Under proposed new section 10902(a), an LEA could receive a grant under the section if the program in its application: (1) describes the approach that is being carried out by more than one grant; (2) would demonstrate approaches that can be disseminated to, and duplicated by, other LEAs; (3) would include performance measures that meet local needs, and ensure that the information and materials that are available to private schools at their request.
to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions. Such programs would be designed to meet the certification requirements for elementary school foreign language teachers, including requirements for alternative routes to certification; (4) providing technical assistance to LEAs in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition for students between, elementary, middle, and secondary school instruction, so long as that instruction is part of an articulated elementary-school instruction, and to provide students with a smooth transition from elementary to secondary school; (5) implementation of instructional approaches that make use of advanced technological resources, including multimedia software, digital television, and video presentations (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality); (6) providing flexibility for advanced foreign language programs in the State and the activities carried out under the grant.

Proposed new section 10902(b)(3) would require that grants to LEAs under this section be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include: (1) curriculum development and implementation; (2) professional development for teachers and other staff; (3) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section; and (4) developing new elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary school; (5) implementation of instructional approaches that make use of advanced technological resources, and to provide students with a smooth transition from elementary to secondary school; (6) providing technical assistance to LEAs that include immersion programs in which instruction is in the foreign language for a major portion of the day or that part of the day in which immersion instruction is provided for foreign language students, beginning in elementary schools.

Proposed new section 10902(e) would require an SEA or LEA that receives a grant under this section to submit to the Secretary an annual report that provides information on the results of reaching the goals of the grant. An LEA that receives a grant under this section would be required to include in its report information on students’ proficiency in reading, writing, comprehending, speaking, and writing a foreign language, and compare such educational outcomes to the State's foreign language standards, if such State standards exist.

Proposed new section 10902(f) would require that the Federal share of a program under this section for each fiscal year be not more than 50 percent. The Secretary would authorize to waive the requirement of cost sharing for any LEA that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

Proposed new section 10902(g)(1) would authorize appropriations of such sums as may be necessary for fiscal year 2003 and for each of the four succeeding fiscal years for the purpose of carrying out this section. Proposed new section 10902(g)(2) would, for any fiscal year, authorize the Secretary to reserve up to five percent of the amount appropriated to: (1) conduct independent evaluations of programs under this section; (2) provide technical assistance to recipients of awards under this section; and (3) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.

Section 1012. National Writing Project. Section 1012 of the bill would authorize the Secretary to conduct an independent evaluation of the National Writing Project for the improvement of the quality of writing instruction, and to the teaching of writing as a learning process.

Section 1012 of the bill would: (1) amend section 10991 of the ESEA to update the findings; (2) amend section 10902 of the ESEA to authorize the Secretary to conduct an independent evaluation of the National Writing Project program; (3) authorize the appropriation of such sums as may be necessary to carry out his program through fiscal year 2005; and (4) make conforming changes.

Title XI—General Provisions, Definitions, and Accountability

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to that Act.

Section 1101. Definitions. Section 1101 of the bill would amend definitions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term "covered program"; (2) add a new definition for the term "Family literacy service"; (3) add a number of cross-reference changes from provisions and parts in Title XIV of the ESEA to provisions and parts in Title XI of the ESEA to reflect changes made by the Secretary by section 1109 of the bill. As amended, covered programs would be: Part A of Title I; Part C of Title I; Part A of Title II; Subpart 1 of Part A of Title III; Title IV of the ESEA (other than section 4115), the Comprehensive School Reform Demonstration Program, and Title VI of the ESEA. The term "family literacy service" would be defined as services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in the participants' families for improving literacy activities between parents and their children, training for parents on how to be the primary teachers for their children and provide instruction for their children's homework, parent literacy training leading to self-sufficiency, and an age-appropriate education to prepare children for success in school and life experiences.

Section 1102. Administrative Funds. Section 1102 of the bill would amend various provisions relating to Part B of Title XIV of the ESEA to: (1) revise the list of programs that are subject to the authority to consolidate State administrative funds; (2) expand the list of activities that may be consolidated into administrative funds; (3) clarify that local consolidated administrative funds may be used at the school district and school level; and (4) clarify the circumstances under which the Secretary may transfer a portion of its funds under one covered program to another covered program.

Proposed new section 10902(b)(5) of the bill would revise the list of programs in section 14201(a)(2) of the ESEA whose administrative funds may be consolidated to include programs under Title I, Part A of Title II, Subpart 1 of Part D of Title III, and Part A of Title IV (other than section 4115) of the ESEA, the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Class Size Reduction), the Carl D. Perkins Vocational and Technical Education Act of 1998, and such other programs as the Secretary may designate by regulation.

Paragraph (1)(B) of section 1102 of the bill would amend section 14201(b)(2) of the ESEA to revise the list of additional uses for the consolidated administrative funds to include: (1) State level activities designed to carry out Title X (the redesignated general provisions title) including Part B (accountability); (2) coordination of programs with other Federal and non-Federal programs; (3) the establishment and operation of peer-review mechanisms under the bill; (4) collaborative activities with other State educational agencies to improve administration under the Act; (5) the dissemination of information regarding model programs; (6) the delivery of professional development for teachers; (7) training personnel engaged in audit and other monitoring activities; and (8) implementation of the Cooperative Audit Resolution and Oversight Initiative. (Items (1), (4), (7), and (8) provide new authority.)

Paragraph (3) of section 1102 of the bill would eliminate an outdated cross-reference to the Goals 2000: Educate America Act.

In addition to making conforming changes, section 1102(b) of the bill would make clarifying change to section 14003 of the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use locally consolidated administrative funds within a school district and school levels for uses comparable to those described above for consolidated State administrative funds.

Paragraph (4) of section 1102 of the bill would make a conforming amendment.

Paragraph (5) of section 1102 of the bill would make conforming amendments, and clarify amendments made by the Secretary by section 14206a of the ESEA to authorize an LEA that determines that program to another covered program. As amended, covered programs would be: Part A of Title I; Part C of Title I; Part A of Title II; Subpart 1 of Part A of Title III; Title IV of the ESEA (other than section 4115), the Comprehensive School Reform Demonstration Program, and Title VI of the ESEA. The term "family literacy service" would be defined as services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in the participants' families for improving literacy activities between parents and their children, training for parents on how to be the primary teachers for their children and provide instruction for their children's homework, parent literacy training leading to self-sufficiency, and an age-appropriate education to prepare children for success in school and life experiences.

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Section 1103. Coordination of Programs. Section 1103 of the bill would amend provisions of Part C of Title XIV of the ESEA relating to the State planning process to: (1) require States to develop and implement local plans and add a new section on consolidated State reporting.
Section 1103(1) of the bill would make an editorial change to the heading for the Part.
Section 1103(2) of the bill would substantially revise section 14302 of the ESEA (Optional Consolidated State Plans), which authorizes an SEA to submit a consolidated State plan instead of separate State plans for the programs covered by that section.

Proposed new section 14302(a)(1) of the ESEA would direct the Secretary to establish a requirement for any SEA to submit a consolidated State plan for all or any of the programs in which the SEA participates. This provision is designed to strengthen the provisions developed by the SEA to establish for each program the descriptions and standards needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and development strategies.

Proposed new section 14302(c) of the ESEA would provide for the delivery of a consolidated State plan by an SEA that would be required to submit a separate State plan for the programs included in the consolidated State plan. Proposed new section 14302(a)(3) of the ESEA would provide that the SEA must comply with all legal requirements applicable to the programs included in the consolidated State plan as if it had submitted separate State plans.

Proposed new section 14302(a)(4) would specify that an SEA desiring to receive funds under a program subject to section 14302 of the ESEA for fiscal year 2001 and the succeeding four fiscal years must submit a new consolidated State plan meeting the requirements of that section.

Proposed new section 14302(b) of the ESEA would require an SEA to submit a consolidated State plan. Proposed new section 14302(b)(1) would direct the Secretary to collaborate with SEAs and other entities that may assist in the development of the consolidated State plan. Proposed new section 14302(b)(2) of the ESEA would provide that the SEA must ensure proper and effective administration of that program in accordance with its purpose. This provision is designed to strengthen the provisions governing the establishment of effective administration of each program included.

Proposed new section 14302(b)(2) of the ESEA would require an SEA to describe in its plan how funds under the included programs will be integrated to best serve the needs of the students and teachers intended to benefit and how such funds will be coordinated with other covered programs not included in the plan and related programs.

Proposed new section 14302(c)(1) of the ESEA would require an SEA to include in its consolidated State plan any information required by the Secretary under proposed new section 14302(b) of the ESEA, including any indicators, benchmarks and targets and any other indicators or measures that the State determines are appropriate for evaluating its performance.

Proposed new section 14302(d) would require an SEA to include in its consolidated State plan any information that may be included in a consolidated plan. Proposed new section 14302(e) of the ESEA would establish procedures for peer review and Secretarial approval. The Secretary would establish procedures and criteria under which a consolidated State plan may be reviewed to assist in the review of consolidated State plans and provide recommendations for revision. To the extent practicable, the Secretary shall require that an SEA that desires a waiver submit an application to the Secretary containing such information as the Secretary may reasonably require. Each such application would be required to: (1) describe, for each school year, specific, measurable goals for the SEA, LEA, or Indian tribe that desires a waiver; (2) describe, for each school year, specific, measurable goals for the SEA, LEA, or Indian tribe that desires a waiver; (3) describe the results of audits and other monitoring activities to identify trends in funding and development strategies; and (4) explain why the waiver would assist in reaching these goals.

Section 1103(3) of the bill would require an SEA to include in its consolidated State plan a description of the strategies it will use to ensure that the State plan meets the requirements of the ESEA and, in so doing, will: (1) maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and other appropriate activities when needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and develop strategies to address them.

Section 1103(4) of the bill would require the SEA to submit to the State a consolidated performance report containing such information as the Secretary determines. Subsection (b) of section 1103 of the bill would require the Secretary to designate the descriptions and standards that must be included in a consolidated plan, proposed new section 14303(d) of the ESEA would authorize the Secretary to designate the descriptions and information that must be included in a consolidated plan, and each program is administered in a proper and effective manner in accordance with its purpose.

Section 1103(6) of the bill would make conforming amendments to section 14306 of the ESEA (General Assurances), and section 1104(1) of the bill would amend section 14307 of the ESEA (Relationship of State and Local Plans to Plans under the Goals 2000: Educate America Act). Proposed new section 14401(1) of the bill would amend Part C of Title XIV of the ESEA by adding a new section 14401(b) ("Consolidated Reporting") authorizing the Secretary to establish procedures and criteria under which an SEA must submit a consolidated State annual performance report. Proposed new section 14307 of the ESEA would require that the report include information about programs included in the report, including the State's performance under those programs, and matters as the Secretary determines. Proposed new section 14302(b) of the ESEA would take the place of individual performance reports for the programs subject to its provisions.

Section 1104(a) of the bill would amend section 14401(a) of the ESEA to add the Carl D. Perkins Vocational and Technical Education Act of 1998 and Title II of the Senate Appropriations Committee report that accompanies the bill. Proposed new section 14307 of the ESEA would require that the report be submitted to the Congress and the Secretary of Education, and that an SEA, LEA, or Indian tribe that desires a waiver submit an application to the Secretary, and the Secretary will: (1) maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and other appropriate activities when needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and development strategies.
Section 1105(2) of the bill would also amend section 14503(c)(1) of the ESEA, with respect to the issues to be covered by consultation between designated public educational agencies and local educational agencies serving school districts. Section 1105(2) of the bill would add two issues to be covered by such consultation: (1) to the extent applicable, the amount of funds received under Part B, to an extent that such funds are attributable to private school children; and (2) how and when the agency will make decisions about whether to consult with these entities. These provisions, in modified form, would be included in proposed new title IV of the ESEA, the “Gun-Free Schools Act.”

Section 1105(2) of the bill would also amend section 14503(c)(2) of the ESEA to clarify the timing of such consultation. Under proposed new subsection (c)(2) of the ESEA, consultation would be required to include meetings of agency and private school officials, to occur before the LEA makes any decision that could affect the opportunity of eligible private school children or their teachers to participate in programs under the ESEA, and to continue throughout the implementation and assessment of activities under section 14503 of the ESEA.

Paragraphs (3) and (4) of section 1105 of the bill would amend sections 14504 and 14506 of the ESEA to conform amendments to cross-references. Paragraph (5) of section 1105 of the bill would repeal sections 14513 and 14515 of the ESEA.

Section 1106. Gun Possession. Section 1106 of the bill would repeal Part F of Title XIV of the ESEA, the “Gun-Free Schools Act.” These provisions, in modified form, would be included in proposed new title IV of the ESEA.

Section 1107. Evaluation and Indicators. Section 1107 of the bill would amend Part G of Title XIV of the ESEA (Evaluation) and add a new section 14702 of the ESEA (“Performance Measures”), authorizing the Secretary to establish performance indicators for each program under the ESEA and Title VII-B of the Stewart B. McKinney Homeless Assistance Act.

Paragraphs (1) and (2) of section 1108 of the bill would amend section 14503(a)(1) of the ESEA, relating to project development and implementation. Proposed new section 1108(b)(1) of the bill would revise section 11903 of the ESEA, as redesignated (current section 11004 of the ESEA, relating to project development and implementation. Proposed new section 11903(a) of the bill would require each eligible entity desiring to use funds under section 14503 of the ESEA (for coordinated services) to submit an application to the appropriate SEA. Proposed new section 11903(b) of the bill would require the Secretary to establish performance indicators for each coordinated services project to maintain on file: (1) the results of its assessment of economic, social, and health barriers to education; (2) the number of children and families in the community and of the services available to meet those needs; (2) a description of the activities operating in the community and of the services available to meet those needs; (3) a description of its coordinated services project and other information related to the project; and (4) an annual budget that indicates the sources and amounts of funds under the Act that will be used for the project, consistent with section 14505(b) of the ESEA and the purposes for which the funds will be used.

Proposal new section 11903(b) of the ESEA would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 12001 of the bill would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Section 1109. Redesignations. Section 1109 of the bill would redesignate Title XIV of the ESEA as Title XI of the ESEA and would make conforming amendments to its parts and titles.

Sec. 1110. (ED-Flex Partnerships). Section 1110 of the bill would make minor revisions to the Education Flexibility Partnership Act of 1999 (P.L. 106-256) and redesignate it as Part G of Title XI of the revised ESEA.

Paragraph (3) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to conform to its incorporation into the ESEA of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Proposed new section 14702(b) of the bill would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets for each program under the Act and Subtitle B of Title VII-B of the McKinney Homeless Assistance Act to measure program performance. It would further require that the indicators, benchmarks, and targets be consistent with the education accountability plan under the Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Proposed new section 14702(c) of the bill would authorize the Secretary to require an applicant for funds under the ESEA or the McKinney Homeless Assistance Act to include in its application information relating to how it will use the indicators, benchmarks and targets to improve its program performance and (2) report data related to these indicators, benchmarks and targets to the Secretary.

Section 1110(b). Coordinated Services. Section 1110(b) of the bill would transfer Title XI of the ESEA, relating to coordinated services, to Part I of Title XI and would make conforming amendments to its title. Section 1110(b)(1) of the bill would revise section 11903 of the ESEA, as redesignated (current section 11004 of the ESEA, relating to project development and implementation. Proposed new section 11903(a) of the bill would require each eligible entity desiring to use funds under section 14503 of the ESEA (for coordinated services) to submit an application to the appropriate SEA. Proposed new section 11903(b) of the bill would require the Secretary to establish performance indicators for each coordinated services project to maintain on file: (1) the results of its assessment of economic, social, and health barriers to education; (2) the number of children and families in the community and of the services available to meet those needs; (2) a description of the activities operating in the community and of the services available to meet those needs; (3) a description of its coordinated services project and other information related to the project; and (4) an annual budget that indicates the sources and amounts of funds under the Act that will be used for the project, consistent with section 14505(b) of the ESEA and the purposes for which the funds will be used.

Proposed new section 11903(b) of the ESEA would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 12001 of the bill would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Proposal new section 11903(b) of the bill would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 12001 of the bill would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Section 1108(b)(2) of the bill would make conforming amendments to section 11904 of the ESEA. Proposed new section 11905(b)(3) of the bill would amend section 11905 of the ESEA, as redesignated (current section 11004 of the ESEA), to make clear that the authority under that section is placed in the SEA, rather than the Secretary, and to make other conforming changes.

Section 1109. Redesignations. Section 1109 of the bill would redesignate Title XIV of the ESEA as Title XI of the ESEA and would make conforming amendments to its parts and titles.

Sec. 1110. (ED-Flex Partnerships). Section 1110 of the bill would make minor revisions to the Education Flexibility Partnership Act of 1999 (P.L. 106-256) and redesignate it as Part G of Title XI of the revised ESEA.

Paragraph (3) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to conform to its incorporation into the ESEA of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. Proposed new section 11205(b) of the bill would also revise the conditions under which the Secretary may grant an extension of ED-Flex authority, beyond five years, to provide that the grant of such an extension only if he or she determines that the State has made significant statewide gains in student achievement and is closing the achievement gap between low- and high-performing students.

In addition, paragraph (5) of section 1110(a) of the bill would revise the list of Federal education programs that are subject to ED-Flex authority to reflect the amendments that would be made to the ESEA by the bill and to include Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act.

Proposed new section 14702(b) of the ESEA would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets for each program under the ESEA and Title VII-B of the Stewart B. McKinney Homeless Assistance Act.
purpose for the new part. Under proposed new section 11202, the purpose of the part would be to improve academic achievement for all children, assist in meeting America's Educational Goals under Section 2 of the Education Goals Act of 1983, and promote the incorporation of challenging State academic content and student performance standards into classroom practice, and the availability of State, local officials for student progress, and improve the effectiveness of programs under the ESEA and the educational opportunities of the children in those areas; for the development, by schools, master such material; for the identification, appropriate instructional strategies, to enhance, and setting and learning time, such as after-school and summer programs that are designed to meet the State's challenging academic content and student performance standards and provide coherent information about student progress towards attainment of such standards; include multiple measures, including teacher evaluations, no one of which may be assigned determinative weight; and make certain that assessments about individual students; offer multiple opportunities for students to demonstrate that they meet the standards; are valid and reliable for the purposes for which they are used; and provide that Spanish-speaking students with limited or no knowledge of English, and students with disabilities and students with limited English proficiency, provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language that is most likely to yield accurate and reliable information about what those students know and can do; and provide that Spanish-speaking students with limited English are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

Proposed new section 11204(b) would require the State to implement a continuing, intensive and comprehensive educational interventions as may be necessary to ensure that all students can meet the challenging academic performance standards required under section 1111(b)(2) of the ESEA, and that all students to meet those challenging academic performance standards before being promoted at three key transition points (one of which must be graduation from secondary school), as determined by the State, consistent with section 1111(b)(2) of the ESEA. A State would be required to describe the rigorous and comprehensive Educational Goals under Section 2 of the Education Goals Act of 1983, and that meets the requirements of this section. It would be required to include in its accountability plan the performance indicators by which it would annually measure progress in two areas. Under proposed new section 11205(c)(2), a State would also be required to include the benchmarks by which it will measure its progress in increasing the percentage of secondary school classes in which significant numbers of students have been taught; provide reasonable adaptations and accommodations for students with disabilities and students with limited English proficiency; provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language that is most likely to yield accurate and reliable information about what those students know and can do; and provide that Spanish-speaking students with limited English are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

Proposed new section 11204(c) of the ESEA would establish what a State must include in its accountability plan under proposed new section 11208 of the ESEA with respect to its promotion policy. A State would be required to describe in detail the strategies and steps (including timelines and performance indicators) it will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its plan. Finally, a State would also be required to address in its plan the steps that it will take to ensure that the policy will be disseminated to all LEAs and schools in the State and to the general public.

Proposed new section 11205(b) of the ESEA would establish what a State must include in its accountability plan under proposed new section 11205(b)(2) of the ESEA, the required disciplinary policy would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; and be broadly disseminated; ensure that any assessments used by a State, that not less than 95% of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach. A State would also be required to include in its accountability plan the performance indicators by which it will annually measure progress in two areas. Under proposed new section 11205(c)(1)(B) the ESEA would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; and be broadly disseminated; ensure that any assessments used by a State, that not less than 95% of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach. A State would also be required to include in its accountability plan the performance indicators by which it will annually measure progress in two areas.
services that will help those students continue to meet the State’s challenging standards.

Subsection (a) of proposed new section 11207 (“Education Report Cards”) of the ESEA would require a State that receives assistance under the ESEA, to have, in effect, at the time it submits its accountability plan, a policy that requires the development and dissemination of annual report cards regarding the status of education and educational opportunities in the State. The State would be required to include in its annual report cards information required by proposed new section 11207(a), report cards would have to be concise and disseminated in a format and manner that parents could understand, and focus on educational results.

Proposed new section 11207(b) of the ESEA would establish the information that, at a minimum, a State must include in its annual State-level report card. Under proposed new section 11207(b)(1), a State would be required to include information regarding student performance on statewide assessments, set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State requires assessments. A State would also be required under proposed new section 11207(b)(3) to include in its report card descriptions of the professional qualifications of teachers in the State, including the number of teachers teaching with emergency credentials and the number of teachers teaching outside their field of expertise.

Proposed new section 11207(b)(2) of the ESEA would authorize that student achievement data in the State’s report card contain statistically sound, disaggregated results with respect to the following categories: gender; racial and ethnic group; migrant status; student with disabilities; economically disadvantaged students; and the number of students who are not disabled; economically disadvantaged students, as compared to students who are not disabled; economically disadvantaged students, as compared to students who are not economically disadvantaged; students with limited English proficiency, as compared to students who are proficient in English. Under proposed new section 11207(b)(2), a State could also include in its report card any other information it determines appropriate to reflect school quality and student achievement. This could include information on: longitudinal achievement scores from the National Assessment of Educational Progress or State assessments; parent involvement, as determined by the State; the extent of parental participation in school parental involvement activities; participation in extended learning time programs, such as after-school learning programs; and the performance of students in meeting physical education goals.

Under proposed new section 11207(c) of the ESEA, a State would be required under proposed new section 11207(c) to ensure that LEAs in the State includes in its annual report, at a minimum, the information required by proposed new section 11207(c)(2). Additionally, a State would be required under proposed new section 11207(c) to ensure that LEAs include in their annual report cards the information required by proposed new section 11207(c)(1) of the ESEA, and information that shows how students in their schools performed on statewide assessments compared to students in the rest of the State (including such comparisons over time, if the information is available). LEAs in the State would be required under proposed new section 11207(c)(1) of the ESEA, and information described in proposed new section 11207(c)(3) and other appropriate information.

Proposed new section 11207(d) of the ESEA would establish requirements for the dissemination of annual State-level report cards. Under proposed new section 11207(d), State-level report cards would be required to be posted to the Internet, disseminated to all schools and LEAs in the State, and made broadly available to the public. LEA report cards would have to be disseminated to all their schools and to all parents of students attending that school and made broadly available to the public. School report cards would have to be disseminated to all parents of students attending that school and made broadly available to the public.

Under proposed new section 11207(e) of the ESEA, a State would be required to include in its accountability plan an assurance that it has in effect a school policy that meets the requirements of proposed new section 11207.

Proposed new section 11208 (“Education Accountability Plans”) of the ESEA would establish the requirements for a State’s education accountability plan. In general, each State that receives assistance under the ESEA, on or after July 1, 2000, would be required to have on file with the Secretary, an approved accountability plan that meets the requirements of this section.

Proposed new section 11208(b) would establish the specific contents of a State accountability plan. A State would be required to include a description of the State’s system under proposed new section 11203; a description of the steps the State will take to ensure that all LEAs have the capacity needed to implement the accountability requirements of sections 11204(c), 11205(c), 11206(b), and 11207(e); information indicating that the Governor and the State board have adopted policies that meet the requirements of section 606 of the ESEA; (5) withholding, in whole or in part, State administrative funds under the State approved plan for State administration of this part.

Proposed new section 11209 ("Authority of Secretary to Ensure Accountability") of the ESEA would establish the Secretary’s authority to ensure accountability. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or its approved accountability plan, or is performing substantially in a manner that is non-compliant with the requirements of this part, the Secretary may take the following steps to ensure prompt compliance: (1) providing, or arranging for, technical assistance under proposed new section 11203; (2) requiring a corrective action plan; (3) suspending or terminating eligibility to participate in competitive programs under the ESEA; (5) withholding, in whole or in part, State administrative funds under the State approved plan for State administration of this part; (7) imposing one or more conditions upon the Secretary’s approval of a State plan or application under the ESEA; (8) taking other actions under Part D of the General Education Priorities Act; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11210(b) of the ESEA would require the Secretary to take or one or more additional steps under proposed new section 11209 if the Secretary determines that a State has failed to correct the State’s non-compliance. These additional steps would include referral to the Department of Justice; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11210(b) of the ESEA would require the Secretary to establish, through regulation, a system for recognizing and rewarding States described under proposed new section 11209(a) of the ESEA. Rewards could include conferring a priority in competitive programs under the ESEA, ineligibility for competitive programs under the ESEA (consistent with maintaining accountability), and supplementary grants or administrative funds to be used to improve educational results. Under proposed new section 11210(c) of the ESEA, the Secretary would authorize, for fiscal year 2001 and each of the
four succeeding fiscal years, the appropriation of whatever sums are necessary to provide such supplementary funds.

Proposed new section 1211 ("Best Practices for LEAs") would require the Secretary, in implementing this part, to disseminate information regarding best practices, models, and other forms of technical assistance, after consulting with State and local educational agencies, LEAs, and other agencies, institutions, and organizations with experience or information relevant to the purposes of this part.

Proposed new section 1122 ("Construction") of the ESEA would provide that nothing in this part may be construed as affecting home schooling, or the application of the civil rights laws or the Individuals with Disabilities Education Act.

Section 1112. America's Education Goals Panel. Section 1112 of the bill would involve the authority for the National Education Goals Panel from Title II of the Goals 2000: Educate America Act to a new Part C of Title XI of the ESEA, and rename the panel the "America's Education Goals Panel." This conforms to the renaming of the National Education Goals as "America's Education Goals Panel" under section 724 of the ESEA, as added by section 2(b) of the bill.

The statutory authority for the Goals Panel remains unchanged in current law, apart from some minor stylistic changes, updates, clarifications, and the elimination of current provisions relating to voluntary standard setting and mandatory National student performance standards and the work of the Panel's Resource and Technical Planning Groups on School Readiness.

The current authority for the National Education Goals Panel, Title II of the Goals 2000: Educate America Act, would be repealed in this part.

Section 1113. Repeal. Section 1112 of the bill would repeal Title XII of the ESEA.

TITLE XII—AMENDMENTS TO OTHER LAWS; REPEALS

Part A—Amendments to other laws

Section 1201. Amendments to the Stewart B. McKinney Homeless Assistance Act. Section 1201 of the bill would set forth amendments to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.; hereinafter referred to in this section as the "Act"). Among other things, these amendments to the McKinney program am by: (1) helping ensure that students are not segregated based on their status as homeless; (2) enhancing coordination at the State and local level, including parental involvement in decision making; and (3) clarifying that subgrants to LEAs are to be awarded competitively on the basis of the quality of the program and the need for the assistance; and (5) enhancing data collection and dissemination at the national level. The program would also be authorized for five years.

Section 1201(a)(1) of the bill would amend section 722(3) of the Act (Statement of Policy), by changing the current statement to make it clear that homelessness alone is not sufficient reason to separate students from the mainstream school environment. This language, which is reflected in amendments that follow, may make a strong statement against segregating homeless youth on the basis of their homelessness. This responds to some local actions being taken around the country to create separate, generally inferior, school programs for homeless children and youth. Homeless advocacy groups and State coordinators have strongly encouraged this action.

Section 1201(b)(1) of the bill would amend section 722(4)(B) of the Act to provide that the mandated coordination be designed to: (1) ensure that homeless children and youth have access to available educational and related services; and (2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with their homelessness. Section 1201(b)(4)(D) of the bill would amend section 722(g)(7) of the Act to require each LEA liaison, designated pursuant to section 722(g)(1)(H)(ii)(I) of the Act, to ensure that: (1) homeless children and youth, and have a full and equal opportunity to succeed, (2) the parents or guardians of those families, children, and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to be involved in their education, (3) the parents or guardians of those families, children, and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to be involved in their education, (4) the LEA will provide the mandated coordination, and (5) the quality of the applicant's evaluation plan for the program.

Section 1201(b)(4)(E) of the bill would provide that the program would be coordinated with other available services for which such families, children, and youth are eligible; (3) the parents or guardians of those families, and (4) the LEA will provide the mandated coordination, and (5) the quality of the applicant's evaluation plan for the program.

Section 1201(b)(4)(E) of the bill would provide that the program would be coordinated with other available services for which such families, children, and youth are eligible; (3) the parents or guardians of those families, and (4) the LEA will provide the mandated coordination, and (5) the quality of the applicant's evaluation plan for the program.

Section 1201(c)(3) of the bill would amend section 722(a)(1) of the Act to require that the mandated coordination by such designee be integrated within the regular education program.

Section 1201(c)(4) of the bill would provide for the establishment of a "Homelessness Education Program" that would be coordinated with other available services for which such families, children, and youth are eligible; (3) the parents or guardians of those families, and (4) the LEA will provide the mandated coordination, and (5) the quality of the applicant's evaluation plan for the program.

Section 1201(d)(4)(I) of the bill would amend section 722(g)(7) of the Act to require each LEA liaison, designated pursuant to section 722(g)(1)(H)(ii)(II) of the Act, to ensure that: (1) homeless children and youth, and have a full and equal opportunity to succeed, (2) the parents or guardians of those families, children, and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to be involved in their education, (3) the parents or guardians of those families, children, and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to be involved in their education, (4) the LEA will provide the mandated coordination, and (5) the quality of the applicant's evaluation plan for the program.

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agreements, to periodically collect and disseminate data and information on the number and location of homeless children and youth, the education and related services such children and youth receive, the extent to which such needs are being met, and such other data and information as the Secretary deems necessary and relevant to carry out this section. The Secretary would also be required to coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle. Proposed new section 724(g) of the Act would require the Secretary, not later than six years after the date of the enactment of the bill, to prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of homeless youth and children.

Section 1201(b) of the bill would amend section 706 of the Act to authorize the appropriation of such sums as may be necessary for each of the fiscal years 2001 through 2005 to carry out the subtitle.

Section 1202. Amendments to Other Laws. Section 1202 of the bill would make conforming amendments to other statutes that reflect the changes to the ESEA that are proposed in this bill.

Section 1202(a) of the bill would eliminate an outdated cross-reference in section 317(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)).

Section 1202(b) of the bill would update a cross-reference in section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1056(b)(1)).

Section 1202(3) of the bill would amend the Pro-Children Act of 1994 (20 U.S.C. 6081 et seq.) to remove references to kindergarten, elementary, and secondary education services from the prohibition against smoking contained in that Act. Proposed new Title IV of the bill, contains the new ESEA and Title IV of the bill, contains a comparable prohibition against smoking in facilities used for education services, and the education references in the Pro-Children Act are no longer necessary.

Part B—Repeals

Section 1211. Repeals. Section 1211 of the bill would repeal Titles XIII of the ESEA, several parts of Title IV, and Title IX of the Goals 2000 Educate America Act (P.L. 103-227), and Title III of the Education for Economic Security Act (20 U.S.C. 2001 et seq.). These provisions have either expired or served their purpose, and the activities that are more appropriately carried out with State and local resources, or have been incorporated into the ESEA as amended by the bill.

Title III, Partnerships in Education for Mathematics, Science, and Engineering, of the Education for Economic Security Act would also be repealed by section 1211 of the bill.

By Mr. LEAHY. S. 1182. A bill to appropriate funds to carry out the commodity supplemental food program and the emergency food assistance program fiscal year 2000 to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Mr. LEAHY. Mr. President, I am proud to introduce a bill to increase funding for the Commodity Supplemental Food Program for Fiscal Year 2000. I look forward to working with Appropriations Committee members on this and other important matters through the appropriations process.

The Commodity Supplemental Food Program does exactly what its name suggests—it provides supplemental food to states, who distribute them to low-income postpartum, pregnant and breastfeeding women, infants, children up to age six, as well as senior citizens.

People participating in CSFP receive healthy foods, including items such as infant formula, juice, rice, pasta, and canned fruits and vegetables.

The Commodity Supplemental Food Program currently operates in twenty states and last year, more than 370,000 people participated in it every month. There still remains a great need to expand this program, as there is a wait list of states—including my state of Vermont—who want to participate, but are not able to because of lack of funding. The bill I am introducing would fix this problem, by increasing the funding so that more women, children and seniors in need could participate. I look forward to working with the Vermont Congressional delegation on this matter.

The Commodity Supplemental Food Program has proven itself to be vitally important to senior citizens, as 243,000 Vermonters participate every month are seniors. There continues to be a great need for our seniors in Vermont, and in the rest of the nation.

This has been true for sometime, and still is the case. I successfully fought efforts a few years ago to terminate the Meals on Wheels Program. Ending that program would have been a disaster for our seniors.

According to the investigation of the Elderly Nutrition Program of the Older Americans Act, approximately 67% to 88% of the participants are at moderate to high nutritional risk. It is further estimated that 40% of older adults have inadequate intakes of three or more nutrients in their diets. And the results of nutritional programs on the health of seniors are amazing—for instance, it was estimated in a report that for every $1 spent on Senior Nutrition Programs, more than $3 is saved in hospital costs.

This Congress, I have taken a number of steps to address the nutritional problems facing our seniors, and have met with some success. In response to a budget request that I submitted last year, the Administration increased their funding request for the Elderly Nutrition Program by $10 million to $20 million. I support this increase, and will continue to work to see that the full $150 million is included in the final budget.

This past April I also cosponsored the Medicare Medical Nutrition Therapy Act, which provides for Medicare coverage of medical nutrition therapy services of registered dietitians and nutrition professionals. Medicare coverage of medical nutrition therapy would save money by reducing hospital admissions, shortening hospital stays, and decreasing complications.

I look forward to working with my colleagues to pass this measure into law through the normal appropriations process for fiscal year 2000.

By Mr. DOMENICI. S. 1182. A bill to authorize the use of flat grave markers to extend the useful life of the Santa Fe National Cemetery, New Mexico, and to allow more veterans the honor and choice of being buried in the cemetery; to the Committee on Veterans’ Affairs.

SANTA FE NATIONAL CEMETARY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to extend the useful life of the Santa Fe National Cemetery in New Mexico.

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

These veterans at the very least deserve every opportunity to be buried at a National Cemetery, a final resting place. However, unless Congressional action is taken the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000. By Mr. DOMENICI:

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39100 of an acre to its current 77 acres. The cemetery first opened in 1888 and within several years was designated a National Cemetery in April 1875.

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

However, as I have already stated, unless Congress acts the Santa Fe National Cemetery will be forced to close. This bill will allow the Program to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008.
While I wish the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers’ Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

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

Mr. President, I ask unanimous consent that a copy of the Bill and four letters of support for the use of flat grave markers be printed in the RECORD.

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

S. 1182
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO USE FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.

(a) FINDINGS.—Congress makes the following findings:

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

(2) The men who at the very least deserve every opportunity to be buried in a National Cemetery of their choosing.

(4) The Santa Fe National Cemetery in New Mexico opened in 1937 and was designated a National Cemetery in April 1875.

(5) The Santa Fe National Cemetery now has 77 acres with almost 27,000 graves most of which are marked by upright headstones.

(6) The Santa Fe National Cemetery will run out of space to provide for casketed burials at the end of 2006 unless Congress acts to allow the use of flat grave markers to extend the useful life of the cemetery until 2008.

(b) AUTHORITY.—Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Santa Fe National Cemetery, New Mexico.

The American Legion, Department of New Mexico, Albuquerque, NM, March 31, 1997.

Mr. GIL GALLO, Director, Santa Fe National Cemetery, Santa Fe, NM.

{DEAR MR. GALLO:} The American Legion has discussed your proposal on having a section of flat cemetery markers at the National Cemetery, which would decrease the size of the plots thereby making more room for our veterans, at the National Cemetery.

We are in complete agreement and in support of this venture. If we can be of assistance in any way, please advise.

Sincerely,

HARRY C. RHIZOR, Department Commander.


Director, Santa Fe National Cemetery, Santa Fe, NM.

DEAR SIR, The Albuquerque Chapter of The Retired Officers Association supports your position to begin using flat grave markers for future interments.

Sincerely,

GEORGE PIERCE, LTC, USA, President.


GILL GALL, Director, Department of Veterans Affairs, Santa Fe National Cemetery, Santa Fe, NM.

DEAR MR. GALL: This letter will acknowledge receipt of your informational letter concerning the Santa Fe National Cemetery dated April 4, 1997. Please be advised that I took the liberty to circulate the information to VFW Post Commanders located in Northern New Mexico. The following is our consensus.

Although we would want to continue with the upright marble headstones and the 5x10 grave markers, we found it more important to extend the life of the National Cemetery therefore we support your efforts to utilize the granite markers and the recommended 4x6 grave sites. We are in full support of your recommendations for a columbarium for the burial of our cremated Comrades.

Please thank your staff for the outstanding work and service which they provide to our departed Comrades and Veterans. Let me also thank you for providing us with the specific information needed to come to our decision.

As State Commander of the Veterans of Foreign Wars of the United States of America Department of New Mexico, I hereby provide you full support of your recommendation and would ask that you forward this letter of support to your Washington Office.

May God Bless our men and women who served and served in our armed forces.

Yours in comradeship,

ROBERT O. PEREA, State Commander.


MICHAEL C. D’ARCO, Director, New Mexico Veterans Services Commission.

SANTA FE, NM.

DEAR MR. D’ARCO, I know that you are completing your study on the issue of veteran cemeteries in New Mexico. Following is information on the Santa Fe National Cemetery.

There is approximately a three-year inventory of casketed sites readily available for immediate use in the recently developed sections of the cemetery, sections 10, 11, and 12. If no other casketed sites are developed, then we would exhaust this inventory in 2001.

Based on our understanding that future flat marker gravesite sections on the east side of the cemetery are acceptable to veterans and the neighboring community, an additional seven-year inventory of sites can be developed in that portion of the cemetery. This would extend the useful life of the cemetery for casketed burials to the year 2008. With this is just a general estimate, and exact details will not be available until a more formal design is completed, we anticipate developing and using these sites. Accordingly, the 2008 date is the date to use in your study for casketed grave closure of the Santa Fe National Cemetery.

It is important to note that we anticipate being able to provide for inground cremation service well beyond the year 2030. Consideration will also be given to round burial.

Incidentally, we are estimating Fort Bayard National Cemetery’s closure date as 2027, but we are optimistic that potential exists beyond that date. I hope this information is useful to you. If you have any questions, please contact me or Roger R. Rapp on my staff at 202-273-5225.

Sincerely yours,

JERRY W. BOWEN, By Mr. NICKLES: S. 1183. A bill to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; to the Committee on Energy and Natural Resources.

NIPER LEGISLATION

Mr. NICKLES. Mr. President, today I am introducing legislation that will transfer ownership of land owned by the Department of Energy (DOE) and known as the National Institute of Petroleum Energy Research (NIPER) to the City of Bartlesville, Oklahoma, the former site of the NIPER facility.

The NIPER facility was originally established in 1918 as the Petroleum Experiment Station by the U.S. Bureau of Mines. Its purpose was to provide research targeted to oil and gas field problems. In 1936, as World War II approached, additions to the Work Project Administration building were erected. Its research was expanded to help the war effort. During the 1973-1974 energy crisis, the center was renamed the Bartlesville Energy Research Center. When the Center privatized in 1983, it was renamed the National Institute for Petroleum and Energy Research (NIPER). NIPER closed its operations on December 22, 1999.

According to the Surplus Property Act of 1949, excess federal property is screened for use by the following: Housing and Urban Development, Health and Human Services, and local and state or organizations. Non-profits organizations. At the conclusion of the screening process, a negotiated sale is conducted. If the property is still undeclared it goes to auction.

Unfortunately this process can take many years, thus preventing the city of Bartlesville from realizing any near-term economic boost from NIPER’s redevelopment. Consequently, this legislation is needed to ensure that the NIPER facilities are redeveloped as quickly as possible to provide an economic boost to the community.

This legislation also will ensure that the NIPER facilities do not deteriorate while the property is being...
processed through the lengthy steps of the Surplus Property Act and therefore make re-use impossible.

The City of Bartlesville intends to provide an educational facility and a place for business and industry that would facilitate the job creation throughout the technology and investment. The NIPER facility will also provide housing for administrative services for community development organization such as United Way, Women and Children in Crisis, and various homeless programs. This will ensure the strong support of the Mayor of Bartlesville and other locally elected officials.

By Mr. DOMENICI (for himself and Mr. KYL):

S. 1184. A bill to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; to the Committee on Energy and Natural Resources.

NATIONAL FOREST SYSTEM COMMUNITY PURPOSES ACT

Mr. DOMENICI. Mr. President, I rise to introduce important legislation, co-sponsored by Senator Kyl, that would allow the Forest Service to convey parcels of land to States and local governments, on the condition that it be used for a specific recreational or local public purpose. The National Forest System Community Purposes Act is patterned after an existing law that set in place one of the most successful local community assistance programs under the Bureau of Land Management (BLM).

That law, the Recreation and Public Purposes Act, was enacted in 1926. Under its authority, the BLM has been able to work cooperatively with States and communities to provide land needed for recreational areas and other public projects to benefit local communities in areas where Federal land dominates the landscape. With skyrocketing demands on the Forest Service and local communities to provide accommodations and other services for an ever-increasing number of Americans who take advantage of all the opportunities available in the national forests, I believe the time has come to provide this ability to the Forest Service.

In the 1996 Omnibus Parks and Public Lands Management Act, there were no fewer than 31 boundary adjustments, land conveyances, and exchanges authorized, many of which dealt with national forests. Had this legislation been enacted at that time, I cannot say for sure how many of these provisions would have been unnecessary, but I expect the number would have been reduced by at least one-third.

During the 105th Congress, I sponsored three bills that directed the Secretary of Agriculture to convey small tracts of land to local communities in New Mexico. All these bills were subsequently passed in the Senate unanimously, but two of these bills were not enacted last year, and the Senate has once again seen fit to pass them in the 106th Congress. We now await action in the House. I know that other Senators are faced with a similar situation of having to shepherd bills through the legislative process simply to get to the floor in a timely matter. The authority to cooperate with local communities on projects to meet local needs. Over one-third of the land in New Mexico is owned by the federal government, and finding the appropriate sites for community and educational purposes can be difficult.

Communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for educational and other local public purposes. In many cases, these recreational and other local needs are not within the mission of the Forest Service, but would not be inconsistent with forest plans developed by the Forest Service. To compound the problem, small communities are often unable to acquire land due to its extremely high market value resulting from the predominance of Federal land in the local area.

The subject of the bills I just alluded to provides an excellent example of the problem. That bill provided for a one-acre conveyance to the Village of Jemez Springs, New Mexico. The land is to be used for a desperately needed fire station, which will obviously benefit public safety for the local community. Since over 70 percent of the emergency calls in this particular community are for assistance on the Santa Fe National Forest, however, the Forest Service would also benefit greatly from this new station.

In fairness, the Forest Service was very willing to sell this land to the village, but they were constrained by curtailed public purposes in areas where Federal land dominates the landscape. With skyrocketing demands on the Forest Service and local communities to provide accommodations and other services for an ever-increasing number of Americans who take advantage of all the opportunities available in the national forests, I believe the time has come to provide this ability to the Forest Service.

In the same vein, innocent product sellers—often small businesses like your neighborhood corner grocery store—need certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers; to the Committee on the Judiciary.

THE SMALL BUSINESS LIABILITY REFORM ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today to introduce the Small Business Liability Reform Act of 1999, legislation that will provide targeted relief to small businesses nationwide.

Small businesses in Michigan and across this nation are faced with a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation, a circumstance which has created a daily threat of burdensome litigation.
store—have also described the high legal costs they incur when they are needlessly drawn into product liability lawsuits. The unfairness in these cases is astonishing—the business may not even produce a product, but is still sued for it. The fact is, it is no secret that courts differ in how favorably they look upon product liability suits—some are receptive, others outright hostile. So even though a local store neither designs nor manufacture the products it sells, it can be dragged into court because the plaintiff’s attorney desires to pull manufacturers into a favorable forum. That’s called “forum shopping” on the part of the plaintiff, and the practice causes needless financial damage to America’s small businesses. And while the non-culpable product seller is rarely found liable for damages, it must still bear the enormous cost of defending itself against these unwarranted suits. Rental and leasing companies are in a similarly desperate position, as they are commonly held liable for the wrongful conduct of their customers even though the companies themselves are found to have committed no wrong.

On May 17, 1999, Congress passed the Volunteer Protection Act, which provides specific protections from abusive litigation to volunteers. The Senate passed that legislation by an overwhelming margin of 99-1, and the President signed it, making it Public Law 105-19. That legislation provides a model for further targeted reforms for sectors of our economy that are particularly hard hit and in need of immediate relief. I believe it is high time for small business liability reform, time to take this small step, time to shield those not at fault from needless expense and unwarranted distress.

Mr. President, I’d like to take a moment and provide a little background on our effort, as I believe it will highlight the need for reform. Small businesses should an often unbearable load from unwarranted and unjustified lawsuits. Data from San Diego’s Superior Court published by the Washington Legal Foundation reveals that punitive damages are requested in 41 percent of suits against small businesses. It is simply unfathomable that such a large proportion of our small businesses could be engaging in the sort of egregious misconduct that warrants a request for punitive damages. Similarly, the National Federal of Independent Business reports that 34 percent of Texas small business owners are sued or threatened with court action seeking punitive damages; again, the outrageously high rate of prayer for punitive damages simply cannot have anything to do with actual wrongdoing by the defendant.

The specifics of the cases are no better. In a case reported by the American Consulting Engineers Council, a drunk driver had an accident after speeding and bypassing detour signs. Eight hours after the crash, the driver still had a blood alcohol level of .09. Nonetheless, the driver sued the engineering firm that designed the road, the contractor, the subcontractor, and the state highway department. Five years later, and after expending exorbitant amounts on legal fees, the defendants settled. The engineering firm, a small 15 person firm, was swamped with over $200,000 in legal costs—an intolerable amount for a small business to have to pay in defending an unwarranted lawsuit.

There are cases, An Ann Landers column from October, 1995, reported a case in which a minister and his wife sued a guide dog school for $160,000 after a blind man was learning to use a seeing-eye dog stepped on the minister’s wife’s toes in a shopping mall. The guide-dog school, Southeastern Guide Dogs, Inc., which provided the instructor supervising the man, was the only school of its kind in the southeast. It trains seeing-eye dogs early to learn not to step on a blind person’s feet. The couple filed their lawsuit 13 months after the so-called accident, in which witnesses reported that the woman did not move out of the blind man’s way because she wanted to see if the dog would notice.

The experience of a small business in Michigan, the Michigan Furnace Company, is likewise alarming. The President of that company has reported that every lawsuit in the history of her company camped on the company. She indicates that if the money the company spends on liability insurance and legal fees were distributed among employees, it would amount to a $10,000 annual raise. That’s real money, and that’s a real cost coming right out of the pocket of Michigan workers.

These costs are stifling our small businesses and the careers of people in their employ. The straightforward provisions of Title I of the Small Business Liability Reform Act will provide small businesses with relief by discouraging abusive litigation. This section contains two principal reforms.

First, the bill limits punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available against the small business only if the claimant proves by clear and convincing evidence that the harm was caused by the willful, wanton, or reckless conduct of a conscious, fraudulent indifference to the rights and safety of the claimant. Punitive damages would also be limited in amount to the lesser of $250,000 or two times the compensatory damages awarded for the harm. That formulation is exactly the same as that in the small business protection provision that was included in the Product Liability Conference Report passed in the 104th Congress.

Second, several liability reforms for small businesses are included under the exact same formulation used in the Volunteer Protection Act passed in the 105th Congress and in the Protection Liability Conference Report passed in the 104th Congress. Joint and several liability would be limited such that a small business would be liable for noneconomic damages only in proportion to the small business’s responsibility for causing the harm. If a small business is responsible for 100 percent of an accident, then it will be liable for 100 percent of noneconomic damages. But if it is only 70 percent, 25 percent, 10 percent or any other percent responsible for that harm, the small business will be liable only for a like percentage of noneconomic damages.

Small businesses would still be jointly and severally liable for economic damages, and any other defendants in the action that were not small businesses could be held jointly and severally liable for all damages. But the intent of this provision is to provide some protection to small businesses, so that they will not be sought out as “deep pocket” defendants by trial lawyers who would otherwise try to get small businesses on the hook for harms that they have not caused. The fact is that many small businesses simply do not have deep pockets, and they frequently need all of their resources just to stay in business, take care of their employees, and make ends meet.

Other provisions in this title specify the situations in which its reforms apply. The title defines small business as any business having fewer than 25 employees, the same definition included in the Product Liability Conference Report. Like the Volunteer Protection Act, this title covers all civil lawsuits except those involving civil rights law violations. The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or misconduct that occurs before the defendant was under the influence of intoxicating alcohol or any drug. Any finally, like the Volunteer Protection Act, this title includes a State opt-out. A State would be able to opt out of these provisions provided that the State enacts a law indicating its election to do so and containing no other provisions. I do not expect that any State will opt-out of these provisions, but I feel it is important to include one such opt-out for principles of federalism.

Title II of the Act addresses liability reform for non-culpable product sellers, commonly small businesses, who have long sought help in gaining a degree of protection from unfounded lawsuits. Product sellers, like your corner grocery store, provide a crucial service to all of us by offering a convenient source for a wide assortment of goods. Unfortunately, current law subjects them to an unintended form of protection from harm. A small manufacturer might otherwise try to get a store to have a product liability suit against it, and that suit might end up in the court system. The limitations on liability would not apply to any misconduct that constitutes a crime of violence, act of international terrorism, hate crime, sexual offense, civil rights law violation, or natural resource damages, or misconduct that occurs before the defendant was under the influence of intoxicating alcohol or any drug. Any finally, like the Volunteer Protection Act, this title includes a State opt-out. A State would be able to opt out of these provisions provided that the State enacts a law indicating its election to do so and containing no other provisions. I do not expect that any State will opt-out of these provisions, but I feel it is important to include one such opt-out for principles of federalism.

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no part in the designing and manufacturing process, and are not to blame in any way for the harm. It is pointless to haul a product seller into the litigation when everyone in the system knows that the seller is not at fault. Dragging in the negligent manufacturer or lessor helps no one, not the claimant, not the product seller, and certainly not the consumer. All it does is increase the cost to product sellers of doing business in our neighborhoods, because these businesses are unnecessarily forced to bear the cost of court expenses in their defense.

Again, the real-world background presents a compelling case. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay compensation to the plaintiff. Unfortunately, this was after the product seller had already spent $25,000 in court expenses $25,000 that could have been used to expand the business or to provide higher salaries.

Title II would allow a plaintiff to sue a product seller only when the product seller was at fault for the harm or when the plaintiff cannot collect from the manufacturer. This limitation would cover all product liability actions brought in any Federal or State Court. However, we have specifically ensured that the provision does not apply to actions brought for certain commercial losses, and actions brought under a theory of dram-shop or third party liability arising out of the sale of alcoholic products to intoxicated persons or minors.

Additionally, rental or leasing companies are often unfairly subjected to lawsuits based on vicarious liability, which holds these companies responsible for acts committed by an individual or lessee. In several states, these companies are subject to liability for the negligent tortious acts of their customers even if the rental company is not negligent and the product is not defective. This type of fault denying liability is detrimental to the economy because it increases non-culpable companies’ costs, costs which are ultimately passed along to the rental customers.

Settlements and judgments from vicarious liability claims against rental companies cost the industry approximately $100 million annually. In Michigan, for example, a renter lost control of a car and drove off the highway. The car flipped over several times, killing a passenger who was not wearing a seat belt. The car rental company, which was not at fault, nevertheless settled for $1.226 million due to Alamo’s ownership of the vehicle.

Often even when the injured party and the driver are both at fault, it is the innocent rental company that has to bear the resulting expenses. For example, an individual in a rented auto struck a pedestrian, who was also intoxicated. The pedestrian, who was intoxicated, was jay-walking on her way from one bar to another. The driver was also intoxicated. The pedestrian unfortunately sustained a traumatic brain injury and was left in a permanent vegetative state. Although the auto rental company was clearly not at fault in this case, the result is predictable: the rental company was forced to settle for $8.5 million out of fear of a much larger judgment.

We believe that subjecting product renters and lessors to vicarious liability is not only unfair, but also increases the cost to all consumers. Title II resolves this problem by providing that product renters and lessors shall not be liable for the wrongful acts of another solely because of product ownership—product renters and lessors would only be responsible for their own acts.

I am pleased to have Senators Lieberman, Hatch, McCain, McConnell, Lott, Bond, Ashcroft, Coverdell, Nickles, Brownback, Gorton, Grassley, Sessions, Burns, Inhofe, Helms, Allard, Hagel, Mork, Bunning, Jeffords, DeWine, Craig, Hutchison, and Enzi as original co-sponsors of the legislation. The National Restaurant Association, the National Association of Wholesalers, the National Retail Federation, the American Auto Leasing Association, the American Consulting Engineers Council, the Small Business Legislative Council, the National Association of Convenience Stores, the American Car Rental Association, the International Mass Retail Association, the Associated Builders and Contractors, and the National Equipment Leasing Association.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the Record.

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

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
article I of the Constitution of the United States, and the 14th amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:
(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the same meaning as in section 2331 of title 18, United States Code.
(2) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.
(3) DRUG.—The term "drug" means any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(b)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

HARM.—The term "harm" includes physical, nonphysical, economic, and non-economic losses.

HATE CRIME.—The term "hate crime" means a crime described in section 1(b) of the Hate Crimes Statistics Act (28 U.S.C. 534 note).

ÊNON-ECONOMIC LOSS.—The term "non-economic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consor-tium (other than loss of domestic service), injury to reputation, or any other non-pecuniary loss of any kind or nature.

ÊSMALL BUSINESS.—(A) GENERAL.—The term "small business" means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has less than 25 full-time employees.
(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—
(1) the parent corporation; and
(2) any other subsidiary corporation of that parent corporation.

ÊSTATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES AGAINST SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful, wanton, malicious, or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.
(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—
(1) $250,000;
(2) 2 times the total amount awarded to the claimant for economic and noneconomic losses; or
(c) APPLICATION BY COURT.—This section shall not be applied by the court and shall not be disclosed to the jury.

SEC. 104. LIMITATION ON SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—
(1) IN GENERAL.—In any civil action described in subsection (a), the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).
(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of non-economic loss allocated to a defendant under subparagraph (A), the court shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply to any misconduct of a defendant—
(1) that constitutes—
(A) a crime of violence;
(B) an act of international terrorism; or
(C) a hate crime;
(2) that results in liability for damages relating to the injury to, destruction of, loss of use of, natural resources described in—
(A) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or
(B) section 10304(f)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(f)(4));
(3) that involves—
(A) a sexual offense, as defined by applicable State law; or
(B) a violation of a Federal or State civil rights law.
(4) if the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug at the time of the misconduct, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protections from liability for small businesses.
(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business if all parties are citizens of the State, if the State enacts a statute—
(1) citing the authority of this subsection;
(2) declaring the election of such State law; and
(3) containing no other provision.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.
(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a small business, if the claim is filed on or after the effective date of this title, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and the small businesses of the United States by increasing the cost of, and decreasing the availability of, products;
(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequi-tably applied to citizens of different States or unfair to the business engaged in interstate commerce;
(3) product liability awards may jeopardize the financial well-being of individuals and institutions, particularly the small businesses of the United States;
(4) because the product liability laws of a State may have adverse effects on consumers and industries, particularly the small businesses of the United States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and
(5) under clause 3 of section 8 of article I of the United States Constitution, it is the con-stitutional role of the Federal Government to resolve disputes among and among the States, resulting in differences in State laws that may be inequi-tably applied to citizens of different States or unfair to the business engaged in interstate commerce.

(b) PURPOSES.—The purposes of this Act, based on the powers of the United States set forth in clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce by—
(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and sale of products; and
(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:
(1) ALCOHOL PRODUCT.—The term "alcohol product" includes any product that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consump-
tion.
(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought.
(3) COMMERCIAL LOSS.—The term "commer-cial loss" means—
(A) any loss or damage solely to a product itself; or
(B) loss relating to a dispute over the value of a product; or
(4) CONSEQUENTIAL ECONOMIC LOSS.—The term "consequent-economic loss" means losses awarded for economic and noneconomic losses.
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(5) DRAM-SHOP.—The term “drum-shop” means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expenses, lost pension rights, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State or Federal law.

(7) HARM.—The term “harm” includes physical, nonphysical, economic, or noneconomic loss.

(8) MANUFACTURER.—The term “manufacturer” means—
(A) any person who—
(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and
(ii) designs or formulates the product (or component part of the product); or
(iii) engages another person to design or formulate the product (or component part of the product);
(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—
(i) makes, constructs, designs, and formulates an aspect of the product (or component part of the product) made by another person; or
(ii) engages another person to design or formulate an aspect of the product (or component part of the product) made by another person; or
(C) a product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONCONTRACTUAL LIABILITY.—Title 7 of chapter 97 of title 28, United States Code; section 112(n) of chapter 1 of title 42, United States Code; section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)); and

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(A) GENERAL RULE.—

(1) In general.—In any product liability action brought under this Act, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—
(A) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(2) actions excluded. —
(A) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(3) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—
(I) NEGLIGENCE PER SE CONCERNING FIREARMS AND AMMUNITION.—A civil action brought under a theory of negligence per se concerning firearms or ammunition shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(II) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(3) DRAM-SHOP.—A civil action brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable Federal or State law.

(b) RELATIVE LIABILITY.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—
(1) waive or affect any defense of sovereign immunity asserted by any State under any paragraph (2), and for determining the applicability of

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue to or apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the grounds of inconvenient forum; or

(c) DEFINITION.—For purposes of paragraph (2)
this title to any person subject to that para-
graph, the term “product liability action” mean
a civil action brought on any theory for
harm caused by a product or product use.
(2) Liabilities arising under the law that
provides for joint and several liability
shall be in proportion to the defendant’s
responsibility for causing the harm. Those defen-
dants would continue, however, to be held
jointly and severally liable for noneconomic loss.
In addition, any other defendants in the
action that are not small businesses would
continue to be held jointly and severally lia-
ble for both compensatory and noneconomic loss.
Section 105: Exceptions to limitations on liability

Sellers certain protections from litigation
inconsistent with it, but it does not preempt any State
that provides additional protections
from liability to small businesses. The title
also includes an opt-out provision for the
States. A State may opt out of the provi-
sions of the title for any action in State
courts against a small business in which
two or more defendants are suit-
ableness. In order to opt out, the State would have to enact a
statute citing the authority in this section,
declaring the election of the State to opt,
and containing no other provisions.

Section 107: Effective date

This section would take effect 90 days after
the date of enactment, and would apply to
claims filed on or after the effective date.

TITLE III: PRODUCT SELLER FAIR TREATMENT

Section 201: Findings

This section sets out congressional findings
concerning the litigation excesses fac-
ing small businesses, and the need for litiga-
tion reforms to provide certain protections
to small businesses from abusive litigation.

Section 202: Definitions

Various terms used in this title are defined
in this section. Significantly, for purposes of the
civil actions for dram shop liability are excluded
from the applicability of this title.

Section 203: Applicability; preemption

This section further establishes that the
preemption of state law by this title is con-
gruent with coverage, and the limit of the
preemptive scope of this title is detailed.

Section 204: Liability rules applicable to product
sellers, renters and lessors

Product sellers other than the manufac-
turer shall be liable only if they
were the proximate cause of the harm that
is the subject of the action.

Section 205: Federal cause of action precluded

This section does not create Federal district
court jurisdiction pursuant to Sections 1331
or 1337 of Title 28, United States Code.

Section 206: Effective date

This section shall apply to any action com-
enced on or after the date of enactment.

NAW ENDORSES ABRAHAM-LIEBERMAN LEGAL
REFORM BILL

WASHINGTON, D.C.—The National Federa-
tion of Independent Business (NFIB) will
endorse the Small Business Liability Reform
Act of 1999, which would significantly
reduce the exposure of wholesaler-distrib-
utors and retailers to unwarranted product li-
ability lawsuits and legal costs.

The measure also would eliminate joint-
and several liability for small firms, leaving
them responsible for paying only their “pro-
notional” share of compensatory damages.
Under the current doctrine of joint-and-sev-
eral liability, defendants found to be as little
as one percent “at fault” in a civil case may
be forced to pay all assessed damages, if no
other defendants are able to pay.

“While this bill strikes a long-overdue blow on
behalf of fairness, common sense and true juris-
dudence,” said Dan Bysouth, NAW’s presi-
dent of federal public policy. “Limiting puniti-
tive damages and exposure to liability will

NAW supports the Small Business Liability
Reform Act of 1999, which would significantly
reduce the exposure of wholesaler-distrib-
utors and retailers to unwarranted product li-
ability lawsuits and legal costs.

The legislation, introduced in the U.S. Sen-
ate today by Senators Spencer Abraham (R-MI) and Joseph Lieberman (D-CT), would
eliminate joint (“deep pockets”) liability for
“noneconomic loss” and limit punitive dam-
age awards to $250,000 for employers with
fewer than 25 full-time employees that be-
come defendants in civil lawsuits. Neither of
these provisions would apply to lawsuits in-
volving certain egregious misconduct, and
states would be able to opt-out by statute.

In product liability lawsuits, the bill would
limit the liability of non-manufacturer prod-
sellers such as wholesalers, retailers, les-
ors, and renters to harms caused by their own negligence or
intentional wrongdoing, the product’s breech of
the seller’s own express warranty, and for
the product manufacturer’s responsibility
when the manufacturer is judgment-proof.

“The product liability laws of a majority of
states do not distinguish between
the differing roles of manufacturers
and non-manufacturer product sellers. As a result, blameless wholesaler-distributors are
routinely joined in product liability lawsuits
simply because they are in the product’s
chain of distribution,” explained George
Keeley, NAW general counsel and senior
vice president in the firm of Keeley, Kuenn & Reid.

“In the end, the staggering legal fees which
cost the seller dearly do not benefit the
claimant in any way. These costs will be sig-
nificantly reduced if the Abraham-
Lieberman bill is enacted.”

“For too long, wholesalers-distributors
have been among the product li-
bility system that serves the interests of
trial lawyers very well, at everyone else’s ex-
 pense,” said Dik Van Dongen, NAW’s presi-
dent. “For nearly two decades, NAW has vig-
ously advocated Federal legislation to rein-in these abuses. Enactment of the Small Business Liability Reform Act of 1999 is at
the very top of our agenda for the 106th Con-
grress and I commend Senators Abraham and
Lieberman for their continuing, tireless leadership of this important effort.”

NFIB BACKS NEW LEGAL REFORM INITIATIVE

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as one percent “at fault” in a civil case may
be forced to pay all assessed damages, if no
other defendants are able to pay.

“While this bill strikes a long-overdue blow on
behalf of fairness, common sense and true juris-
dudence,” said Dan Bysouth, NAW’s presi-
dent of federal public policy. “Limiting puniti-
tive damages and exposure to liability will

make small businesses a much less lucrative—and, thus, a much less attractive—target for trial lawyers and others tempted to file frivolous lawsuits to extort settlements.

"Ending joint-and-several liability will improve justice by making sure small-business owners pay their fair share of damages—but not more," he continued. "Under the current doctrine of joint-and-several liability, the victim often creates yet another victim—the marginally-involved business owner who is left holding the bag for everyone else involved."

The Abraham-Lieberman bill would limit liability in all types of civil lawsuits for businesses with fewer than 25 employees. NFIB's Danner estimated the liability limitations would apply to "a little more than 90 percent" of all employing businesses. "Passage would bring relief to literally millions of small-business owners and their families," he said. "It would certainly ease Main Street's growing anxiety about being slapped with—and ruined by—a Mickey Mouse lawsuit."

"When we asked our members in Alabama to identify the biggest problem facing their businesses, the most frequent answer, by far, was 'cost of liability insurance/fear of lawsuits,'" Danner noted. "Another problem, 'street crime,' drew only a third as many responses.

"There's something dreadfully wrong with our justice system when small-business owners are three times more fearful of being mugged by trial lawyers than by common street thugs."

A nationwide survey of NFIB's 600,000 members found virtually all (93 percent) favor capping punitive damages. "Small-business owners support any measures that will restore fairness, balance and common sense to our civil justice system," Danner said. "We have pledged our full support to Senators Abraham and Lieberman in their efforts to do just that, through their Small Business Liability Reform Act."

Eliminating frivolous lawsuits is a priority in NFIB's Small Business Growth Agenda for the 106th Congress. To learn more about the Act of NFIB's Agenda, please contact McCall Cameron at 202/554-9000.

SBLC APPLAUDS SENATOR ABRAHAM'S SMALL BUSINESS LIABILITY REFORM LEGISLATION

WASHINGTON, D.C.—"We are pleased that Senator Spencer Abraham has introduced legislation that will have a significant impact on America's small business system," said David Gorin, Chairman of the Small Business Legislative Council (SBLC). Mr. Gorin's remarks referred to the Small Business Liability Reform Act of 1999, which Senator Abraham and Senator Joseph Lieberman have introduced today. The legislation proposes a $250,000 limit on punitive damages for small businesses as well as provide protection from product-related injuries for non-manufacturing product sellers.

Gorin noted: "Far too long, small businesses have been the losers in litigation. As our civil justice system has moved farther and farther away from common sense, small businesses have had to absorb an increasing hidden cost of doing business. That hidden cost is the result of making decisions and undertaking actions, not on the basis of what makes good business sense, but rather on the basis of 'what I'll be sued?'

"Gorin concluded, "The Small Business Legislative Council strongly supports Senator Abraham's legislation. SBLC believes the Small Business Liability Reform Act will restore common sense to the civil justice system and make our businesses to make decisions on the basis of what's best for the economy, not the trial lawyers."

The SBLC is a permanent, independent coalition of nearly eighty trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, agriculture and more. Our policies are developed through a consensus among our membership. Individual associations may express their own views.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL
Air Conditioning Contractors of America
Alliance for Affordable Health Care
Alliance for Business Education
Alliance of Independent Student Owners and Professionals
American Animal Hospital Association
American Association of Equine Practitioners
American Bus Association
American Consulting Engineers Council
American Machine Tool Distributors Association
American Nursery and Landscape Association
American Road & Transportation Builders Association
American Society of Interior Designers
American Society of Travel Agents, Inc.
American Subcontractors Association
American Textile Machinery Association
American Trucking Associations, Inc.
Architectural Firms Association
Associated Equipment Distributors
Associated Landscape Contractors of America
Association of Small Business Development Centers
Association of Sales and Marketing Companies
Automotive Recyclers Association
Automotive Service Association
Bowling Proprietors Association of America
Building Service Contractors Association International
Business Advertising Council
CBA
Council of Fleet Specialists
Council of Growing Companies
Direct Selling Association
Electronics Representatives Association
Florists’ Transworld Delivery Association
Health Industry Representatives Association
Helicopter Association International
Independent Bankers Association of America
Independent Medical Distributors Association
International Association of Refrigerated Warehouses
International Formal Wear Association
International Franchise Association
Machinery Dealers National Association
Mail Advertising Service Association
Manufacturers Agents for the Food Service Industry
Manufacturers Agents National Association
Manufacturers Representatives of America, Inc.
National Association for the Self-Employed
National Association of Home Builders
National Association of Plumbing-Heating-
Cooling Contractors
National Association of Realtors
National Association of RV Parks and Campgrounds
National Association of Small Business Investment Companies
National Association of Surety Bond Producers

National Association of the Remodeling Industry
National Chimney Sweep Guild
National Community Pharmacists Association
National Electrical Contractors Association
National Electrical Manufacturers Representatives Association
National Funeral Directors Association
National Lumber & Building Material Dealers Association
National Moving and Storage Association
National Ornamental & Miscellaneous Metals Association
National Paperbox Association
National Shoe Retailers Association
National Society of Public Accountants
National Tooling and Machining Association
National Tour Association
National Wood Flooring Association
Opticians Association of America
Organization for the Promotion and Advancement of Small Telephone Companies
Petroleum Marketers Association of America
Power Transmission Representatives Association
Printing Industries of America, Inc.
Professional Lawn Care Association of America
Promotional Products Association International
The Retailer’s Bakery Association
Small Business Council of America, Inc.
Small Business Exporters Association
SMB Business Council
Small Business Technology Coalition
Society of American Florists
Turfgrass Producers International
Tire Association of North America
United Motorcoach Association

NSBU ENTHUSIastically SUPPORTS SMALL BUSINESS LIABILITY BILL

SMALL BUSINESS ASSOCIATION OF MICHIGAN ALSO LENDS THEIR SUPPORT

WASHINGTON, DC—National Small Business United (NSBU), the nation's oldest bipartisan small business advocacy organization, is pleased to announce their support for the Small Business Liability Reform Act of 1999. The Small Business Association of Michigan (SBAM), one of NSBU’s affiliate groups, has so announced their support for the legislation which will provide protections to small business from frivolous and excessive litigation as well as limiting the product liability of non-manufacturer product sellers.

Senators Spencer Abraham (R-Mich.) and Joseph Lieberman (D-Conn.), both of whom sit on the Senate Committee on Small Business, will introduce this measure which provides critical and necessary restrictions upon litigation, while not prohibiting legitimate litigation.

"In today's litigious environment, small businesses are often used as a scapegoat. Everyday, small businesses are forced to shut down and often times, unnecessary lawsuits," said Tom Farrell, NSBU Chair and owner of Farrell Consulting, Inc. in Pittsburgh, PA. The Small Business Liability Reform Act will finally place some common sense limitations on these unfounded lawsuits."

NSBU joins SBAM in applauding Senators Abraham and Lieberman for their pragmatic leadership on such an important issue for the small business community.

NRF SUPPORTS BILL TO PROTECT SMALL BUSINESSES FROM UNNECESSARY LITIGATION

WASHINGTON, DC—The National Retail Federation voiced its support for the Small
ABRAHAM/LIEBERMAN EFFORT TO CRACK FROM COSTLY, EXCESSIVE LITIGATION

WASHINGTON, DC—Saying that just one costly lawsuit is enough to put a restaurant out of business, the National Restaurant Association today strongly endorsed a bill supported by Sens. Spencer Abraham (R-MI) and J. Joseph Lieberman (D-CT) to protect small businesses from litigation abuse.

"Retailers often find themselves party to product liability lawsuits where no direct liability exists," said NRF Vice President and General Counsel Mallory Duncan. "This bill would shift the responsibility for defective products to where it rightly belongs—the manufacturer.

The Small Business Liability Reform Act of 1999 would apply to businesses with 25 or fewer employees. According to Department of Commerce figures, more than 80 percent of the nation's retailers employ fewer than 25 individuals.

A recent Gallup survey suggests that some business owners' fear of litigation may impact critical operational decisions. The resulting "chilling effect" on the growth potential of small businesses underscores the need to do something, according to NRF.

"This bill would provide long-overdue and much needed relief to millions of entrepreneurs whose businesses could succeed or fail at the hands of a defendant's lawsuit," Duncan said. "Most small business owners lack the resources to both defend themselves against legal action and remain solvent. This bill would give them some peace of mind to manage their business without undue fear of financial ruin."

The National Retail Federation (NRF) is the world's largest trade association with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalog, mail order, Internet and independent stores. NRF's registered 1998 sales of $2.7 trillion. NRF's international members operate stores in more than 50 nations. In its role as the retail industry's umbrella group, NRF also represents 32 national and 50 state associations in the U.S. as well as 36 international associations representing retailers abroad.

SAYS SMALL RESTAURANTS NEED PROTECTION FROM COSTLY, EXCESSIVE LITIGATION

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May 27, 1999

CONGRESSIONAL RECORD – SENATE

S6379

beneficial solution of the pressing problem of frivolous lawsuits which raise the cost of doing business and clog the nation’s court systems.”

The legislation would limit punitive damages and joint liability for non-economic damages against small businesses in any civil case. The current law, which permits damage verdicts to be commonplace as a result of vague substantive standards and unrestrained trial lawyers, awards non-economic cases compensate plaintiffs for “pain and suffering” or “emotional distress,” and are not calculated on tangible economic damages. The current punitive litigation epidemic are felt throughout the nation’s economy. My state provides a great windfall to plaintiffs. It also does not prevent a plaintiff from recovering from product sellers when those sellers are responsible for harm.

Mr. President, this is a sensible, narrowly-tailored piece of legislation that is greatly needed to free up the enterprising spirit of our small businesses. I look forward to the Senate’s consideration of this important legislation.

ADDITIONAL COSPONSORS

At the request of Mr. Daschle, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 10, a bill to provide health programs for working individuals with disabilities, to establish the Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program and F. Edward Hebert Scholarship and Financial Assistance Program.

At the request of Mr. Jeffords, the name of the Senator from Missouri (Mr. Ashcroft) 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.

At the request of Mr. Bond, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow deduction for 100 percent of the health insurance costs of self-employed individuals.

At the request of Mr. Bond, the name of the Senator from New Hampshire (Mr. Gregg) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

At the request of Mr. Durbin, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of “Washington’s Birthday” as “Presidents’ Day” in
honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

At the request of Mr. BREAXU, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 434, supra.

At the request of Mr. ROBB, the name of the Senator from Texas (Mrs. LINCOLN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

At the request of Mr. LUGAR, the names of the Senator from Indiana (Mr. Bayh) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion for gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona (Ms. KENNEDY) was added as a cosponsor of S. 627, a bill to terminate the Internal Revenue Code of 1986.

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immuno-suppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 667, a bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

At the request of Mr. CHAFFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

At the request of Mr. CHAFFEE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 664, supra.

At the request of Mr. LOTT, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

At the request of Mr. CRAIG, the name of the Senator from Oklahoma
(Mr. Inhofe) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 749

At the request of Mr. Kennedy, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 749, a bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

S. 906

At the request of Mr. Dodd, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Minnesota (Mr. Wellstone) were added as cosponsors of S. 906, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 980

At the request of Mr. Baucus, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 980, a bill to promote access to health care services in rural areas.

S. 107

At the request of Mr. M. Smith, the names of the Senator from Oregon (Mr. Smith) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 1070

At the request of Mr. Bond, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1124

At the request of Ms. Collins, the names of the Senator from Texas (Mrs. Hutchison), the Senator from Ohio (Mr. DeWine), and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 1124, a bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers.

S. 1129

At the request of Mr. Domenici, the name of the Senator from Arizona (Mr. Kyi) was added as a cosponsor of S. 1129, a bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. Campbell, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. Dodd, the name of the Senator from New Hampshire (Mr. Smith) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 34

At the request of Mr. Torricelli, the names of the Senator from California (Mrs. Feinstein), the Senator from Alabama (Mr. Sessions), and the Senator from North Carolina (Mr. Helms) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. Lautenberg, the names of the Senator from North Carolina (Mr. Helms) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

AMENDMENT NO. 394

At the request of Mr. Lott, the name of the Senator from Georgia (Mr. Coverdell) was added as a cosponsor of amendment No. 394, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel standards for the Armed Forces, and for other purposes.

At the request of Mr. Levin, the name was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

At the request of Mr. Robb, his name was added as a cosponsor of amendment No. 394 proposed to S. 1059, supra.

SENATE CONCURRENT RESOLUTION 36—CONDEMNING PALESTINIAN EFFORTS TO REVIVE THE ORIGINAL PALESTINE PARTITION PLAN OF NOVEMBER 29, 1947, AND CONDEMNING THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS FOR ITS APRIL 27, 1999, RESOLUTION ENDORSING PALESTINIAN SELF-DETERMINATION ON THE BASIS OF THE ORIGINAL PALESTINE PARTITION PLAN

Mr. Schumer (for himself, Mr. Moynihan, Mr. Brownback, Mr. Smith, and Mr. Lieberman) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 36

Whereas United Nations General Assembly Resolution 181, which called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state, was declared null and void on November 29, 1947, by the Arab states and the Palestinians, who included the rejection of Resolution 181 as a formal justification for the May, 1948, invasion of the newly declared State of Israel by the armies of five Arab states;
WHEREAS the armistice agreements between Israel and Egypt, Lebanon, Syria, and Transjordan in 1949 made no mention of United Nations General Assembly Resolution 181, and the armistice agreements between Israel and the Nuba Mountains in 1967 and 1973 made no reference to United Nations General Assembly Resolution 181 in its Resolution 73 of August 11, 1949, which endorsed the armistice;

WHEREAS in 1967 and 1973 the United Nations adopted Security Council Resolutions 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel’s sovereignty;

WHEREAS Security Council Resolutions 242 and 338 have served as the framework for all negotiations between Israel, Palestinian representatives, and Arab states for 30 years, including the 1991 Madrid Peace Conference and the ongoing Oslo peace process, and serve as the agreed basis for impending Final Status Negotiations;

WHEREAS senior Palestinian officials have recently resurrected United Nations General Assembly Resolution 181 through official statements and a March 25, 1999, letter from the Palestine Liberation Organization Permanent Observer to the United Nations Secretary-General contending that the State of Israel did not exists on the borders outlined in United Nations General Assembly Resolution 181, and accept Jerusalem as a “corpus separatum” to be placed under United Nations control as outlined in United Nations General Assembly Resolution 181; and

WHEREAS in its April 27, 1999, resolution, the United Nations Commission on Human Rights endorsed that Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns Palestinian efforts to circumvent United Nations Security Council Resolutions 242 and 338, as well as violate the Oslo peace process, by attempting to revive United Nations General Assembly Resolution 181, thereby placing the entire Israeli-Palestinian process at risk;

(2) condemns the United Nations Commission on Human Rights for voting to formally endorse United Nations General Assembly Resolution 181 as the basis for the future of Palestinian self-determination;

(3) reiterates that any just and final peace agreement regarding the final status of the territory controlled by the Palestinians can only be determined through direct negotiations and agreement between the State of Israel and the Palestinian Liberation Organization;

(4) reiterates its continued unequivocal support for the security and well-being of the State of Israel, and of the Oslo peace process based on United Nations Security Council Resolutions 242 and 338; and

(5) calls for the President of the United States to declare that—

(A) it is the policy of the United States that United Nations General Assembly Resolutions 181 of 1947 is null and void;

(B) all negotiations between Israel and the Palestinians must be based on United Nations Security Council Resolutions 242 and 338; and

(C) the United States regards any attempt by the Palestinians or any entity to resurrect United Nations General Assembly Resolution 181 as a basis for negotiations, or for any international decision, as being unwarranted and will continue to seek, for a successful peace agreement in the Middle East,

SATE RESOLUTION 109—RELATING TO THE ACTIVITIES OF THE NATIONAL ISLAMIC FRONT GOVERNMENT IN SUDAN

Mr. BROWNBACK (for himself, Mr. Frist, Mr. Hutchinson, Mr. Lautenberg, Mr. Mack, and Mr. Lieberman) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 109

WHEREAS according to the United States Committee for Refugees (USCR), approximately 100,000 refugees are in the Sudan, as a result of the mid-1980s war fought by the Sudanese government and the National Islamic Front and over the past decade due to war and war-related causes and famine, and millions more people in Sudan have been displaced from their homes and forced to flee from their families, making this the deadliest war in the last decade in terms of mortality rates;

WHEREAS the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains has brought untold suffering on innocent civilians and threatens the very survival of a whole generation of southern Sudanese;

WHEREAS the people of the Nuba Mountains are at particular risk from this policy because they have been the specific target of a deliberate prohibition on international food aid, which has helped induce a man-made famine, and have been subject to the routine burning and bombing of civilians, including religious facilities, schools, and hospitals;

WHEREAS the National Islamic Front government is deliberately and systematically committing crimes against humanity in southern Sudan and the Nuba Mountains;

WHEREAS the National Islamic Front government has systematically and repeatedly obstructed the efforts of the Inter-governmental Authority for Development (IGAD) in Sudan over the past several years;

WHEREAS the Declaration of Principles put forth by inter-governmental Authority for Development mediators provides the most fruitful negotiating framework for resolving problems in Sudan and bringing lasting peace to Sudan;

WHEREAS humanitarian conditions in southern Sudan, especially in Bahr al-Ghazal, deteriorated in 1998 and the IGAD sponsored peace agreement of February 1999 failed to provide for the protection of civilians, including religious facilities, schools, and hospitals;

WHEREAS the National Islamic Front government in southern Sudan and the Nuba Mountains has brought untold suffering on innocent civilians and threatens the very survival of a whole generation of southern Sudanese;

WHEREAS the National Islamic Front government continues to deny access by United Nations relief flights to certain locations in southern Sudan as a routine practice of slavery in Sudan, and the United Nations Security Council has sanctioned these practices and sanctions on the National Islamic Front government, resulting in deterioration of humanitarian conditions;

WHEREAS approximately 2,600,000 Sudanese were killed in Sudan in January 1989, and the World Food Program currently estimates that 4,000,000 people are in need of emergency assistance in that area;

WHEREAS the National Islamic Front government, which was referred to the Committee on Foreign Relations, by the complicity of the National Islamic Front government in that practice;

WHEREAS the National Islamic Front government abuses and tortures political opponents and innocent civilians in northern Sudan, and many people in northern Sudan have been killed by that government over the years;

WHEREAS the vast majority of Muslims in Sudan do not prescribe to policies of the National Islamic Front government, including the politicized practice of Islam, and moderate Muslims in Sudan have been specifically targeted by the National Islamic Front government;

WHEREAS the National Islamic Front government is considered by much of the world community to be a rogue state because of its support for international terrorism and its campaign of terrorism against its own people;

WHEREAS according to the Department of State’s Patterns of Global Terrorism Report, “Sudan’s support to terrorist organizations has included paramilitary training, indoctrination, money, travel and coordination, safe passage, and refuge in Sudan”;

WHEREAS the National Islamic Front government has been implicated in the assassination attempt of Egyptian President Hosni Mubarak in Ethiopia in 1995 and the World Trade Center bombing in New York City in 1993;

WHEREAS the National Islamic Front government has permitted Sudan to be used by well known terrorist organizations as a refuge and training center;

WHEREAS, in addition, the Riyadh, Saudi Arabia born financier of extremist groups and mastermind of the bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, used his funds and operations for several years and continues to maintain economic interests there;
Whereas on August 20, 1998, United States naval forces struck a suspected chemical weapons facility in Khartoum, the capital of Sudan, in retaliation for those bombings;

Whereas relations between the United States and Sudan continue to deteriorate because of human rights violations, the war policy of the National Islamic Front government in southern Sudan, and that government’s support for international terrorism;

Whereas in 1993 the United States Government placed Sudan on the list of seven states in the world that sponsor terrorism and imposed comprehensive sanctions on the National Islamic Front government in November 1997; and

Whereas the struggle by the people of Sudan, and opposition forces to the National Islamic Front government, is a just struggle for freedom and democracy against that government. Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the National Islamic Front government in Sudan for its support for terrorism and its continued human rights violations;

(2) strongly deplores the slave raids in southern Sudan and calls on the National Islamic Front government to end immediately the practice of slavery in Sudan;

(3) calls on the United Nations Security Council—

(A) to condemn such slave raids and bring to justice those responsible for the crimes against humanity which such slave raids entail;

(B) to implement the existing air embargo, and impose an arms embargo, on the National Islamic Front government;

(C) to swiftly implement reforms of Operation Lifeline Sudan in areas so as to enhance the independence of that operation from the National Islamic Front government; and

(D) to determine whether or not the war policy of the National Islamic Front government in southern Sudan and the Nuba Mountains constitutes genocide; and

(E) to implement the recommendations of the United Nations Special Rapporteur for Sudan, Leonardo Franco, who has called for the posting of human rights monitors throughout Sudan; and

(4) Whereas, the President is taking action—

(A) to increase support for relief organizations working outside the umbrella of Operation Lifeline Sudan, including, in particular, the dedication of programs to and an increase in resources of organizations serving the Nuba Mountains;

(B) to instruct the Agency for International Development (AID) and other appropriate agencies to—

(i) provide additional support to and coordinate activities with nongovernmental organizations involved in relief work in Sudan that work outside the umbrella of organizations supported by Operation Lifeline Sudan in the Nuba Mountains; and

(ii) enhance the independence of Operation Lifeline Sudan from the National Islamic Front government, including by removing that government’s power of automatic veto over its operation;

(C) to double the funds that are made available through the so-called STAR Program, the promotion of the rule of law to advance democracy, civil administration, and the judiciary, and the enhancement of infrastructure, in areas in Sudan that are contributing to the opposition to the National Islamic Front government;

(D) to instruct the Agency for International Development to provide humanitarian assistance, including food, and indigenous service groups in southern Sudan and the Nuba Mountains; and

(E) to intensify and expand United States diplomatic and economic pressure on the National Islamic Front government in conjunction with and urging other countries to impose economic sanctions on the Sudanese government that are similar to sanction regime imposed on that government by the United States;

(F) to continue to enhance the peace process in Sudan supported by the Inter-governmental Authority for Development; and

(G) to report to Congress not later than three months after the adoption of this resolution the economic sanctions plans of the President to promote the end of slavery in Sudan.

SENATE RESOLUTION 100—DESIGNATING JUNE 5, 1999, AS NATIONAL RACE FOR THE CURE DAY

Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. LOTT, Mr. DASCHLE, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BINGMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. DEWINE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Ms. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURkowski, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, Mr. BAUCUS, Mr. BROWNBACK, Mr. DURBIN, Mr. ROBERTS, Mr. VIVIAN, Mr. WELLSTONE, Mr. ALLARD, Mr. BIDEN, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54; Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer; Whereas the Komen National Race for the Cure is celebrating its 10th Anniversary during 1999; Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world; Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999; and

WHEREAS the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series have raised an estimated $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment:

Now, therefore, be it

Resolved, That the Senate—

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as ‘‘National Race for the Cure Day’’; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 111—DESIGNATING JUNE 6, 1999, AS ‘‘NATIONAL CHILD’S DAY’’

Mr. GRAHAM (for himself, Mr. BURNS, Mr. SARBANES, Mr. SMITH of Oregon, Mrs. MURRAY, Mr. BOND, Mr. DASCHLE, Mr. DEWINE, Mr. ROBERTS, Mr. SPECTER, Ms. MIKULSKI, Mr. MACK, Mr. THURMOND, Mr. EDWARDS, Mr. THOMPSON, Mr. TWING, Mr. BUTCHER, Mr. CRAIG, Mr. JOHNSON, Mr. GRASSLEY, Ms. LANDRIEU, Ms. SNOWE, Mr. LEVIN, Mr. WARNER, Mr. ROBB, Mr. ENZI, Mr. LAUTENBERG, Mr. CRAPo, Mr. AKAKA, Mr. GORTON, Mr. DODD, Mr. DOMENICI, Mr. BENTS, Mr. STROMBLAND, Mr. HAGEL, Mr. KENNEDY, Mr. ABRAHAM, Mr. DORGAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. REID, Mr. DURBIN, Mr. CONRAD, Mr. BYRD, Mr. INOUE, Mr. BAYH, Mr. BINGMAN, Mr. BRYAN, Mr. LIEBERMAN, Mr. WYDEN, Mr. HOLINGS, and Mr. HATCH,) submitted the following resolution; which was considered and agreed to:

S. RES. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother’s Day and Father’s Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit; Whereas the people of the United States should celebrate children as the most valuable asset of the United States; Whereas the children represent the future, hope, and inspiration of the United States; Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen; Whereas many children in the United States face crises of grave proportions, especially as they enter adolescence; Whereas it is important for parents to spend time listening to their children on a daily basis; Whereas modern societal and economic demands often pull the family apart; Whereas, whenever practicable, it is important for both parents to be involved in their child’s life; Whereas encouragement should be given to fathers to set aside time for all family members to engage together in family activities; Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years; Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities; Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

WHEREAS the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

WHEREAS the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; WHEREAS because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

WHEREAS the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;
(1) designates June 6, 1999, as "National Child's Day"; and
(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENIOR RESOLUTION 112—TO DESIGNATE JUNE 5, 1999, AS "SAFE NIGHT USA"

Mr. FEINGOLD submitted the following resolution; which was considered and agreed to:

S. RES. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;
Whereas over 1,000,000 juveniles were victims of violent crimes last year;
Whereas local community prevention efforts are vital to reducing these alarming trends;
Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in response to a 200 percent increase in violent death and injury in that city between 1983 and 1993;
Whereas Safe Night involved over 10,000 Wisconsin participants and included over 100 individual Safe Nights throughout Wisconsin in 1996;
Whereas Safe Night has been credited as a factor in reducing the juvenile homicide rate in Milwaukee by 60 percent in just the first 3 years of the program;
Whereas Wisconsin Public Television, the Public Broadcasting Service, Black Entertainment Television, the National Latino Children's Institute, the National Civic League, 100 Black Men of America, the Resolution Community Creativity Center and Educators for Social Responsibility, the Boys and Girls Club of America, the Community Anti-Drug Coalitions of America, the National 4-H Youth Council, Public Television Outreach, and the American Academy of Pediatrics have joined with Safe Night USA to lead this major violence prevention initiative.
Whereas community leaders, including parents, teachers, doctors, religious officials, and business leaders, will enter into partnership with youth to foster a drug-free and violence-free environment on June 5, 1999;
Whereas this partnership combines stress and anger management programs with dance, talent shows, sporting events, and other recreational activities, operating on only 3 basic rules: no weapons, no alcohol, and no arguments;
Whereas Safe Night USA helps youth avoid the most common factors that precede acts of violence, provides children with the tools to resolve conflict and manage anger without violence, encourages communities to work together to identify key issues affecting teenagers, and creates local partnerships with youth that will continue beyond the expiration of the project; and
Whereas June 5, 1999, will witness over 10,000 local Safe Night activities joined together in one nationwide effort to combat youth violence and substance abuse: Now, therefore, be it
Resolved,

SECTION 1. DESIGNATION. The Senate—
(1) designates June 5, 1999, as "Safe Night USA"; and
(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. TRANSMITTAL OF RESOLUTION. The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2000
WARNER AND OTHERS AMENDMENT NO. 411

Mr. WARNER (for himself, Mr. ROBB, Mr. INHOFE, and Mr. LEVIN) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 428, after line 19, insert the following new section:

SEC. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES. The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Renovation. The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

WARNER AND LEVIN AMENDMENT NO. 412

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill (S. 1059) as follows:

On page 98, line 15, strike "$71,693,093,000." and insert in lieu thereof the following:

$71,693,093,000, and in addition funds in the total amount of $1,638,426,000 are authorized to be appropriated as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 1022 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31)."

ALLARD AND CLELAND AMENDMENT NO. 413

Mr. ALLARD (for Mr. ALLARD, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1059, supra, as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

(2) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.".

MACK AND GRAHAM AMENDMENT NO. 414

Mr. WARNER (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 12, increase the amount by $6,000,000.

On page 29, line 14, decrease the amount by $6,000,000.

WARNER AMENDMENT NO. 415

Mr. WARNER proposed an amendment to the bill, S. 1059, supra; as follows:

In title III, at the end of subtitle D, add the following:

SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112a(3) of title 32, United States Code, is amended by striking "per purchase order" in the second sentence and inserting "per item".

TORRICELLI AMENDMENT NO. 416

Mr. LEVIN (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are associated with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

CRAPO AND LOTT AMENDMENT NO. 417

Mr. CRAPO (for himself and Mr. LOTT) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

SNOWE AMENDMENT NO. 418

Mr. SNOWE (for Mr. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

Resolved,
In title X, at the end of subtitle D, add the following:

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth—

(1) the specific steps the United States has taken and will continue to take to institute the embargo and to financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

HATCH AMENDMENT NO. 419

Mr. WARNER (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

REED (AND CHAFEE) AMENDMENT NO. 420

Mr. LEVIN (for Mr. REED, for himself and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 48, line 5, after “laboratory,”, insert the following: “, and the director of one test and evaluation laboratory,”.

On page 48, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research and development research and development money to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 48, line 12, strike “(B)” and insert “(C)”.

On page 48, beginning on line 14, strike “paragraph (A)” and insert “subparagraphs (A) and (B)”.

GRAMM AMENDMENT NO. 421

Mr. WARNER (for Mr. GRAMM) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be at no cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Graham Amendment No. 422

Mr. LEVIN (for Mr. GRAMM, for himself and Mr. MACK) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

SESSIONS AMENDMENT NO. 423

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.

Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

“(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.”.

SNOWE AMENDMENT NO. 424

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 25, between lines 17 and 18, insert the following:

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 106(a) for procurement programs, projects, and activities of the Navy, up to $150,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authorities provided in section 101.

SHELBY (AND SESSIONS) AMENDMENT NO. 425

Mr. WARNER (for Mr. Shelby, for himself and Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title I, at the end of subtitle B, add the following:

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.

Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to complete the development of a reusable and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

GRAMM AMENDMENT NO. 426

Mr. WARNER (for Mr. GRAMM, for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 440, between lines 6 and 7, insert the following:

SEC. 2007. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesigning paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and
(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'eligible entity' means any individual, corporation, firm, partnership, governmental agency, State (and local governmental), or housing authority of a State or local government."

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking "private persons" and inserting "eligible entities".

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a), by striking "persons in private sector" and inserting "eligible entities";

(2) in subsection (b)(1)—

(A) by striking "any person in the private sector" and inserting "eligible entity"; and

(B) by striking "the person" and inserting "eligible entity".

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking "non-governmental entities" and inserting "eligible entities";

(2) in subsection (b), by striking "a non-governmental entity" and inserting "an eligible entity"; and

(3) in subsection (c), by striking "the entity" each place it appears and inserting "the eligible entity".

(e) RENTAL GUARANTEES.—Section 2877 of such title is amended by striking "private persons" and inserting "eligible entities".

(f) DIFERENTIAL LEASE PAYMENTS.—Section 2878 of such title is amended by striking "private".

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2879(a) of such title is amended by striking "private persons" and inserting "eligible entities".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2879 of such title is amended to read as follows:

"§ 2879. Investments".

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2879 and inserting the following new item:

"2879. Investments.".

CLELAND AMENDMENT NO. 427

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 272, between lines 8 and 9, insert the following:

SEC. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURY OR DISEASE IN LINE OF DUTY.—(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (3)(B) or (2)(B) of section 1074a(a) of such title may be ordered to active duty, and a member of a uniformed service described in paragraph (3)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph."
for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to develop effective multiple-award schedules. The program shall be similar to those offered to the Federal Government, and the regulations shall be consistent with regulations that the Comptroller General considers appropriate.

SEC. 509. DEFINITION OF COMMERICAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.

Section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(e)) is amended to read as follows:

"(E) Installations, services, maintenance services, repair services, training services, and other services if—

(i) the services are procured for support of an item as referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government."

SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.

(a) EXTENSION OF AUTHORITY.—Section 420(e) of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 110 Stat. 664; 10 U.S.C. 2304 note) is amended by striking "three years after the date on which such amendments took effect pursuant to section 440(b)" and inserting "January 1, 2002".

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program established under the program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended by redesigning subsections (d) and (e) as subsections (f) and (g), respectively; and by inserting after subsection (c) the following:

"(f) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

"(g) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority."

(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and other responsible officials within the Department of Defense" before the semicolon at the end.

(b) MANAGEMENT OF CREDIT CARDS.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credit card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each card holder.

(B) The credit card clearing and billing officials are responsible for reconciling the charges appearing on each statement of account and other documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Any discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Records and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(2) AMENDMENT NO. 430

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—(1) Section 135 of title 10, United States Code, is amended by redesigning subsections (d) and (e) as subsections (f) and (g), respectively; and by inserting after subsection (c) the following:

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(2) Subsection (c)(1) of such section is amended by inserting "and to ensure accountability to the citizens of the United States, Congress, the President, and other responsible officials within the Department of Defense" before the semicolon at the end. A
(2) a remittance address for a disbursement is altered only if the alteration is—
(A) requested by the person to whom the disbursement is authorized to be remitted; and
(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

REID AMENDMENT NO. 431
Mr. WARNER (for Mr. Reid) proposed an amendment to the bill, S. 1059, supra; as follows:
On page 18, line 13, strike “$1,169,000,000” and insert “$1,164,500,000.”
On page 29, line 14, strike “$9,400,000,” and insert “$9,404,581,000.”

COCHRAN AMENDMENT NO. 432
Mr. WARNER (for Mr. Cochran) proposed an amendment to the bill, S. 1059, supra; as follows:
On page 29, line 11, increase the amount by $3,500,000.
On page 29, line 14, decrease the amount by $3,500,000.

ALLARD AMENDMENT NO. 433
Mr. WARNER (for Mr. Allard) proposed an amendment to the bill, S. 1059, supra; as follows:
At the end of title XI, add the following:
SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.
(a) Lump-Sum Payment of Severance Pay. —Section 5996(c)(4) of title 5, United States Code, is amended by striking the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999” and inserting “February 10, 1996, and before October 1, 2003”.
(b) Voluntary Separation Incentive. —Section 5996(e) of such title is amended by striking “September 30, 2001” and inserting “September 30, 2003”.
(c) Continuation of FEHBP Eligibility. —Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following: “(i) October 1, 2003; or (ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.”

LANDRIEU AMENDMENT NO. 434
Mr. LEVIN (for Ms. Landrieu) proposed an amendment to the bill, S. 1059, supra; as follows:
In title V, at the end of subtitle F, add the following:
SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.
(a) Requirement. —The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of all persons who serve in the Armed Forces; and
(b) Interviews. —The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

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SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS. —The survey shall, at a minimum, cover the following subjects:
(1) Reasons for leaving military service.
(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).
(3) Affiliations with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.
(4) Attitude toward pay and benefits for service in the Armed Forces.
(5) Extent of job satisfaction during service as a member of the Armed Forces.
(6) Such other matters as the Secretary determines appropriate for the survey concerning reasons for choosing to separate from the Armed Forces.

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(4) Attitude toward pay and benefits for service in the Armed Forces.
(5) Extent of job satisfaction during service as a member of the Armed Forces.
(6) Such other matters as the Secretary determines appropriate for the survey concerning reasons for choosing to separate from the Armed Forces.
sec. 1061. Military Assistance to Civil Authorities

of Section 4202(e) of the Clinger-Cohen Act

mented of Defense system.

ond, upgrade or redesign would result in interference with or

system made after the date of enactment of

grades, modifications, or system redesign to

``apparatus''.

ment of Defense entity, of a commu-

apply to the operation, by a non-Department

considered commercial items for purposes of

provided under this section shall normally be

provided on a reimbursable basis. Notwith-

standing any other provision of law, the

amounts of reimbursement shall be limited to

the amounts of the incremental costs of

ordinary circumstances, the Secretary of Defense may

waive reimbursement upon determining that a

waiver of the reimbursement is in the na-

tional security of the United States and sub-

mitting to Congress a notification of the
determination.

(2) If funds are appropriated for the Depart-
ment of Defense to cover the costs of re-

sponding to an act or threat for which assist-
ance is provided under subsection (a), the De-

partment of Defense shall be reimbursed out of

such funds for any incurred by the

department in providing the assistance with-

out regard to whether the assistance was

provided on a nonreimbursable basis.

(d) Limitation on Funding.—Not more

than $10,000,000 may be obligated to provide

assistance pursuant to subsection (a) in a fis-

cal year.

(e) Personnel Restrictions.—In carrying

out this section, a member of the Army,

Navy, Air Force, or Marine Corps may not,

unless authorized by another provision of

law—

(1) participate in a search, seizure,

arrest, or other similar activity; or

(2) collect intelligence for law enforce-

ment purposes.

(f) Nondelegability of Authority.—(1)

The Secretary of Defense may not delegate
to any other official authority to make de-

terminations and to authorize assistance

under this section.

(2) The Attorney General may not dele-
te to any other official authority to make de-

quest for assistance under subsection (a).

(g) Relationship to Other Authority.—(1)
The authority provided in this section is in

addition to any other authority available to

the Secretary of Defense.

(2) Nothing in this section shall be con-

structed to restrict any authority regarding

use of members of the armed forces or equip-

ment of the Department of Defense that was

in effect before the date of enactment of

this Act.

(i) Definitions.—In this section:

(1) The term “threat of an act of ter-

rorism” includes any circumstance providing

a basis for regarding an act of terrorism, as
determined by the Secretary of Defense in

consultation with the Attorney General and

the Secretary of the Treasury.

(2) The term “armed forces” has the

meaning given the term in section

1403 of the Defense Against Weapons of Mass

DeSTRUCTION Act of 1996 (10 U.S.C. 2302(1)).

ROBERTS (AND OTHERS)

amendment no. 441

Mr. WARNER (for Mr. ROBERTS, for himself, Mr. Bingaman, Mr. WARNER, and Mr. Levin) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

sec. 1063. Military Assistance to Civil Authorities for Responding to Terrorism.

(a) Authority.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

(2) the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) Nature of Assistance.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel, personal equipment, or any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to the act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, or resources.

(c) Reimbursement.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing such assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Defense to cover the costs of responding to an act or threat for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of such funds for any incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(f) Limitation on Funding.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

KENNEDY (AND OTHERS)

amendment no. 442

Mr. KENNEDY (for himself, Mr. LaToNEH, Mr. Brownback, Mr. Smith of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. T omRicelli, Ms. Mikulski, and Mr. KYL) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

sec. 1064. Sense of the Congress Regarding the Continuation of Sanctions Against Libya.

(a) Findings. — Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 191 American citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan intelligence agents, Abu al-Basit Ali al-Megrahi and Al-Amin Khalifa Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for Libya to comply with Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolu-
tions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The United Nations Security Council Resolu-
tions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investi-
gation and the trial, and address the issues of compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(1) a worldwide ban on Libya’s national airlines;

(2) a ban on flights into and out of Libya by other nations’ airlines;

(3) a prohibition on supplying arms, air-

plane parts, and certain oil equipment to Lib-

ya, and a blocking of Libyan Government fund-

ings in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United King-
dom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the pro-
posal that Colonel Qadhafi transfer the sus-
pects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.


(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie investigation and the trial, and addressing the issues of compensation) necessary to lift the United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanc-
tions.

(13) The United Nations Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya’s compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General’s report has been issued.

(15) The United States Government con-
siders Libya a state sponsor of terrorism and, in State Department “Patterns of Global Terrorism; 1998,” stated that Colonel Qadhafi “continued publicly and privately to
support Palestinian terrorist groups, including the PIJ and the PFLP–GC.

(16) United States Government sanctions (other than sanctions on food or medicine) should be imposed on Libya and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorists.

(b) CONGRESSIONAL SENSE.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 744, and 883.

FEINGOLD AMENDMENTS NOS. 443-444

Mr. FEINGOLD proposed two amendments to the bill, S. 1059, supra; as follows:

Amendment No. 443

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,640,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (2), on or before the first day of each fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

Amendment No. 444

On page 26, strike lines 20 through 25, and insert the following:

(b) PROHIBITION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize the full rate production of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the F/A-18E/F aircraft has successfully completed initial operational test and evaluation; and

(2) the Secretary of the Navy—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the version satisfying all key performance parameters in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997; and

(B) certifies that those results of operational test and evaluation; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy the Comptroller General's concurrence with the Secretary's certification.

COCHRAN AMENDMENT NO. 445

Mr. COCHRAN proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

COPPER AMENDMENTS NOS. 446-449

Mr. COPPER (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, Mr. HELMS, and Mr. COVERDELL) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike Section 3156 and insert the following:

"SEC. 3156. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.

(1) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7151 et seq.) is amended by adding at the end the following:

"OFFICE OF COUNTERINTELLIGENCE

SEC. 213. (a) There is within the Department an Office of Counterintelligence.

(b)(1) The Director shall be the Director of the Office of Counterintelligence.

(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Federal Bureau of Investigation or employee of the Department of Energy to the office who have expertise in matters relating to counterintelligence.

(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.

(c)(3) The Director of the Office of Counterintelligence shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a periodic basis and, at the request of any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

"(5) The Director of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation of or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or another Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

(6) Not later than May 27, 1999, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Office of Counterintelligence, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

(7) Each report shall include for the year covered by the report the following:

(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making recommendations to Congress as may be appropriate.

(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

(i) the number of violations that were investigated;

(ii) the number of violations that remain unresolved;

(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

(F) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(G) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national security intelligence agency, or any class of such officers or employees designated by the head of the Department of Energy, shall be subject to such regulations as the Secretary of Energy may prescribe to implement the procedures and policies required by this section and any recommendations of Congress as may be appropriate.
of any other part of the Department of Energy, and each officer or employee of any contractor of the Department, whose—

(A) responsibilities include carrying out a function assigned to the Administrator; or

(B) employment is funded under the Weapons Activities budget function of the Department.

(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation and guidance.

(4) Resource requirements determination and allocation.

(5) Program direction.

(6) Safeguard and security operations.

(7) Emergency management.

(8) Integration of production and research and development activities.

(9) Environment, safety, and health operations.

(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

(11) Oversight.

(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(13) Each of the functions described in subsection (f).

(e) The head of each nuclear weapons production facility and of each national laboratory shall be accountable directly to the Administrator.

(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, except that the Administrator may delegate to the head of a specified operations office functions including, but not limited to, providing or supporting the following activities at a nuclear weapons production facility or a national laboratory:

(1) Operational activities.

(2) Program execution.

(3) Personnel.

(4) Contracting and procurement.

(5) Fiscal oversight.

(6) Integration of production and research and development activities.

(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

(h) Each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof in—

(i) As used in this section:

(1) The term ‘nuclear weapons production facility’ means any of the following facilities:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(2) The term ‘nuclear laboratory’ means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term ‘specified operations office’ means any of the following operations offices of the Department of Energy:


(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(F) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(G) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(H) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(I) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(J) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(K) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(L) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(M) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(N) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

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(P) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(Q) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(R) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(S) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(T) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(U) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(V) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(W) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(X) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(Y) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

(Z) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

AA Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

BB Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

CC Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.
shall be a Member of the Senate and one shall be from private life.
(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.
(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.
(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.
(2) The members of the Commission appointed from private life under paragraph (1) shall be persons who have a substantial background in national security matters.
(b) CHAIRMAN AND VICE CHAIRMAN.ÐThe President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.
(c) PERIOD OF APPOINTMENT; VACANCIES.ÐMembers shall be appointed for the life of the Commission, but a vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.
(d) DEADLINE FOR APPOINTMENTS.ÐThe appointments required by subsection (a) shall be made within 45 days after the date of the enactment of this Act.
(e) QUORUM.ÐNine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.
(g) SECURITY CLEARANCES.ÐAppropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.
(h) APPLICATION OF CERTAIN PROVISIONS OF LAW.ÐNothing in title 5, United States Code, concerning sensitive nature of its deliberations, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall not apply to the Commission.
(2) The provisions of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), shall not apply to the Commission. However, records of the Commission shall be subject to the Freedom of Information Act.
(b) IMPLEMENTATION.ÐIn carrying out subsection (a), any panel or member of the Commission may, by default, hear, investigate, or receive information that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented by a classified report or annex, which shall be provided separately to the President and the congressional defense and intelligence committees.
(c) STAFF.Ð
(a) Initial Report.ÐNo later than January 15, 2003, the Commission shall submit to the President and to the congressional defense and intelligence committees a report setting forth its plan for the work of the Commission.
(b) Interim Reports.ÐPrior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.
(c) Final Report.ÐNo later than January 15, 2003, the Commission shall submit to the Congress and to the congressional defense and intelligence committees a report setting forth its findings and recommendations.
(a) Hearings.ÐThe Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this Act, call hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member of the Commission considers advisable.
(b) Information from Federal Agencies.ÐThe Commission may secure directly from any agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.
(c) Postal, Printing, and Binding Services.ÐThe Commission may use the United States mails and obtain printing and binding services for the Commission under the same conditions as other departments and agencies of the Federal Government.
(d) Subcommittees.ÐThe Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's responsibilities under this Act. The actions of such panels shall be subject to the review and control of the Commission.
(e) Authority of Individuals to Act for Commission.ÐAny member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.
SEC. 1306. PERSONNEL MATTERS.
(a) Compensation of Members.ÐEach member of the Commission who is a private United States citizen shall be paid, if requested, at a rate equal to the daily equivalent of the annual rate of basic pay payable to a level V/15 of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the member's official duties.
(b) Travel Expenses.ÐEach member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.
(c) Staff.Ð
(1) In General.ÐThe Chairman of the Commission may, without regard to the provisions of title 5, United States Code, govern appointments to the staff. An individual not otherwise eligible for employment in the Federal service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.
(2) Compensation.ÐThe staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole. No member of the professional staff may be a current officer or employee of an intelligence agency, except that up to three current employees of intelligence agencies who are on rotational duty with the Commission, or any designee of the President, may serve on the staff subject to the approval of the Commission as a whole.
(a) Hearings.ÐThe Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5 and the rate of pay for other personnel may not exceed the maximum rate payable for level GS-15 of the General Schedule.
(b) Detail of Government Employees.ÐUpon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission for carrying out its administrative and clerical functions.
(d) Procurement of Temporary and Intermittent Services.ÐThe Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, for individuals who do not exceed the daily equivalent of the annual rate of basic pay payable
for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Director of Central Intelligence shall furnish the Commission, on a non-reimburseable basis, any administrative and support services requested by the Commission consistent with this title.

SEC. 1307. PAYMENT OF COMMISSION EXPENSES.
The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Director of Central Intelligence for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Central Intelligence Agency.

SEC. 1308. TERMINATION OF THE COMMISSION.
The Commission shall terminate one month after the date of the submission of the report required by section 1306(c).

SEC. 1309. DEFINITIONS.
In this title:
(1) The term "intelligence agency" means any agency, office, or element of the intelligence community.
(2) The term "intelligence community" shall have the same meaning as set forth in section 301 of the National Security Act of 1947 (50 U.S.C. 401a).
(3) The term "congressional intelligence committees" refers to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

REID AMENDMENT NO. 448
Mr. LEVIN (for Mr. Reid) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, line 24, add the following:

SEC. 1061. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building".

Mr. LEVIN (for Mr. R EID) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base $11,600,000

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

HARKIN (AND BOXER) AMENDMENT NO. 450
Mr. LEVIN (for Mr. Harkin, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle C, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.
(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 106a of title 10, United States Code, is amended by striking "may carry out a program to provide supplemental food" and inserting "shall carry out a program to provide supplemental foods and nutrition education".
(b) FUNDING.—Subsection (b) of such section is amended to read as follows:
"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).
(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: 'In the determining eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786b) shall be considered eligible for the duration of the certification period under that program.'
(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".
(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:
"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786b)."
On page 17, line 6, reduce the amount by $18,000,000.

LEAHY AMENDMENT NO. 451
Mr. LEVIN (for Mr. Leahy) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 1106. TRAINING AND OTHER PROGRAMS.
(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has not received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.
(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of State shall establish procedures to ensure that prior to a decision to conduct any training program required in paragraph (a), full information shall be made available to the Department of State relating to human rights violations by foreign security forces.
(c) REPORT.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraphs (a) if he determines that such waiver is required by extraordinary circumstances.

CONRAD AMENDMENTS NOS. 452-454
Mr. LEVIN (for Mr. CRANDALL) proposed three amendments to the bill, S. 1059, supra; as follows:

AMENDMENT NO. 452
In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.
Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to its implications for defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453
In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and the President of Russia Yeltsin; (2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and (3) if the certification under section 1044 is made, the President should emphasize the continuing interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.
(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:
(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of nuclear warheads;
(B) An assessment of the strategic relevance of the warheads.
(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.
(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.
(E) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.
In title II, at the end of subtitle C, add the following:

**AMENDMENT NO. 454**

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1059, supra, as follows:

In title X, at the end of subtitle D, add the following:

**SEC. 225. OPTIONS FOR AIR FORCE CRUISE M I S I E L S.**

(1) The Secretary of the Air Force may convey, without consideration, the designated area of Hanover Neck in East Hanover, New Jersey, as follows:

(a) one Y-O-O tower, described in this subsection, to the Township of Hanover, New Jersey, in accordance with the terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(b) other terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**LAUTENBERG AMENDMENT NO. 456**

Mr. LEVIN (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 453, between lines 10 and 11, insert the following:

**SEC. 2823. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW J E R S E Y.**

(a) CONVEYANCE.—The Secretary of the Army may convey, without consideration, to the Township of East Hanover, New Jersey, the Nike Battery 80, located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, consisting of approximately 12.88 acres that is a fundamental capability necessary for encouraging the economic development to the Township.

(b) DESCRIPTION OF PROPERTY.—The exact acreage of real property to be conveyed is described as follows:

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SARBANES AMENDMENT NO. 457**

Mr. LEVIN (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra, as follows:

At the end of subtitle E of title XXVIII, add the following:

**S. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.**

(a) In General.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) Yugoslav Defined.—In this section, the term 'Federal Republic of Yugoslavia' means the Federal Republic of Yugoslavia (Serbia and Montenegro).

**BINGAMAN AMENDMENT NO. 459**

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 455, through page 502, line 11, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS."

**SEC. 2901. FINDINGS.**

"The Congress finds that—"

(1) Public law 99-606 authorized public land withdrawals for several military installations, including the McGregor Air Force Range in Arizona, the McGeorge Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States; and

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in public law 99-606 were for a period of 15 years, and expire in November, 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in public law 99-606 and other applicable laws, including the compilation of appropriate environmental impact studies and opportunities for public comment and review.

**SEC. 2902. SENSE OF THE SENATE.**

"It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

**WARNER AMENDMENT NO. 460**

Mr. WARNER proposed an amendment to the bill, S. 1059, supra, as follows:

if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a)."
At the appropriate place, insert:

SEC. 1. ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

With regard to the conveyance of a portion of Fort Douglas, U.S. to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army shall accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation made or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended.

ROBB AMENDMENT NO. 461

Mr. LEVIN (for Mr. Robb) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 93, between lines 2 and 3, insert the following:

SEC. 340. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $60 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

AMENDMENT NO. 462

Mr. LEVIN (for Mrs. Lincoln) proposed an amendment to the bill, S. 1059, supra; as follows:

Amend the tables in section 2301 to include $7.8 million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

SMITH AMENDMENT NO. 463

Mr. WARNER (for Mr. Smith of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 429, line 5, strike out "$172,472,000" and insert in lieu thereof "$156,340,000".

On page 411, in the table below, insert after item related to Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth
$3,850,000

On page 412, in the table line Total strike out "$744,140,000" and insert "$747,990,000." On page 414, line 6, strike out "$2,078,050,000" and insert in lieu thereof "$2,081,865,000".

On page 414, line 9, strike out "$673,960,000" and insert in lieu thereof "$677,810,000".

On page 416, line 19, strike out "$666,299,000" and insert in lieu thereof "$668,581,000".

HELMS AMENDMENT NO 464

Mr. WARNER (for Mr. Helms) proposed an amendment to the bill, S. 1059, supra; as follows:

Insert at the appropriate place in the bill:

SEC. 3. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) describing any implications this may have for the United States implementation of such agreement;

(2) identifying the number of United States warhead “pits” of each type deemed “excess” for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

SESSIONS AMENDMENT NO. 465

Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill S. 1059, supra; as follows:

In title V, at the end of subtitle B, add the following:

SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(c) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 5144(c)(2) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(d) GRADE OF CHIEF OF NAVY RESERVE.—Section 5145(c)(2) of title 10, United States Code, is amended by striking “major general” and inserting “lieutenant general”.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking “major general” and inserting “lieutenant general”.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

“(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers: (1) An officer on active duty for training. (2) An officer on active duty under a call or order specifying a period of less than 180 days. (3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(2) of this title.”

VIOOVICE (AND DEWINE) AMENDMENT NO. 467

Mr. WARNER (for Mr. Voinovich, for himself and Mr. DeWine) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 303(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 303(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for—
Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordinance firing range and justify the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

McCAIN AMENDMENT NO. 486

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike “except those lands within a unit of the National Wildlife Refuge System”.

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2906 through 2912, respectively.

In section 2907(h), as so redesignated, strike “section 2902(c) or 2902(d)” and insert “section 2902(b) or 2902(c)”.

In section 2908, as so redesignated, strike “section 2909(g)” and insert “section 2909(g)”.

In section 2910, as so redesignated, strike “except that” and insert “all that” and follow it with a period.

In section 2911(a)(1), as so redesignated, strike “subsection (b), (c), and (d)” and insert “subsection (a), (b), and (c)”.

In section 2911(a)(2), as so redesignated, strike “except that lands” and all that follows and insert a period.

At the end, add the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 2304(g)(1)(B) of the Military Lands Withdrawal Act of 1986 (Public Law 99-662), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States national and cultural resources is required if the United States is to preserve its national heritage.

HELMS (AND BIDEN) AMENDMENT NO. 469

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 18, strike “the United States” and insert “such”.

On page 356, line 7, insert after “Secretary of Defense” the following: “, in consultation with the Secretary of State.”.

On page 356, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.

On page 359, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike “(c)” and insert “(b)”.

Strike page 359, line 16, strike “(d)” and insert “(c)”.

BOND (AND KERRY) AMENDMENT NO. 470

Mr. WARNER (for Mr. BOND, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 281, at the end of line 13, add the following: “However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2))”.:

On page 282, line 19, after “concerns,” insert the following: “HUBZone small business concerns.”

On page 283, line 19, strike “(A)” and insert “(B)”.

On page 283, line 23, strike “(B)” and insert “(C)”.:

On page 284, line 3, strike “(C)” and insert “(D)”.:

On page 284, between lines 6 and 7, insert the following:

(4) The term “HUBZone small business concern” has the meaning given the term in section 3(3) of the Small Business Act (15 U.S.C. 6320(3)).

McCAIN AMENDMENT NO. 471

Mr. LEVIN (for Mr. McCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 30, United States Code, $500,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph D of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(1) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

HATCH AMENDMENT NO. 472

Mr. LEVIN (for Mr. HATCH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall require.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials designed for the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITY.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term “base closure laws” means the following:


(2) The term “tax-supported educational institution” means any tax-supported educational institution covered by section 2411(b)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(1)(A)).

EDWARDS AMENDMENT NO. 473

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

GRAMM AMENDMENT NO. 474

Mr. WARNER (for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 1059, supra; as follows:
On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialists was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live free, free hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby designates November 9, 1999, as Victory in the Cold War Day.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

"§1133. Cold War medal: award; issue

(a) There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States Armed Forces during the Cold War in accordance with the contributions of such individuals to the victory in the Cold War.

(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, authorize and issue a decoration known as the "Cold War Victory Medal". The decoration shall be of appropriate design, with ribbons and appurtenances.

(c) PERIOD OF COLD WAR.—For purposes of this section, the term 'Cold War' shall mean the period beginning on August 14, 1945, and ending on November 9, 1991.

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), any funds appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 50th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following:

"1133. Cold War medal: award; issue."

(e) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), any funds appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 50th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The table of sections at the beginning of this chapter is amended by adding at the end the following:

"1133. Cold War medal: award; issue."

(f) THE AMOUNT OF FUNDS AVAILABLE UNDER PARAGRAPH (1) FOR THE PURPOSE SET FORTH IN THAT PARAGRAPH MAY NOT EXCEED $15,000,000.

(3) The Secretary of Defense may award or accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).
continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service;

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999;

(b) Report Requirement. 
(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which United States forces are contributing. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;
(2) consolidate or reduce U.S. troop commitments worldwide;
(3) end low priority missions.

SMITH (AND WYDEN) AMENDMENT
NO. 478
Mr. WARNER (for Mr. SMITH of Oregon, for himself and Mr. WYDEN) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES
SEC. 1301. SHORT TITLE.
This title may be cited as the "Community-Army Cooperation Act of 1999".
SEC. 1302. FINDINGS.
(a) FINDINGS.—Congress makes the following findings:
(1) Between 1945 and 1989, the national security of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.
(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.
(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense, other than amounts available for the Department of Defense Appropriations Act, 1997 (Public Law 104-208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(b) REQUIREMENT.—The Secretary of Defense may not authorize any accelerated decommissioning or transport of United States chemical weapons.

(c) AUTHORITY.—It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should continue to explore methods other than incineration for the destruction of the chemical weapons stockpile.

SEC. 1303. SENSE OF CONGRESS.
It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority:

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapons stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contracts, to:

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile.

SEC. 1304. DEMILITARIZATION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.
(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from contract incentives, to:

(A) comply with the requirements of the Chemical Weapons Convention; and

(B) to employ sound management principles, including the negotiation and implementation of contracts.

(c) FUNDING.—The amount of an allocation under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(d) DATE OF PAYMENT. —Payments under this section shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, is less than the minimum amount required by subsection (c)(1). After the final payment payment under this section, a community or Indian tribe during the applicable payment period, the amount paid to the community or Indian tribe shall be in addition to and in lieu of any tax base or fee imposed or assessed by the community or Indian tribe during the applicable payment period.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.
(a) IN GENERAL.—Upon direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes that are located within the positive action zone of a chemical demilitarization facility for the purpose of mitigating the economic, social, and environmental disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions.

(b) SOURCE OF PAYMENTS.—Payments under this section shall be derived from contract incentives, to:

(A) to meet the April 29, 2007, deadline for the destruction of United States chemical weapons stockpile as required by the Chemical Weapons Convention; and

(B) to employ sound management principles, including the negotiation and implementation of contracts.

(c) FUNDING.—The amount of an allocation under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

SEC. 1306. USE OF PAYMENTS.
(a) IN GENERAL.—A community or Indian tribe receiving payment under this subchapter may use the payment toward cost-sharing agreements, and related materials, continues at the facility after April 29, 2007.

(b) INTEREST ON UNTIMELY PAYMENTS.—(1) Any amount that is paid to a community or Indian tribe under this section shall bear interest at the rate of 1.5 percent per annum, compounded annually, from the date the payment was due until paid.

SEC. 1307. ECONOMIC ASSISTANCE PAYMENTS.
(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Secretary of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from contract incentives, to:

(A) comply with the requirements of the Chemical Weapons Convention; and

(B) to employ sound management principles, including the negotiation and implementation of contracts.

(c) FUNDING.—The amount of an allocation under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(d) DATE OF PAYMENT. —Payments under this section shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, is less than the minimum amount required by subsection (c)(1).

(e) USE OF PAYMENTS.—A community or Indian tribe receiving payment under this section may use the payment toward cost-sharing agreements, and related materials, continues at the facility after April 29, 2007.
SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986, (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

(i) Any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

(iii) The transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000."

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

No administrative or judicial proceeding, or any action at law, for the construction, operation, or demolition of a chemical demilitarization facility in the United States, may be commenced only in a district court of the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decommisioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility—

(i) in the State in which the facility is located; or

(ii) a community or Indian tribe located within the positive action zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of any action in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) ACTION TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and personnel;

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterrence of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) The United States may never be a party in any action against a nongovernmental entity that participates in any action the result of which is to defer, delay, or otherwise impede the decommisioning of chemical agents and munitions, and related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while participating in such action.

(2) The Secretary of Defense may, in an action under paragraph (1), seek to have any nongovernmental entity impleaded under paragraph (1) for acts or omissions of the entity for any matters raised by the action.

(f) IMPEACHING CONTRACTORS.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, compel a nongovernmental entity having contractual responsibility for the decommisioning of chemical agents and munitions, and related materials, at the facility, to provide the Secretary for purposes of determining the responsibility of the entity for any matters raised by the action.

(2) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommision chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(3) The Damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that the United States Air Force made to any Indian tribe in accordance with section 1305 of this Act.

(4) The United States Air Force accident investigation report concluded that the primary cause of the crash of the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Suits for Damages Act applicable to the families of the members of the United States Air Force killed in the collision.
(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It shall be the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens’ claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

DOMENICI AMENDMENT NO. 480

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 412, line 4, strike out “$72,472,000” and insert in lieu thereof “$677,810,000.”

On page 412, line 8, strike out “$2,078,015,000” and insert in lieu thereof “$744,140,000.”

On page 412, line 10, strike out “$172,472,000” and insert in lieu thereof “$3,850,000.”

A BILL TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO VARIOUS TRADE LAWS, AND FOR OTHER PURPOSES

ROTH AMENDMENT NO. 481

Ms. SNOWE (for Mr. ROTH) proposed an amendment to the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1—SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Miscellaneous Trade and Technical Corrections Act of 1999.”

(b) Table of Contents.—The table of contents of this Act is as follows:

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.
Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS: OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

Sec. 2001. Reference.

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2013. 2,4-Dichloro-5-hydrazinophenol monohydrosulfide.
Sec. 2014. ACM.
Sec. 2015. Certain snowboard boots.
Sec. 2016. Ethofumesate singularly or in mixture with application adjuvants.
Sec. 2017. 3-Methoxy carbonylaminophenyl-5-methylcarbanilate (phenemedipham).
Sec. 2018. 3-Ethoxycarbonylamino phenyl-N-phenylcarbamate (desmedipham).
Sec. 2019. 2-Amino-4-[4-(aminobenzoylamino)benzenesulfonic acid, sodium salt].
Sec. 2020. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide.
Sec. 2021. 3-Amino-Z-(sulfatoethylsulfonfyl)ethyl benzamide.
Sec. 2022. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2023. 2-Amino-5-nitrothiazole.
Sec. 2024. 3-Chloro-5-nitrobenzenesulfonic acid.
Sec. 2025. 6-Amino-1,3-naphthalenedisulfonic acid, sodium salt.
Sec. 2026. 2-Methyl-4,6-naphthalenedisulfonic acid, monosodium salt.
Sec. 2027. 2-Methyl-5-nitrobenzenesulfonic acid, sodium salt.
Sec. 2028. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.
Sec. 2029. 2-Amino-p-cresol.
Sec. 2030. 6-Bromo-2,4-dinitroanilide.
Sec. 2031. 2,4-Dichloro-5-hydrazinophenol.
Sec. 2032. 2,6-Dimethyl-4-oxo-5-hydroxy-2-naphthalenedisulfonic acid, monosodium salt.
Sec. 2033. Tannic acid.
Sec. 2034. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2035. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.
Sec. 2036. 2-Amino-5-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2037. 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazo-1-yl)-benzenesulfonic acid.
Sec. 2038. 4-Benzoyl amino no-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt.
Sec. 2039. Pigment Yellow 154.
Sec. 2040. Pigment Yellow 175.
Sec. 2041. Pigment Red 267.
Sec. 2042. 2,6-Dimethyl-4-dioxan-4-ol acetate.
Sec. 2043. p-Bromo-beta-nitrostyrene.
Sec. 2044. Textile machinery.
Sec. 2045. Deltamethrin.
Sec. 2046. Diclofop methyl.
Sec. 2047. Resmethrin.
Sec. 2048. N-phenyl-N′-carboethoxy-N-phenylcarbamate; (S)-α-cyano-3-phenoxycarbonyl ester.
Sec. 2049. Pigment Red 177.
Sec. 2050. Substrates of synthetic quartz or synthetic fused silica.
“Subtitle F—Standards and Measures Under the North American Free Trade Agreement
“Chapter 1—Sanitary and Phytosanitary Measures
“Sec. 461. General
“Sec. 462. Inquiry point
“Sec. 463. Chapter definitions.
“Chapter 2—Standards-Related Measures
“Sec. 471. General
“Sec. 472. Inquiry point
“Sec. 473. Chapter definitions.
“Chapter 3—Subtitle Definitions
“Sec. 481. Definitions.
“Subtitle F—International Standard-Setting Activities
“Sec. 491. Notice of United States participation in international standard-setting activities.
“Sec. 492. Equivalence determinations.
“Sec. 493. Definitions.”

(5)(A) Section 32(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking “631(a)” and “1631(a)” and inserting “631” and “1631”, respectively.
(6) Section 6 of the Act of August 5, 1959 (19 U.S.C. 1708) is repealed.
(7) Section 582(a) of the Tariff Act of 1930 (19 U.S.C. 1327a(a)) is amended—
(A) in the last sentence of paragraph (2), by striking “102(17) and 102(15)”, respectively, of the Controlled Substances Act and inserting “102(18)” and “102(16)”, respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))”;
(B) in paragraph (3)—
(i) by striking “or which consists of any spirits,” and all that follows through “be not shown,” and
(ii) by striking “, and, if any manifested merchandise is returned to the port of entry; and
(B) in paragraph (3)—
(A) Section 32(a) of the Miscellaneous Trade and Technical Corrections Act of 1996, as amended by striking “disclosure within 30 days” and inserting “disclosure, or within 30 days”;
(B) Section 621(d)(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 23(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking “disclosure within 30 days” and inserting “disclosure, or within 30 days”;
(C) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1598(b)) is amended by striking “each place it appears and inserting “(I)”;
(D) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (3)(A) of such section.
(E) General note 3(ii) to the Harmonized Tariff Schedule of the United States is amended by striking “general most-favored-nation (MFN)” and in inserting in lieu thereof “general or normal trade relations (NTR)”.

SEC. 1002. OBSCURE REFERENCES TO GATT.
(A) Forest Resources Conservation and Shortage Relief Act of 1961—Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1961 (16 U.S.C. 620(b)) is amended—
(A) in paragraph (3) by striking “General Agreement on Tariffs and Trade” and inserting “GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)”;
(B) in paragraph (5) by striking “General Agreement on Tariffs and Trade” and inserting “WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)”;
(C) Section 459(g) of the Act (16 U.S.C. 620g(g)) is amended by striking “Contracting Parties the General Agreement on Tariffs and Trade” and inserting “Dispute Settlement Body of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(4) of the Uruguay Round Agreements Act)”.
(D) International Financial Institutions Act—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 260n-2(b)) is amended—
1. in paragraph (1)(A) by striking “General Agreement on Tariffs and Trade” and inserting “WTO Agreement and the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act”; and
2. in paragraph (2)(B) by striking “Article 6’’ and all that follows through “Trade and inserting “Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act’’.
(E) Bretton Woods Agreements Act—Section 490(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286(g)(3)) is amended by striking “Secretariat of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(4) of the Uruguay Round Agreements Act)”.
(F) Fisherman’s Protective Act of 1967—Section 8(a)(7) of the Fisherman’s Protective Act of 1967 (21 U.S.C. 1558(b)) is amended by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(4) of the Uruguay Round Agreements Act)”.
1. by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(4) of the Uruguay Round Agreements Act)”;
2. by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(4) of that Act)”;
(H) NOAA Fleet Modernization Act—Section 607(b) of the NOAA Fleet Modernization Act (33 U.S.C. 892(b)(6)) is amended by striking “Agreement on Interpretation” and all that follows through “trade negotiations” and inserting “Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement’’.
(I) Estates and Trusts—Section 1013(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296(c)) is amended—
(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”;
(B) by striking “United States-Canada Free Trade Agreement” and inserting “North American Free Trade Agreement’’.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS
Subtitle A—Temporary Duty Suspensions and Reductions
CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.
Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered
to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 2007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-P-TOLYL SULFONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.90 Diiodomethyl-p-tolylsulfone (CAS No. 20018-09-1) (provided for in subheading 2930.90.30) .............................................................. Free  No change  No change On or before 12/31/2001 
``

SEC. 2102. RACEMIC dl-MENTHOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.29.06 Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356-70-4) (provided for in subheading 2906.11.00) ................. Free  No change  No change On or before 12/31/2001 
``

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHYDROCHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.29.28 2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25) ............................. Free  No change  No change On or before 12/31/2001 
``

SEC. 2104. ACM.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.29.95 Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]-methyl-, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90) ...................... Free  No change  No change On or before 12/31/2001 
``

SEC. 2105. CERTAIN SNOWBOARD BOOTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.64.04 Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90) ................................................................. Free  No change  No change On or before 12/31/2001 
``

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.31.12 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225-79-6) (provided for in subheading 2932.99.08 or 3808.30.15) .................................................. Free  No change  No change On or before 12/31/2001 
``

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (PHENMEDIPHAM).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.31.13 3-Methoxycarbonylamino-phenyl-N-phenylcarbamate (phenmedipham) (CAS No. 13684-56-5) (provided for in subheading 2924.29.41) ..................... Free  No change  No change On or before 12/31/2001 
``

SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.31.14 3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684-56-5) (provided for in subheading 2924.29.41) ..................... Free  No change  No change On or before 12/31/2001 
``

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.91 2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614-37-7) (provided for in subheading 2930.90.29) ...................... Free  No change  No change On or before 12/31/2001 
``

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESULFONAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.31 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797-78-8) (provided for in subheading 2935.00.99) ........................................ Free  No change  No change On or before 12/31/2001 
``

SEC. 2111. 3-AMINO-2-(SULFAETOXYETHYL SULfonyl) ETHYL BENZAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.92 3-Amino-2-(sulfatoxyethyl sulfonyl) ethyl benzamide (CAS No. 26220-95-6) (provided for in subheading 2930.90.29) .............................. Free  No change  No change On or before 12/31/2001 
``
SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.30.92 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671-49-4) (provided for in subheading 2904.90.47) ............................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.46 2-Amino-5-nitrothiazole (CAS No. 121-66-4) (provided for in subheading 2934.10.90) ................................................................................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.30.04 4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121±18±6) (provided for in subheading 2904.90.47) ................................................................................. Free No change No change On or before 12/31/2001 ``
```

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.21 6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118-33-2) (provided for in subheading 2921.45.90) .......................................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.24 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691-19±9) (provided for in subheading 2904.90.40) ............................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.23 2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121±03±9) (provided for in subheading 2904.90.20) ................................................................................. Free No change No change On or before 12/31/2001 ``
```

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.45 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976-35-7) (provided for in subheading 2921.45.90) .......................................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.20 2-Amino-p-cresol (CAS No. 95±84±1) (provided for in subheading 2922.29.10) Free No change No change On or before 12/31/2001 ``
```

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.43 6-Bromo-2,4-dinitroaniline (CAS No. 1817-73-8) (provided for in subheading 2921.42.90) .......................................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.29 7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360-29-2) (provided for in subheading 2904.29.70) .......................................................... Free No change No change On or before 12/31/2001 ``
```

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.01 Tannic acid (CAS No. 1401-55-4) (provided for in subheading 3201.90.10) Free No change No change On or before 12/31/2001 ``
```

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.44 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346-51-4) (provided for in subheading 2921.42.90) ............................................... Free No change No change On or before 12/31/2001
```

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.54 2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96-75-3) (provided for in subheading 2921.42.90) ................................................................................. Free No change No change On or before 12/31/2001
```

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.33.19 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119-17-5) (provided for in subheading 2933.19.43) .................................. Free No change No change On or before 12/31/2001
```

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENEDISULFONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.65 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117-46-4) (provided for in subheading 2924.29.75) ............................................... Free No change No change On or before 12/31/2001
```

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHALENEDISULFONIC ACID, MONOSODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.72 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873-39-5) (provided for in subheading 2924.29.70) ............... Free No change No change On or before 12/31/2001
```

SEC. 2129. PIGMENT YELLOW 154.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.18 Pigment Yellow 154 (CAS No. 068134-22-5) (provided for in subheading 3204.17.60) ................................................................................................... Free No change No change On or before 12/31/2002
```

SEC. 2130. PIGMENT YELLOW 175.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.19 Pigment Yellow 175 (CAS No. 035636-63-6) (provided for in subheading 3204.17.60) to be used in the coloring of motor vehicles and tractors ......... Free No change No change On or before 12/31/2002
```

SEC. 2131. PIGMENT RED 187.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

```
9902.32.22 Pigment Red 187 (CAS No. 59487-23-9) (provided for in subheading 3204.17.60) ................................................................. Free No change No change On or before 12/31/2002
```

SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.94 2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828-00-2) (provided for in subheading 2932.99.90) ................................................................................. Free No change No change On or before 12/31/2001
```

SEC. 2133. 1-BROMO-1-NITROSTYRENE.
Subchapter II of chapter 99 is amended in numerical sequence the following new heading:

```
9902.32.92 1-Bromo-1-nitrostyrene (CAS No. 7166-19-0) (provided for in subheading 2904.90.47) ................................................................. Free No change No change On or before 12/31/2001
```

SEC. 2134. TEXTILE MACHINERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.84.43 Ink-jet textile printing machinery (provided for in subheading 8443.51.10) Free No change No change On or before 12/31/2001
```

SEC. 2122. TEXTILE MACHINERY.
SEC. 2135. DELTAMETHRIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.18 (S)-α-Cyano-3-phenoxycarbonylbenzyl (1R, 3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918-63-5) (provided for in subheading 2926.90.30 or 3660.10.25) .................................................. Free No change No change On or before 12/31/2001
``

SEC. 2136. DICLOFOP-METHYL.
Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

``
9902.30.16 Methyl 2-{4-(2,4-dichlorophenoxy)phenoxy}propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2137. RESMETHRIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.29 (5-(Phenylmethyl)-3-furanyl) methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453-86-8) (provided for in subheading 2932.19.10) .......................................................... Free No change No change On or before 12/31/2001
``

SEC. 2138. N-PHENYL-N′-1,2,3-THIADIAZOL-5-YLUREA.
Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

``
9902.30.17 N-phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2139. (1R,3S)3[(1′RS)(1′RS)(1′RS,2′RS,2′RS,2′RS,4′RS)-TETRABROMOETHYL]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-α-CYANO-3-PHENOXYBENZYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.19 (1R,3S)3[(1′RS)(1′RS)(1′RS,2′RS,2′RS,2′RS,4′RS)-Tetrabromoethyl]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxycarbonylbenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841-25-6) (provided for in subheading 2926.90.30 or 3660.10.25) .......................................................... Free No change No change On or before 12/31/2001
``

SEC. 2140. PIGMENT RED 177.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.30.58 Pigment Red 177 (CAS No. 4051-63-2) (provided for in subheading 3204.17.04) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2141. TEXTILE PRINTING MACHINERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.84.20 Textile printing machinery (provided for in subheading 8443.59.10) ........................................ Free No change No change On or before 12/31/2001
``

SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.70.06 Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.14 2-Methyl-4,6-bis[(octylthio)methyl]phenol (CAS No. 110553-27-0) (provided for in subheading 2930.90.29) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.38.12 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60) ................................................................. Free No change No change On or before 12/31/2001
``

SEC. 2145. 4-{[6-BIS[(OCTYLTHIO)-1,3,5-TRIAZIN-2-YLAMINO]-2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2146. (2-BENZOTHIAZOLYLTHIO)BUTANEDIIOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.30 (2-Benzothiazolylthio)butanediioic acid (CAS No. 99154-01-1) (provided for in subheading 2934.20.40) ........................................ Free No change No change On or before 12/31/2001''.
```

SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.16 Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140-91-2) (provided for in subheading 2931.00.30) ..................... Free No change No change On or before 12/31/2001''.
```

SEC. 2148. 4-METHYL-γ-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.38.26 4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054-89-0) (provided for in subheading 2924.90.28) ................................................................. Free No change No change On or before 12/31/2001''.
```

SEC. 2149. WEAVING MACHINES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.84.46 Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4,9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams ................. 3.3% No change No change On or before 12/31/2001''.
```

SEC. 2150. CERTAIN WEAVING MACHINES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.84.10 Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4,9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams ......................... Free No change No change On or before 12/31/2001''.
```

SEC. 2151. DEMT.
Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

```
9902.32.12 N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91-67-8) (provided for in subheading 2921.43.80) ................................................................. Free No change No change On or before 12/31/2001''.
```

SEC. 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.57 Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80-54-6) (provided for in subheading 2912.29.60) ....................... 6% No change No change On or before 12/31/2001''.
```

SEC. 2153. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.56 2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598-52-4) (provided for in subheading 2934.90.30) ................................................ Free No change No change On or before 12/31/2001''.
```

SEC. 2154. TEBUFENOZIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.32 N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25) ................................. Free No change No change On or before 12/31/2001''.
```

SEC. 2155. HALOFENOZIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.36 N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25) ................................. Free No change No change On or before 12/31/2001''.
```
SEC. 2156. CERTAIN ORGANIC PIGMENTS AND DYES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.36 \text{ Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25) ................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2157. 4-HEXYRESORCINOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.07 \text{ 4-Hexylresorcinol (CAS No. 136-77-6) (provided for in subheading 2907.29.90) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2158. CERTAIN SENSITIZING DYES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.37 \text{ Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.64.05 \text{ Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.34.02 \text{ Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638-17-9) (provided for in subheading 3402.90.30) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2161. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.38.08 \text{ O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512-33-9) (provided for in subheading 3808.30.15) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPYRIMIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.50 \text{ 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552-61-2) (provided for in subheading 2933.59.15) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.51 \text{ O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950-37-8) (provided for in subheading 2934.90.90) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.52 \text{ Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127-80-3) (provided for in subheading 2928.10.90) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]

SEC. 2165. [(2S,4R)/(2R,4S)/[(2R,4R)/(2S,4S)]-1-[2-(4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL)-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
9902.29.74 \text{ [(2S,4R)/(2R,4S)/[(2R,4R)/(2S,4S)]-1-[2-(4-Chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl]-1H-1,2,4-triazole (CAS No. 119446-68-3) (provided for in subheading 2934.90.12) ................................................................. Free  No change  No change  On or before 12/31/2001.}
\]
SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.20 2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091-09-6) (provided for in subheading 2902.39.20) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.15 2-Chloro-N-[2,6-dinitro-4(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924-70-3) (provided for in subheading 2921.49.45) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2168. CHLOROACETONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.11 Chloroacetone (CAS No. 78-95-5) (provided for in subheading 2914.19.00) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2169. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.60 Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607-70-2) (provided for in subheading 2933.40.30) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.19 Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512-06-9) (provided for in subheading 2933.39.25) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2171. MUCOCHLORIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.29.18 Mucochloric acid (CAS No. 87-56-9) (provided for in subheading 2918.30.90) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2172. CERTAIN ROCKET ENGINES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.84.12 Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2173. PIGMENT RED 144.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.11 Pigment Red 144 (CAS No. 5280-78-4) (provided for in subheading 3204.17.04) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2174. (5)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.33 (5)-N-[[5-[2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl]ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575-19-8) (provided for in subheading 2934.00.00) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.34 4-Chloropyridine hydrochloride (CAS No. 7379-35-3) (provided for in subheading 2933.39.61) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2176. 4-PHENOXYPYRIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.35 4-Phenoxypyridine (CAS No. 4783-86-2) (provided for in subheading 2933.39.61) .............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.32.36 (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 7755-65-8) (provided for in subheading 2933.39.61) .............................................................. Free No change No change On or before 12/31/2001
```

May 27, 1999
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<td>2178</td>
<td>2-Amino-5-bromo-6-methyl-4(1H)-quinazolino-none</td>
<td>147149-89-1</td>
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<td>No</td>
<td>On or before 12/31/2001</td>
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<td>2179</td>
<td>2-Amino-5-methyl-6-(4-pyridinylthio)-4(1H)-quinazolinone</td>
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<td>No</td>
<td>On or before 12/31/2001</td>
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<td>2180</td>
<td>(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl]ethyl]-2-thienyl]carbonyl]-L-glutamic acid</td>
<td>177575-17-6</td>
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<td>No</td>
<td>No</td>
<td>On or before 12/31/2001</td>
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<td>2181</td>
<td>2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride</td>
<td>152946-68-4</td>
<td>No</td>
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<td>On or before 12/31/2001</td>
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<td>2182</td>
<td>3-(Acetyloxy)-2-methylbenzoic acid</td>
<td>168899-58-9</td>
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<td>No</td>
<td>On or before 12/31/2001</td>
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<tr>
<td>2183</td>
<td>[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate</td>
<td>1947-62-2</td>
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<td>On or before 12/31/2001</td>
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<td>2184</td>
<td>9-[2-[bis-(pivaloyloxy)methoxy]phos-phi-nyl]methoxy]ethyl]adenine (also known as Adefovir Dipivoxil)</td>
<td>142340-99-6</td>
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<td>2185</td>
<td>9-[2-[bis(isopropoxy)carbonyl]oxy-methoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1)</td>
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<td>No</td>
<td>On or before 12/31/2001</td>
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<td>(R)-9-(2-phosphonomethoxy)propyl]adenine</td>
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<td>On or before 12/31/2001</td>
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<td>(R)-1,3-Dioxolan-2-one, 4-methyl-</td>
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<td>On or before 12/31/2001</td>
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</table>
SEC. 2188. 9-(2-HYDROXYETHYL)ADENINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.05) 9-(2-Hydroxyethyl)adenine (CAS No. 707-99-3) (provided for in subheading 2933.59.95) ................................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.06) (R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047-28-0) (provided for in subheading 2933.59.95) ............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.07) Chloromethyl-2-propyl carbonate (CAS No. 35180-01-9) (provided for in subheading 2920.90.50) ................................................................................. Free No change No change On or before 12/31/2001
```

SEC. 2191. (R)-1,2-PROPANEDIOL, 3-CHLORO-.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.08) (R)-1,2-Propanediol, 3-chloro- (CAS No. 57090-45-6) (provided for in subheading 2905.50.60) ...................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2192. OXIRANE, (S)-((TRIPHENYL METHOXY)METHYL)-.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.09) Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940-50-7) (provided for in subheading 2910.90.20) ............................................................. Free No change No change On or before 12/31/2001
```

SEC. 2193. CHLOROMETHYL PIVALATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.10) Chloromethyl pivalate (CAS No. 18997-19-8) (provided for in subheading 2915.90.50) ................................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2194. DIETHYL (((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.11) Diethyl (((p-toluenesulfonyl)oxy)-methyl)phosphonate (CAS No. 31618-90-3) (provided for in subheading 2931.00.30) ................................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2195. BETA HYDROXYALKYLAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.12) N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334-25-4) (provided for in subheading 3824.90.90) ................................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2196. GRILAMID TR90.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.13) Dodecanedioic acid, polymer with 4,4'-methylenebis(2-methylcyclohexanamine) (CAS No. 163800-66-6) (provided for in subheading 3908.90.70) ...................................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2197. IN-W4280.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
```
(9902.33.14) 2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807-21-1) (provided for in subheading 2928.00.25) .................................................................... Free No change No change On or before 12/31/2001
```

SEC. 2198. KL540.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2199. METHYL THIOGLYCOLATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.32.55 Methyl thioglycolate (CAS No. 2935-48-2) (provided for in subheading 2935.00.90) ................................................................. Free No change No change On or before 12/31/2001 ''. 

SEC. 2200. DPX-E6758.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.32.66 3-Mercapto-D-valine (CAS No. 52-67-5) (provided for in subheading 2930.90.45) ............................................................................................. Free No change No change On or before 12/31/2001 ''. 

SEC. 2203. p-ETHYLPHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.31.21 p-Ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20) Free No change No change On or before 12/31/2001 ''. 

SEC. 2205. P-NITROBENZOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.32.70 p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45) ................................................................. Free No change No change On or before 12/31/2001 ''. 

SEC. 2206. P-TOLUENESULFONAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.32.95 p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95) ................................................................. Free No change No change On or before 12/31/2001 ''. 

SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

`` 9902.39.04 Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50) ................................................................. Free No change No change On or before 12/31/2001 ''. 
## Subchapter II of chapter 99

### SEC. 2208

Methyl 2-[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535-15-7) (provided for in subheading 3808.30.15) Free No change No change On or before 12/31/2001

### SEC. 2209

**CERTAIN MANUFACTURING EQUIPMENT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

- **9902.84.79** Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85) Free No change No change On or before 12/31/2001
- **9902.84.81** Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8466.94.85) Free No change No change On or before 12/31/2001
- **9902.84.83** Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.91.50 or subheading 4011.99.40) numerically controlled, or parts thereof (provided for in subheading 8466.30.00 or 8466.94.85) Free No change No change On or before 12/31/2001
- **9902.84.85** Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8467.20.00 or 8477.90.85) Free No change No change On or before 12/31/2001
- **9902.84.87** Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85) Free No change No change On or before 12/31/2001
- **9902.84.89** Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85) Free No change No change On or before 12/31/2001
- **9902.84.91** Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8466.92.50) Free No change No change On or before 12/31/2001

## Subchapter III of chapter 99

### SEC. 2210

**TEXTURED ROLLED GLASS SHEETS.**

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

- **9902.70.03** Rolled glass in sheets, yellow-green in color, not finished or edge-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00) Free No change No change On or before 12/31/2001

## Subchapter IV of chapter 99

### SEC. 2211

**CERTAIN HIV DRUG SUBSTANCES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

- **9902.32.43** (S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isouquinoline carboxamide hydrochloride salt (CAS No. 140057-17-0) (provided for in subheading 2933.40.60) Free No change No change On or before 6/30/99
SEC. 2212. RIMSFURON.
   (a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.33.60 N-[[4,6-Dimethoxy-2-pyrimidinyl]amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75) 7.3% No change No change On or before 12/31/99.
   (b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—
   (1) by striking "7.3%" and inserting "Free"; and
   (2) by striking "12/31/99" and inserting "12/31/2000".
   (c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2213. CARBAMIC ACID (V-9069).
   (a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.33.61 ((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75) 8.3% No change No change On or before 12/31/99.
   (b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—
   (1) by striking "8.3%" and inserting "7.6%"; and
   (2) by striking "12/31/99" and inserting "12/31/2000".
   (c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2214. DPX-E9260.
   (a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.33.63 3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75) 6% No change No change On or before 12/31/99.
   (b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by subsection (a), is amended—
   (1) by striking "6%" and inserting "5.3%"; and
   (2) by striking "12/31/99" and inserting "12/31/2000".
   (c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2215. ZIRAM.
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.38.28 Ziram (provided for in subheading 3808.20.28) Free No change No change On or before 12/31/2001.

SEC. 2216. FERROBORON.
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.72.02 Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50) Free No change No change On or before 12/31/2001.

SEC. 2217. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[[TETRAHYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE]AMINO]PHENYL]-THIO], METHYL ESTER.
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.29.66 Acetic acid, [[2-chloro-4-fluoro-5-[[tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo[3,4-a]pyridazin-1-ylidene]amino]phenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15) Free No change No change On or before 12/31/2001.

SEC. 2218. PENTYL[[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DICARBOXYLIC ACID)]METHYL]ACETATE.
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

   "9902.33.66 Pentyl[[2-chloro-5-(cyclohex-1-ene-1,2-dicarboxyl)4-fluorophenoxymethyl]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40) Free No change No change On or before 12/31/2001.

SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE.
   Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.85.20 Loudspeakers not mounted in their enclosures (provided for in subheading 8518.90.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber .................. Free No change No change On or before 12/31/2001''.
``

SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.85.21 Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80) ..................... Free No change No change On or before 12/31/2001''.
``

SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.33.12 5-tert-Butyl-isophthalic acid (CAS No. 2359-09-3) (provided for in subheading 2917.39.70) ............................................................... Free No change No change On or before 12/31/2001''.
``

SEC. 2223. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.39.07 A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy)ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00) ............ Free No change No change On or before 12/31/2001''.
``

SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2,5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.33.16 2-(4-Chlorophenyl)-3-ethyl-2,5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697-71-0) (provided for in subheading 2933.90.79) ............................................................... Free No change No change On or before 12/31/2001''.
``

SEC. 2225. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

``
9902.32.26 Pigment Red 185 (CAS No. 51920-12-8) (provided for in subheading 3204.17.04) ............................................................... Free No change No change On or before 12/31/2002''.
``

SEC. 2226. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.27 Pigment Red 208 (CAS No. 31778-10-6) (provided for in subheading 3204.17.04) ............................................................... Free No change No change On or before 12/31/2002''.
``

SEC. 2227. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.08 Pigment Yellow 95 (CAS No. 5280-80-8) (provided for in subheading 3204.17.04) ............................................................... Free No change No change On or before 12/31/2001''.
``

SEC. 2228. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

``
9902.32.13 Pigment Yellow 93 (CAS No. 5580-57-4) (provided for in subheading 3204.17.04) ............................................................... Free No change No change On or before 12/31/2001''.
CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods withdrawn from the warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION. —

(1) In General.—Notwithstanding section 314 of the Tariff Act of 1930 or any other provision of law, the request filed with the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9802.02.52, 9902.02.26, or 9902.02.27 of the Harmonized Tariff Schedule of the United States is (as added by sections 2129, 2130, 2131, 2225, and 2532 of this Act)

(A) after December 31, 1996, and

(B) before the date that is 15 days after the date of enactment of this Act, shall be reliquidated as though such entry occurred after the date that is 15 days after the date of enactment of this Act

(2) REQUIREMENTS FOR REQUEST.—For purposes of paragraph (1), the request shall contain sufficient information to enable the Customs Service to

(A) locate the entry relevant to the request,

(B) if the entry cannot be located, reconstruct the entry.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR AREA POSSESSION PROGRAM.

(a) In General.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding, after the following, the following:

3(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry for which application is made for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided by paragraphs (b), (c), and (d) of this note.

``(b) The Secretary shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established by requirements to that of additional U.S. note 5 to chapter 91.

``(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (b)(iv) of additional U.S. note 5 to chapter 91.

``(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

``(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of enactment of this note, any entry of an article of jewelry for which application is made for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.''

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 91, as the Act of 1986.

(c) EFFECTIVE DATE.—The amendments made by this section take effect 120 days after the date of enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) In General.—Subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding the following new term: 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subheading that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.''

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

``(d) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to and the applicant instrument or apparatus shall remain dutiable.

``(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, imported, or manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant instrument or apparatus which application is made is not being manufactured in the United States, the Secretary shall report the findings to the Secretary of the Treasury and to the applicant instrument or apparatus for which application is made.

``(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.''

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Heading 9802.01.50 and 9802.02.50 of the Tariff Act of 1930 (19 U.S.C. 1314 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-274-001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

<table>
<thead>
<tr>
<th>Entry number</th>
<th>Date of entry</th>
<th>Port</th>
</tr>
</thead>
<tbody>
<tr>
<td>322</td>
<td>12/11/86</td>
<td>Los Angeles, California</td>
</tr>
<tr>
<td>322</td>
<td>12/11/86</td>
<td>Los Angeles, California</td>
</tr>
<tr>
<td>00300567</td>
<td>9/28/86</td>
<td>New Orleans, Louisiana</td>
</tr>
<tr>
<td>86-990242</td>
<td>9/28/86</td>
<td>New Orleans, Louisiana</td>
</tr>
<tr>
<td>87-945738</td>
<td>1/19/87</td>
<td>Louisiana</td>
</tr>
</tbody>
</table>

SEC. 2404. DRAWDOWN AND REFUND ON PACKAGING MATERIAL.

(a) In General.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following: "(2) by moving the remaining text 2 ems to the right; and

(2) by adding at the end the following:

``(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce packaging material.''

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse, on or after the date of enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

``(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.''

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) In General.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 498 a following:

``SEC. 49b. DEFFERAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) In General.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable under this Act, shall be subject to the payment of duty if imported with the intention to offer for sale at a boat show in the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-274-001).''
States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

(b) DEFINITION. As used in this section, the term ‘large yacht’ means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

(c) DEFERRAL OF DUTY. At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

(d) PROCEDURES UPON Sale.—

(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(f) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(g) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(h) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(i) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(j) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(k) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(l) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(m) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(n) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

(o) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

(1) IN GENERAL.—If the large yacht entered with deferred duties is neither sold nor exported within the 6-month period after importation—

(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.
(b) Requests.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(d) Affected Entries.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

<table>
<thead>
<tr>
<th>Date of entry</th>
<th>Entry number</th>
<th>Liquidation date</th>
</tr>
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<tbody>
<tr>
<td>01/17/97</td>
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</tr>
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</tr>
<tr>
<td>06/02/97</td>
<td>112-9308703-6</td>
<td>09/26/97</td>
</tr>
</tbody>
</table>

(b) Tax and Fees Not to Apply.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) No Exemption From Customs Inspections.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) Effective Date.—(1) In General.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

(2) Reliquidation.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption, or any article described in subheading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was—

(a) after May 15, 1999, and
(b) before the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date of enactment of this Act.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.20.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.
"(c) a port of entry, as established under section 1 of the Act of August 24, 1922 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within that customs territory.";

SEC. 2418. CUSTOMS USER FEES.
(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 1303(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 1303(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in such manner and for purposes for up to 50 lifetime equivalent inspectional positions to provide preclearance services.";

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended:

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel from a place outside the United States (other than a place referred to in subsection (b)(1)(A) of this section), the Secretary of the Treasury, or the Secretary's designee, may require the payment of a passenger fee in an amount specified by the Secretary of the Treasury, or the Secretary's designee, and the appropriate user fee.

(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A) of this section, the Secretary of the Treasury, or the Secretary's designee, may require the payment of a passenger fee in an amount specified by the Secretary of the Treasury, or the Secretary's designee, and the appropriate user fee.

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee may be charged for the service of.

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 1303(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(3) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriation Acts, for automated commercial systems.

(d) ADVISORY COMMITTEE.—Section 1301 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) ADVISORY COMMITTEE.—The Commissioner shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who make substantial fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a regular basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service.

(e) NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.—Section 505(c) of the Tariff Act of 1990 (19 U.S.C. 1505(c)) is amended by adding at the end the following:

"For the period beginning on October 1, 1998, and ending on the date on which the "Revised National Customs Automation Test Regarding Reconciliation" of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit of duties and taxes on the same item.";

(c) LIMITATION ON DRAWBACK.—Section 304(1)(a) of the Tariff Act of 1930 (19 U.S.C. 1304) is amended by striking before the period at the end the following: "had the claim qualified for drawback under subsection (i);";

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632 of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year period set forth in section 304(f) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of enactment of this Act for which the claim was filed within such period with the Customs Service.

SEC. 242L. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.
(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified in subheading 2002.92.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable to this subheading was applied—

(1) shall be liquidated or reliquidated as if the column one special rate of duty applicable for goods of Canada in subheading 2004.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1996, of mueslix cereal, which was classified in subheading 2004.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of Canada in subheading 2004.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.
(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zone Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(c) REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement imposed under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS.
(a) UCTs field code.—(A) In General.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—
SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELA-
TIONS TREATMENT) TO THE PROD-
UCTS OF MONGOLIA.
(a) FINDINGS.—The Congress finds that Mongo-
lia—
(1) has received normal trade relations treatment since 1991 and has been found to be in-
dependent with the free exercise of emigration requirements under title IV of the Trade Act of 1974;
(2) has emerged from nearly 70 years of communism and dependence on the former So-
itivan Union, approving a new constitution, 2 presidential and 2 par-
liamentary elections charged with guaran-
teeing fundamental human rights, protection of expression, and an independent judiciary;
(3) has held 4 national elections under the new constitution, 2 presidential and 2 par-
liamentary, thereby solidifying the nation’s transition to democracy;
(4) has undertaken significant market-based economic reforms, including privatiza-
tion, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;
(5) has acceded to the Agreement Establishing the World Trade Organization, and secondary education within this school system without cost to such children or any parent, as recognized by the Congress; and
(6) has emerged from nearly 70 years of transition to democracy;
(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by sub-
section (a)(1) of this section, is amended by striking subsection (h)” and inserting “sub-
section (i)’’.
(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consump-
tion, on or after the date of enactment of this Act.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.
(a) IN GENERAL.—The Commissioner of Customs is authorized to establish a pil-
or program for fiscal year 1999 to provide for-
hour cargo inspection service on a fee-for-
service basis at an international airport de-
cribed in subsection (b). The Commissi-
on may extend the pilot program for fiscal years after fiscal year 1999 if the Commissi-
on determines that the extension is war-
tantied.
(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a
multi-modal international airport that—
(1) is located and
(2) serviced more than 185,000 tons of cargo in 1997.
(c) PAYMENT OF EDUCATION COSTS DEPENDENTS OF CERTAIN CUSTOMS
SERVICE PERSONNEL.
Notwithstanding section 2164 of title 10, United States Code, the Department of De-
fense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J., Rodriguez attend-
ing the Antilles Consolidated School System in Puerto Rico, to complete their primary and secondary education within this school system without cost to such children or any parent, as recognized by the Congress.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986
SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TRANSFERRED TO TRANSFEE AS AS-
SUMPTION OF LIABILITY.
(a) REPEAL OF PROPERTY SUBJECT TO A LI-
ABILITY TEST.—
(1) SECTION 357.—Section 357(a)(2) of the In-
ternal Revenue Code of 1986 (relating to as-
sumption of liability) is amended by striking 
‘‘, or acquires from the taxpayer property subject to a liability’’.
(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking ‘‘or acquired from the taxpayer property subject to a liability’’.
(3) SECTION 368.—
(A) Section 368(a)(1)(C) of such Code is amend-
ed by striking ‘‘, or the fact that property
acquired is subject to a liability,’’.
(B) The last sentence of section 368(a)(2)(B) of
such Code is amended by striking ‘‘, and the amount of any liability to which any property acquired from the acquiring cor-
poration is subject,’’.
(4) SECTION 357 of such Code is amended by
adding at the end the following new subsection:
‘‘(d) DETERMINATION OF AMOUNT OF LIABIL-
ITY ASSUMED.—
‘‘(1) IN GENERAL.—Section 357 of the Internal Re-
venue Code of 1986 is amended by adding at the end the following new subsection:
‘‘(d) DETERMINATION OF AMOUNT OF LIABIL-
ITY ASSUMED.—
‘‘(1) IN GENERAL.—For purposes of this sec-

TITLE IV—AMENDMENTS TO TRADE ACT OF 1974 TO MONGOLIA.
SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TRANSFERRED TO TRANSFEE AS AS-
SUMPTION OF LIABILITY.
(a) REPEAL OF PROPERTY SUBJECT TO A LI-
ABILITY TEST.—
(1) SECTION 357.—Section 357(a)(2) of the In-
ternal Revenue Code of 1986 (relating to as-
sumption of liability) is amended by striking 
‘‘, or acquires from the taxpayer property subject to a liability’’.
(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking ‘‘or acquired from the taxpayer property subject to a liability’’.
(3) SECTION 368.—
(A) Section 368(a)(1)(C) of such Code is amend-
ed by striking ‘‘, or the fact that property
acquired is subject to a liability,’’.
(B) The last sentence of section 368(a)(2)(B) of
such Code is amended by striking ‘‘, and the amount of any liability to which any property acquired from the acquiring cor-
poration is subject,’’.
(4) SECTION 357 of such Code is amended by
adding at the end the following new subsection:
‘‘(d) DETERMINATION OF AMOUNT OF LIABIL-
ITY ASSUMED.—
‘‘(1) IN GENERAL.—For purposes of this sec-

(S) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(R) Section 388(d)(1) of such Code is amended by striking "after October 18, 1998.".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers after October 18, 1998.

**WARNER (AND LEVIN) AMENDMENT NO. 482**

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 273, line 10, strike "a period," and insert "a semicolon.

On page 273, between lines 20 and 21, strike "after October 18, 1998.".

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a) for the project authorized by section 2304(a) for the project authorized by this Act, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

**SCHUMER AMENDMENT NO. 483**

Mr. SCHUMER (for Mr. SCHUMER) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, strike "$12,800,000" in the amount column of the item relating to Rome Laboratory, New York, and insert "$25,800,000".

On page 420, between lines 17 and 18, insert the following:

SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a) for the project authorized by section 2304(a) for the project authorized by this Act, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

**WARNER (AND LEVIN) AMENDMENT NO. 482**

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 272, line 18, strike "after October 18, 1998.".

On page 273, line 20, strike "a period," and insert "a semicolon.

On page 273, between lines 20 and 21, strike "after October 18, 1998.".

**BIDEN AMENDMENT NO. 485**

Mr. BIDEN (for Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 11, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

**ROBERTS AMENDMENT NO. 486**

Mr. ROBERTS (for Mr. ROBERTS) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 29, line 10, increase the amount by $3,000,000.

On page 29, line 14, reduce the amount by $3,000,000.

**KENNEDY AMENDMENT NO. 487**

Mr. KENNEDY proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 8 insert:

SEC. [SC099.445]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) **AUTHORITY.**—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§1413. Special compensation for certain severely disabled uniformed services retirees.

"(a) **AUTHORITY.**—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

"(b) **AMOUNT.**—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

(3) For any month for which the retiree has a qualifying service-connected disability rated as 70 percent, $150.

(4) For any month for which the retiree has a qualifying service-connected disability rated as 50 percent, $100.

(5) For any month for which the retiree has a qualifying service-connected disability rated as 20 percent, $50.

(6) For any month for which the retiree has a qualifying service-connected disability rated as 10 percent, $10.

(7) For any month for which the retiree has a qualifying service-connected disability rated as less than 10 percent, $0.

(8) The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

**McCain AMENDMENT NO. 488**

Mr. MCCAIN (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title 8 insert:

SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) **AUTHORITY.**—(1) Chapter 71 of title 10, United States Code, is amended by striking "2000" both places it appears and inserting "2003".

**HARKIN (AND OTHERS) AMENDMENT NO. 489**

Mr. HARKIN (for himself, Mr. FEINGOLD, and Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:
SESSIONS AMENDMENT NO. 492
Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 255. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the Sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs; and

(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense development of a two-site deployment.

(3) The Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense acquisition programs; and

(4) the Secretary should submit a report to the Congress dealing with the matters identified in this section.

CONRAD AMENDMENT NO. 493
Mr. LEVIN (for Mr. Conrad) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress a report on the status of the National Missile Defense Program, with special reference to considerations of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defenses against ballistic missile defense systems, and economies of scale.

ALLARD AMENDMENT NO. 494
Mr. WARNER (for Mr. Allard) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) Report.—Not later than December 31, 2000, the Comptroller General shall submit to the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) Report Elements.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide adequate lead-time to the contractor at the site in order to quicken the cleanup at the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

CLELAND AMENDMENT NO. 495
Mr. LEVIN (for Mr. Cleland) proposed an amendment to the bill, S. 1059, supra; as follows:

SEC. 6.—INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply on and after October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999.

(c) The amendments made by paragraphs (1) and (2) shall take effect on the date of enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins or is extended by such date.

SEC. 6.—TERMINATION OF REDUCTIONS IN BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins or is extended by such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) or 3012 of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3011(e) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "as soon as practicable".

SEC. 6.—ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection:

"(b)(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subsection on an accelerated basis.

Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill, S. 1059, supra; as follows:

(1) insert "(3)" after "(2)" and (2) strike paragraph (b)(1)(I) and insert "(1) Whenever the Secretary determines it appropriate under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance under this subsection on an accelerated basis."
"(2) The Secretary may pay basic educational assistance on an accelerated basis only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

"(3) If an adjustment under section 3015(g)(1) of this title is required for such basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subchapter, the Secretary shall—

"(A) pay on an accelerated basis the amount such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of such assistance that is payable for the period as a result of the adjustment.

"(4) The entitlement to basic educational assistance under this subchapter of an individual who is a member of the Armed Forces when the transfer is effected and at that Secretary's sole discretion, may transfer such individual's entitlement to educational assistance under this chapter (including the provisions set forth in title 10, United States Code, is amended by adding at the end of such section the following:

"(A) the individual's spouse.

"(B) to one or more of the individual's children.

"(C) to a combination of the individuals referred to in paragraphs (1) and (2).

"(D) to one or more of the individual's dependents specified in subsection (b)."

"(5) Basic educational assistance shall be paid on an accelerated basis under this subchapter of an individual—

"(A) in the case of a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course; and

"(B) in the case of a course for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned, up to the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subchapter. Such regulations shall specify the circumstances under which accelerated payments may be made and include a requirement relating to the request for, and delivery of, and receipt and use of such payments.

SEC. 6. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) Authority To Transfer to Family Members.—Subchapter II of chapter 30 of title 38, United States Code, is amended by—

"(1) by striking "and" at the end of subsection (a); and

"(2) by adding at the end the following:

"To each eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to an individual to whom such assistance is transferred under this section, the Department of Veterans Affairs, in consultation with the Secretaries of Defense and Education, shall discontinue or reduce payments for purposes of section 3605 of this title.

"(f) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (a) and shall specify the manner of determining the applicability of the administrative provisions referred to in subsection (d).

"(g) A person's entitlement to educational assistance under this chapter shall be charged at a rate equal to one month for each month of the period covered by the acceleration of payments under this section; and

"(h) The Secretary of Defense shall provide for the payment of an educational assistance allowance under this section to be transferred to each such dependent when and as the case may be, of the course.

SEC. 7. CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.
assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delay, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of Army Reserve, with respect to members of the Army Reserve.

"(B) The Chief of Naval Reserve, with respect to members of the Navy Reserve.

"(C) The Chief of Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.

SEC. 6. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 613(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.

PART III—REPORT

SEC. 6. REPORT ON EFFECT OF EDUCATIONAL BENEFITS IMPROVEMENTS ON RECRUITMENT AND RETENTION OF MEMBERS OF THE ARMED FORCES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall designate the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force as the executive agent for carrying out a program to assess the effects of the provisions of this title, and the amendments made by such provisions, on the retention and recruitment of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

THURMONT (AND OTHERS)

AMENDMENT NO. 496

Mr. WARNER (for Mr. THURMONT) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle D, add the following:

SEC. 699. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Section (a)(3)(B)(i) of title 10, United States Code, is amended by striking "35 percent of the base amount."

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

"(1) by striking "5, 10, 15, or 20 percent'' and inserting "the applicable percent'';

"(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.''

(c) Modifications of Annuities.—

"(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the effects of the modifications made by such provisions, on the retention and recruitment of the members of the Armed Forces. The report shall include such recommendations (including recommendations for legislative action) as the Secretary considers appropriate.

DORGAN (AND SMITH)

AMENDMENT NO. 497

Mr. Levin (for Mr. DORGAN for himself and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 3, line 22, after "the" insert "Secretary of the Navy Notice 1650, dated February 11, 1994, as a member of the Navy or Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in appropriate manner for such participation.

McCAIN (and HOLLINGS)

AMENDMENT NO. 498

Mr. WARNER (for Mr. McCain for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1059, supra; as follows:

In the appropriate place, insert the following:

SEC. 6. COAST GUARD EDUCATION FUNDING.

Section 2006 of title 10, United States Code, is amended—

"(1) by striking "Department of Defense education liabilities'' in subsection (a) and inserting "armed forces education liabilities'';

"(2) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) The term "armed forces educational liabilities'' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.

(3) by inserting "Department of Defense'' after ""future'' in subsection (b)(2)(C);

"(4) by striking ""106'' in subsection (b)(2)(C) and inserting ""106.

"(5) by inserting "and the Secretary of the Department in which the Coast Guard is operating'' after ""Defense'' in subsection (c)(1);

"(6) by striking "Department of Defense'' in subsection (d) and inserting "armed forces'';

"(7) by inserting "the Secretary of the Department in which the Coast Guard is operating'' in subsection (d) after "Secretary of Defense'';

"(8) by inserting "and the Department in which the Coast Guard is operating'' after "Department of Defense'' in subsection (i)(5);

"(9) by inserting "and the Secretary of Defense in which the Coast Guard is operating'' in paragraphs (1) and (2) of subsection (g) after "Secretary of Defense'';

"(10) by striking "of a military department'' in subsection (g)(3) and inserting "concerned.''

SEC. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.

T I T L E 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking "the Department of Defense'' and inserting "an agency named in section 2903 of this title.''

LANDRIEU AMENDMENT NO. 499

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle F, add the following:

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE OFFICIAL.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2295; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy...
shall act through the head of the Systems
Executive Office for Manpower and Per-
sonnel, who shall act in coordination with
the Under Secretary of Defense for Personnel
and Readiness and the Chief Information Of-
cicer of the Department of Defense.

SNOWE (AND OTHERS) AMENDMENT NO. 500

Mr. WARNER (for Ms. SNOWE for her-
self and Mr. GORTON) proposed an amend-
ment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the follow-
ning:

(SEC. 705. OPEN ENROLLMENT DEMONSTRATION
PROGRAM.) Section 724 of the National Defense Au-
thorization Act for Fiscal Year 1997 (Public
Law 104-201; 10 U.S.C. 1073 note) is amended by
adding at the end the following:

'(g) OPEN ENROLLMENT DEMONSTRATION
PROGRAM.—(1) The Secretary of Defense
shall conduct a demonstration program un-
der which covered beneficiaries shall be
permitted to enroll at any time in a man-
aged care plan offered by a designated pro-
vider consistent with the enrollment require-
ments under the TRICARE Prime option under
the TRICARE program but without regard to
the limitation in subsection (b). Any dem-
onstration program under this subsection shall be
conducted by providers selected by the Depart-
ment of Defense, and the service areas of the
designated providers.

(2) Any demonstration program carried
out under this subsection shall commence on
October 1, 1999, and end on September 30,

'(h) Not later than March 15, 2001, the Sec-
retary of Defense shall submit to the Com-
mittes on Armed Services of the Senate and
the House of Representatives a report on any
demonstration program carried out under this
subsection. The report shall include, at a
minimum, an evaluation of the benefits of
the open enrollment opportunity to covered
beneficiaries and a recommendation con-
cerning whether to authorize open enroll-
ments in the managed care plans of des-
ignated providers permanently.''.

DORGAN AMENDMENT NO. 501

Mr. LEVIN (for Mr. DORGAN) pro-
posed an amendment to the bill S. 1059,
supra; as follows:

On page 28, below line 21, add the fol-
lowing:

(SEC. 143. D-5 MISSILE PROGRAM.)

(a) Report.—Not later than October 31,
1999, the Secretary of Defense shall submit
to the Committees on Armed Services of the
Senate and House of Representatives a re-
port on the D-5 missile program.

(b) Report Elements.—The report under
subsection (a) shall include the follow-
ning:

(1) An inventory management plan for the
D-5 missile; and

(2) A report on the coordination of development,
and management of the D-5 missile
program.

(c) A report on the coordination of develop-
ment and management of the D-5 missile
program; and

LIEBERMAN AMENDMENT NO. 504

Mr. LEVIN (for Mr. LIEBERMAN) pro-
posed an amendment to the bill, S. 1059,
supra; as follows:

In title VII, at the end of subtitle B, add the fol-
lowing:

(SEC. 717. HEALTH CARE QUALITY INFOR-
MATION AND TECHNOLOGY ENHANCEMENT.)

(a) Purpose.—It is the purpose of this sec-
tion to ensure that the Department of De-
defense addresses issues of medical quality sur-
veillance and implements solutions for those
issues in a timely manner that is consistent
with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR
MEDICAL INFORMATICS AND DATA.—(1) The
Secretary of Defense (through the Assistant Sec-
tary of Defense for Health Affairs) shall estab-
lish a Department of Defense Center for Medical
Informatics to carry out a program to sup-
port the Assistant Secretary of Defense for Health
Affairs.

(A) to develop parameters for assessing the
quality of health care information;

(B) to develop the defense digital patient record;

(C) to develop a repository for data on quality of health care;
deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(3) The Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(4) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(b) Authorization of Appropriations.—In addition to other amounts authorized to be appropriated for the Department of Defense in fiscal year 2000 by other provisions of this Act, there is authorized to be appropriated for the Department of Defense in fiscal year 2000, for such additional purposes as may be necessary to carry out the demonstration project in compliance with paragraph (2), $200,000.

(c) Selection of Locations.—(1) The Secretary of Defense shall select the locations in which the project shall be carried out.

(2) The Secretary of Defense shall select the locations in which the project shall be carried out, taking into consideration the availability of health care facilities and the need for such facilities in the areas selected.

(d) Report.—The Secretary of Defense shall submit to the Committee on Appropriations of each House of Congress a report on the demonstration project in each fiscal year in which the project is in operation.

(e) Appropriations.—The Secretary of Defense shall use the funds authorized to be appropriated for the Department of Defense in fiscal year 2000 for such additional purposes as may be necessary to carry out the demonstration project in compliance with paragraph (2), $200,000.

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE RESIDENCY.

(a) In General.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) Services to Be Provided.—The services provided under the demonstration project shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) Selection of Locations.—(1) The Secretaries shall select the locations in which the project shall be carried out.

(2) The Secretaries shall select the locations in which the project shall be carried out, taking into consideration the availability of health care facilities and the need for such facilities in the areas selected.

(d) Period of Demonstration Projects.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) Report.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include:

(1) A description of each demonstration project; and

(2) An evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.
Mr. WARNER (for Mr. Frist for himself and Mr. Specter) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) AUTHORIZED.--(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

``(51) Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

``(a) Notwithstanding any other provision of law, an individual who--

``(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title;

``(ii) is discharged from active duty before the date on which that individual makes an election described in paragraph (5), is discharged from active duty after the date on which that individual makes an election described in paragraph (5), or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

``(4) if discharged or released from active duty before the date on which the individual referred to in paragraph (1) makes an election described in paragraph (5), is discharged with an honorable discharge or is released with service characterized as honorable or with service characterized as honorable by the Secretary concerned; and

``(B) to the Secretary of Defense the unused contributions other than contributions made under section 3222(c) of title 38, United States Code, for basic educational assistance under chapter II of chapter 30 of title 38, United States Code, as added by subsection (a) shall be charged to the Government of Thailand.

COCHRAN AMENDMENT NO. 511

Mr. WARNER (for Mr. Cochran) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.--Clause (C) of the third sentence of section 3015(f) of that title is amended by striking "18 months" and inserting "24 months".

ROBB (AND OTHERS) AMENDMENT NO. 512

Mr. LEVIN (for Mr. Robb for himself, Ms. Snowe, Mr. Bingaman, Mr. Leahy, and Mr. Kerrey) proposed an amendment to the bill, S. 1059, supra, as follows:

On page 254, between lines 3 and 4, insert the following:
On page 93, between lines 2 and 3, insert the following:

SEC. 349. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) Deadline for Exercise of Authority.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 2000 or other unexpended balances from prior years, the Secretary shall make available $40,000,000 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the required determination that parties involved in the accident obstructed the investigation by disposing of evidence described in subsection (a).

(d) Amount of Payment.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) Treatment of Payments.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 31 of the United States Code, or any other provision of law, for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

(g) Resolution of Other Claims.—No payment under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall release any claim of a German citizen of Germany until the Government of Germany provides a comparable settlement of the claims arising from the deaths of the United States servicemen caused by the collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia, on September 13, 1997.

SESSIONS AMENDMENT NO. 513

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle B, add the following:

EDWARDS AMENDMENT NO. 514

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

STEVENS AMENDMENT NO. 515

Mr. STEVENS (for Mr. STEVENS) proposed an amendment to the bill, S. 1059, supra; as follows:

(1) On page 56, line 16, add $40,000,000.

(2) On page 55, line 13, reduce $40,000,000.

MCCAIN AMENDMENT NO. 516

Mr. MCCAIN (for Mr. MCCAIN) proposed an amendment to the bill, S. 1059, supra; as follows:

In section 2002, strike subsection (a).

In section 2003, strike subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2003(c), strike paragraphs (4) and (7).

In section 2003(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2004(a)(2)(A), strike ("except those lands within a unit of the National Wildlife Refuge System")

In section 2004(a)(2), strike subparagraph (B).

In section 2004, strike subsection (g).

Strike section 2005.

Strike every occurrence of "accredited maintenance responsibility" during the one-year period referred to in subsection (a).

SARBANES AMENDMENT NO. 518

Mr. SARBANES (for Mr. SARBANES) proposed an amendment to the bill, S. 1059, supra; as follows:

At the end of title E of title XXVIII, add the following:

SEC. 802. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) One-year Delay.—The Secretary of the Navy may not obligate to expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in subsection (b) are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of enactment of this Act.

(c) Transfer of Towers.—The Secretary may agree to transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in the towers described in subsection (b) if the State of Maryland or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including maintenance responsibility) during the one-year period referred to in subsection (a).
SMITH AMENDMENT NO. 519
Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN.

(a) RESPONSIBILITIES OF THE SECRETARY OF THE ARMY.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

WARNER (AND LEVIN) AMENDMENT NO. 520
Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 33, beginning on line 3, strike "that involve" and insert ", as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

SMITH AMENDMENT NO. 521
Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 414, line 6, strike "$1,072,585,000" and insert "+$658,530,000".

On page 429, line 23, strike "$23,045,000" and insert "$104,817,000".

On page 414, line 6, strike "$2,078,015,000" and insert "$2,072,585,000".

On page 414, line 6, strike "$2,072,585,000" and insert "+$668,530,000".

On page 429, line 23, strike "$23,045,000" and insert "$668,530,000".

On page 278, line 4, strike "1998" and insert "1999".

Naval Base, Pearl Harbor .............. 133 Units .... $30,168,000

SMITH AMENDMENT NO. 522
Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1062. REPORT ELEMENTS.—The report shall include the following:

(1) A list of facilities in the People's Republic of China that United States military officers have visited United States military installations since January 1, 1999.

(2) The itinerary of the visits referred to in paragraph (1), including the locations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2), in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army which has been denied by the United States.

(7) Any official documentation such as memoranda for the record after-action reports, and final itineraries, and receipts that equals over $100,000 concerning military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

(8) An assessment regarding whether or not any People's Republic of China military official or organization that has been denied United States military contacts or exchanges between the United States and the People's Republic of China.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

SESSIONS AMENDMENT NO. 523
Mr. SESSIONS proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

On page 33, beginning on line 3, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 368, line 14, strike "$40,000,000" and insert "$85,000,000".

On page 307, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "$744,140,000" in the amount column in the item relating to the total and insert "$787,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:

1059, supra; as follows:

On page 368, line 14, strike "$40,000,000" and insert "$85,000,000".

On page 307, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "$744,140,000" in the amount column in the item relating to the total and insert "$787,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:
transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

VOINOVICH AMENDMENT NO. 523

Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place, insert the following new section:

SEC. 1056. ORDNANCE MITIGATION STUDY.

(a) The Secretary of Defense is directed to undertake a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justify the need to continue such use by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99–662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

CONRAD (AND ASHCROFT) AMENDMENT NO. 524

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the President's Final Nuclear Initiative decisions announced in 1990 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (118 Stat. 471, 22 U.S.C. 2983 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection regarding Russia's tactical nuclear weapons.

HELMS (AND BIDEN) AMENDMENT NO. 526

Mr. WARNER (for Mr. HELMS, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 153, line 19, strike “the United States” and insert “such.”

On page 356, line 7, insert after “Secretary of Defense” the following: “, in consultation with the Secretary of State.”

On page 356, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.

On page 359, strike line 21 and all that follows through page 359, line 7.

DOMENICI AMENDMENT NO. 527

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Cannon Air Force Base</th>
<th>Cannon Air Force Base</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td></td>
<td>$4,000,000</td>
<td>$8,100,000</td>
</tr>
</tbody>
</table>

On page 418, in the table following line 5, strike “$106,088,000” in the amount column of the item relating to the total and insert “$196,248,000”.

On page 419, line 15, strike “$1,917,191,000” and insert “$1,919,451,000”.

On page 419, line 19, strike “$628,133,000” and insert “$940,233,000”.

On page 420, line 7, strike “$343,511,000” and insert “$333,671,000”.

On page 420, line 17, strike “$628,133,000” and insert “$940,233,000”.
DEWINE (AND OTHERS) AMENDMENT NO. 532

Mr. WARNER (for Mr. DeWine for himself, Mr. VCOVERDILL, and Mr. BINGAMAN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 62, between lines 19 and 20, insert the following:

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1966 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

(5) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE. It is the Sense of the Senate that the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

SMITH AMENDMENT NO. 529

Mr. WARNER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base

$11,600,000

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTIO AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Capsule Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P–3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

THURMOND AMENDMENT NO. 533

Mr. WARNER (for Mr. Thurmond) proposed an amendment to the bill, S. 1059, supra; as follows:

At the appropriate place insert the following:


(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Buckman, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 26, pilot, Byrants Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the
members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997, and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

GRAMM (AND OTHERS) AMENDMENT NO. 534

Mr. WARNER (for Mr. Gramm for himself, Mr. Ashcroft, Mr. Coverdell, Mr. Lott, and Mrs. Hutchison) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

(a) FINDINGS. Congress makes the following findings:

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States fought to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as “Victory in the Cold War Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(c) COLD WAR MEDAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end thereof:

“§ 1133. Cold War medal: award

(a) AWARD.—There is hereby authorized an award of an appropriate decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the ‘Victory in the Cold War Medal.’ The decoration shall be of appropriate design, with ribbons and appendages.

(c) PERIOD OF COLD WAR.—For purposes of subsection (b), the term ‘Cold War’ shall mean the period beginning on August 14, 1945, and ending on November 9, 1989."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof:

“1133. Cold War medal: award.”

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War” (in this subsection to be referred to as the “Commission”).

(2) The Commission shall be composed of twelve individuals, as follows:

(A) two shall be appointed by the President;

(B) two shall be appointed by the Minority Leader of the Senate;

(C) two shall be appointed by the Minority Leader of the House of Representatives;

(D) three shall be appointed by the Majority Leader of the Senate;

(E) three shall be appointed by the Speaker of the House of Representatives;

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (2) of whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War;

(5) The Commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2);

(B) one selected by and from among those appointed pursuant to subparagraphs (D), and (E) of paragraph (2).

(f) HARKIN AND BOXER AMENDMENT NO. 535

Mr. L EVIN (for Mr. Harkin for himself and Mrs. Boxer) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking “may carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

“(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).”

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end thereof:

“(A) The terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in paragraphs (4), (7), and (34), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786b).”

DOMENICI AMENDMENT NO. 536

Mr. WARNER (for Mr. Domenici) proposed an amendment to the bill, S. 1059, supra; as follows:

In title II, at the end of subtitle B, add the following:

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under section 216, $4,000,000 is available for testing of airblast and improvised explosives (in PE 63762E); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

HUTCHINSON AMENDMENT NO. 537

Mr. HUTCHINSON proposed an amendment to the resolution (S. Res. 103) concerning the 10th anniversary of the Tiananmen Square massacre of June 4, 1989, in the People’s Republic of China; as follows:

On page 3, strike line 15 and all that follows through page 11.

On page 4, line 6, strike “(C)” and insert “(A)”. On page 4, line 14, strike “(D)” and insert “(B)”. On page 4, line 19, strike “(E)” and insert “(C)”.

S6432

CONGRESSIONAL RECORD—SENATE

May 27, 1999
The purpose of this hearing is to receive testimony on S. 1049, the "Federal Oil and Gas Lease Management Improvement Act of 1999".

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Dan Kish at (202) 224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 27, 1999 in SR-332A at 9:30 a.m. The purpose of this meeting will be to discuss "The New Petroleum: S. 935 the National Sustainable Fuels and Chemical Act of 1999."

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. 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 Thursday May 27, 1999. The purpose of this meeting will be to discuss the National Sustainable Fuels and Chemical Act of 1999.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 27, 1999 at 10 a.m. on S. 761—Millennium Digital Commerce Act.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be allowed to meet during the session of the Senate on Thursday, May 27, 1999 at 10 a.m. on S. 761—Millennium Digital Commerce Act.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

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

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

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

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

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

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be allowed to meet during the session of the Senate on Thursday, May 27, 1999 at 10 a.m. on S. 761—Millennium Digital Commerce Act.

The PRESIDING OFFICER. Without objection, it is so ordered.
By relying on market-based incentives, your legislation will increase the supply of computer technology available to children in grades K-12. We are particularly supportive of the provisions that encourage the donation of computers and equipment to schools that serve underprivileged students, allowing all American children the opportunity to prepare for the New Economy on equal footing. Your legislation will allow the potential of our nation's children to be fully realized in the 21st century, while maintaining fiscal responsibility.

Thank you for introducing this important legislation and for continuing your leadership on issues critical to the success of America's New Economy.

Sincerely,

Wilfred Corrigan, CEO, Silicon Logic Corp.; Carl Feldbaum, President, Biotechnology Industry Organization; Dr. Dwight D. Decker, President, Conexant Systems; Michael Goldberg, CEO, Omica; Frederick Munson, Partner, Keiner Perkins Caufield & Byers; Willem Roelandts, CEO, Xilinx; Scott Kyles, Managing Director, Merrill Lynch; Ted Smith, Chairman, FileNet; Burt McMurtry, Partner, Technology Venture Investors; Michael Rowan, CEO, Kestrel Solutions; Dr. Henry Samuel, CEO & Co-Chairman, Broadcom.

ADDITIONAL STATEMENTS

NEW MILLENNIUM CLASSROOMS ACT

Mr. ABRAHAM. Mr. President, I rise today to share a letter I received from my constituent, Ms. Shirley Roney of Bonnie, Illinois. Ms. Roney shared with me a letter she wrote to President Clinton on behalf of her grandmother, Vaneeeta Allen. This Letter from a Nursing Home reminds us of some of the important issues many American families face every day.

Long-term care is a serious concern for many American families. Too many of our citizens face losing everything they have worked their whole lives for, just so they can pay for nursing home care. Medicare was not designed to provide coverage for long-term care. Care insurance is often unavailable due to pre-existing medical conditions, or it is out of financial reach for seniors. We must continue to explore other options to assist those like Vaneeeta Allen who must rely on nursing home care.

This letter does not have all of the answers, but we will never have the answers if we lose sight of the struggles and simple dignity of people like Ms. Allen.

I ask the letter to be printed in the RECORD.

The letter follows:

LETTER FROM A NURSING HOME

Mr. DURBIN. Mr. President, I rise today to share a letter I received from my constituent, Ms. Shirley Roney of Bonnie, Illinois. Ms. Roney shared with me a letter she wrote to President Clinton on behalf of her grandmother, Vaneeeta Allen. This Letter from a Nursing Home reminds us of some of the important issues many American families face every day.

Long-term care is a serious concern for many American families. Too many of our citizens face losing everything they have worked their whole lives for, just so they can pay for nursing home care. Medicare was not designed to provide coverage for long-term care. Care insurance is often unavailable due to pre-existing medical conditions, or it is out of financial reach for seniors. We must continue to explore other options to assist those like Vaneeeta Allen who must rely on nursing home care.

This letter does not have all of the answers, but we will never have the answers if we lose sight of the struggles and simple dignity of people like Ms. Allen.

I ask the letter to be printed in the RECORD.

The letter follows:

DEAR MR. PRESIDENT: My name is Vaneeeta Allen. I will be 93 years of age on August 11, 1999, and for most of my adult life I have lived independently in a house I have owned. My dad was a sharecropper. When I was a child, we never owned our own home. It was my dream to own a home when I grew up. I was the second of nine surviving children, the first girl. I wanted to be a schoolteacher but had to quit school at 13 to go to work to help support myself and my brothers and sisters. The year was 1910.

When my children were little we lived through the Great Depression and we celebrated when Franklin Roosevelt raised the minimum wage so we could make as much as $1 a day in the factory.

And finally, we bought for $5 an acre a little farm southwest of Bonnie and moved ourselves and our two surviving children into a 2-room house. We built on two bedrooms and a bathroom and a kitchen. There, we, my husband and I, spent our working years. The year was 1941.

And we sent our son and son-in-law off to war. There in that home I stood with my ears to the radio listening to the troop movements as our sons marched across Europe, afraid we would lose our sons and maybe our country. Our sons saved our country. And my son came home, but our son-in-law was nearly killed in the Philippines and spent the rest of his short life as a totally disabled veteran in and out of veterans' hospitals. Our son was killed in a car crash on April 12, 1951, at 25 years of age.

Our family bought its citizenship with blood shed on two foreign soils. But it was the sacrifice of liberty of grandchild children, half of whom were fatherless and half of whom were the children of a totally disabled father that the great price they paid was not in vain. We taught them about the greatness of America and how all men and women could live free.

In the early 60s, we were forced to sell our home to the government so they could build a lake there. It was the end of our farming years anyway and we needed to move away from the farm. But our grandchildren cried because they didn't want to leave that farm.

We built and moved into a home in Bonnie, a mile and a half from our farm. And there we, my husband and I, lived together until his death in 1981, and I lived until late October 1998, when I was hospitalized after a fall and nearly died.

Now they tell me I cannot live independently. But I dream every day of going home just one more time. Now, not by choice, I am living in a nursing home. I can hear the radio in my room and I am surrounded by others who are just like me. But those of us who still are of sound mind want just to go home again.

My husband and I, retired, we thought we had adequate savings. But inflation and high medical costs have taken all of
my savings. Perhaps I lived too long, but still I want to live.

Last year my total income from social security was $6,984, but I managed to keep my home and my bills with that. The only other income I had was less than $100 from renting some land. This year my monthly income from social security per month is $582. My checkbook total is now $3500.

The cost of the nursing home is about $92 per day, much of which goes to medical costs, not for expensive paid help. If anything, there is more money for paid help. I have been given two options to pay—either sell my home and give up any hope of ever returning or get Public Aid Assistance. In the nursing home, I applied for Public Aid. Since my total income is $582 month, out of that I must pay, to keep my home, electricity and gas $74, water and sewer $25, trash pick up $13, house insurance ($367 per year) or $32 per month. I also have paid and want to continue to pay $103 per month for a medicare supplement.

That leaves $334 out of my social security to pay the nursing home. You and know what is worse of all, I am made to feel like a failure because I cannot pay out of pocket $36,000 per year for a nursing home. And there are thousands, maybe millions of me throughout this country.

Once we could borrow money on just our good names. Now homes have become the price of our aged care. Soon I fear there will be a “For Sale” sign in my front yard and the inexpensive treasures of my life will be divided or discarded.

I take no comfort in that I am just one of many of this nation’s older citizens who once put a strap around our waist, put our hands to the wheel and took this great agricultural nation from a horsepowered economy to the richest and most plentiful nation in the world who can put a man on the moon, at the cost of the real freedom.

Many of us who helped build this country, have to live to see ourselves stripped of our most prized possessions, our homes, our dignity, our freedom and our pride?

I know that you and Congress are about to embark on a debate on Social Security and Medicare and other issues that affect those of us who still survive though in our 90s. I hope these debates will go beyond just economics and statistics and look into the faces of those who face up this population. We are more than statistics. We all have a story to tell. Once we were all children. Most of us have children and grandchildren and great grandchildren.

Once you wrote in a letter to my granddaughter Shirley Roney, “I have worked throughout my life to empower people who historically have been excluded from political, economic and educational opportunities. I remain committed to achieving that goal.”

In that particular letter you were speaking of racial relations. I believe you when you say you have done these things. I hope that in the remaining two years of your presidency, you will be able to finish what you have started in the areas of empowering all people who have been excluded from the opportunities for which our sons fought to guarantee all Americans.

God Bless,

VANETTA ALLEN.

CELLULAR TELECOMMUNICATIONS SAFETY WEEK

Mr. ASHCROFT. Mr. President, in recent years the advent of the wireless phone began an extraordinary advance in the cellular telecommunications industry. As a result the cellular phone has become an accessory and a necessity in the modern technological world we currently live in. It has revolutionized communication, and has helped individuals to constantly stay connected. Today, there are over an estimated 200 million wireless phone users around the world. The wireless telephone gives individuals the powerful ability to communicate—almost anywhere, anytime.

With the ability of having a cellular phone comes responsibility. As National Wireless Safety Week comes to a conclusion, we must recognize the dangers of having and using cellular telephones, especially when driving. We must also recognize the benefits of having these phones in situations where they are desperately needed. Today, there are over 98,000 emergency calls made daily by people using wireless phones—saving lives, preventing crimes and assisting in emergency situations. According to a recent government study, decreasing notification time when accidents occur saves lives—a wireless phone is a tool to reduce such a time.

The Cellular Telecommunications Industry Association (CTIA) is an international organization of the wireless communications industry for wireless carriers and manufactures. It is also the coordinator of Wireless Safety Week, and promotes using phones to summon assistance in emergency situations. The CTIA also promotes the concept that when driving a car, safety is one's first priority. The CTIA has six simple rules to driving safely while using a wireless phone, including: Safe driving is one's first responsibility. Always buckle up; keep your hands on the wheel and your eyes on the road.

Make sure that one's phone is positioned where it is easy to see and easy to reach. React to the operation of one's phone so that one is comfortable using it on the road.

Use the speed dialing feature to program-in frequently called numbers. Then one is able to make a call by touching only one or two buttons. Most phones will store up to 99 numbers.

When dialing manually without using the speed dialing feature first, dial only when stopped. If one cannot stop, or pull over, dial a few digits, then survey traffic before completing the call. Never take arms off the steering wheel. Pull off the road to a safe spot to jot something down.

Be a wireless Samaritan. Dialing 9-1-1 is a free call for wireless subscribers, use it to report crime in your area or other potentially life-threatening emergencies, accidents, or drunk driving.

In a recent national poll, it was found that 60 percent of wireless phone users have used their phone to help in case of car trouble, medical emergency, or to report a drunk driving crime. Close to 90 percent of wireless phone users polled said safety and security were the best reasons for owning a wireless phone.

Mr. President. The bottom line is that individuals need to assume responsibility while behind the wheel of a car. No telephone call is important enough to risk the safety of the driver, passengers, and others on the road. Cellular phones can be a distraction while one is driving a car. I urge drivers to use common sense when driving, and ask that drivers continue to act as good Samaritans. I also want to recognize the efforts of the Cellular Telecommunications Industry Association, and congratulate them for a successful Wireless Safety Week.

TRIBUTE TO BOB CLARKE

Mr. LEAHY. Mr. President, today I rise to recognize Bob Clarke, who has served for nearly 15 years as President of Vermont Technical College in Randolph. Under Bob's leadership, VTC has seen its annual budget quadruple, its annual donations have increased twelve-fold, and VTC's standing in the community has grown immensely.

Bob brought to VTC a new perspective for technical education. He has established unique relationships between VTC and the high-tech community. Currently, Vermont Technical College is providing training to employees of companies such as IBM, BF Goodrich Aerospace and Bell Atlantic. In addition, Bob has listened to the concerns of small businesses in the state. When Vermont faced a shortage of trained auto mechanics, he established a training program in automotive technology.

His willingness to listen to the needs of the business community has resulted in increased opportunities for VTC students and alumni alike, and VTC has created a qualified pool of applicants to meet the growing needs of Vermont's high-tech industries.

Over the years, I have worked closely with Bob and VTC on issues including education, workforce retraining and business development. I have been most impressed with Bob's innovation in addressing the evolving needs of the business community. His work is truly inspiring and the results have been felt across the state. Bob has truly raised the bar for technical colleges around the country.

An article recently appeared in the Vermont Sunday Magazine which details Bob's accomplishments during his tenure as President of Vermont Technical College. I ask that this article be printed in the RECORD.

The article follows:

(from Vermont Sunday Magazine, May 23, 1999)

CUTTING-EDGE CLARKE

(By) Jack Crowell

Bob Clarke doesn't exactly fit the centralcasting image of a New England college president. He doesn't have an Ivy League degree. In fact he describes himself as a traditional academic Ph. D. at all. Neither does he have a particularly deferential air toward the life
of the mind, nor the aversion to cozy rela-
tionships with businesses that many aca-
demicians fear might skew their prior-
ities and jeopardize their independence.

Instead, the president of Vermont Tech-
tical College is best known for his impish
grin, the twang in his speech—he’s from the
Eastern Shore of Maryland—a love of fast
cars, a hard work and a kind of laissez-
things done. Pass him on the street unknow-
ly you’d say, “That guy must be a salesmen.”

Which he is. Largely by selling himself and
his institution to a bevy of businesses, Clarke
has transformed that small and sleeping
school into a statewide dynamo with sub-
stantial influence in the highest circles of
industry, education, and government.

In his eyes, as head of VTC, Clarke has seen its annual budget grow from
about $5 million to more than $21 million,
plus more than $13 million in new or ren-
ovated buildings and facilities. Additionally,
the college has spent more than $750,000 a
year over the past decade on new equipment
and for several years has boasted of a totally
“wired” campus.

Gifts and grants that once amounted to a
paltry $25,000 a year now total $3 million an-
nually. And the endowment fund, which
didn’t exist when Clarke arrived, now amounts to
about $3.6 million. VTC employs
nearly 500 people and offers two-year
associate degrees in 18 different technical
areas, plus two recently added bachelor’s de-

grees.

But Clarke’s contributions to Vermont are
more significant than simply the upgrading of
a single institution. Important as that
may be. In the process of selling VTC, he’s also
been selling the concept of higher edu-
cation to businesses. He has played a
big role in changing the tenor of public dis-
cussion about the importance of higher edu-
cation and helped move the debate from
the theoretical realm of ideas to the practical
world of jobs and profits.

At meetings large and small throughout
the state, Clarke continually chants his
mantras about the importance of technology
in our modern society and the crucial role
that higher education plays in a healthy

economy because of that. “We have to have
to the center than the conventional
economic development plans or we’re going
to be in trouble when the next recession
hits,” he says.

Clarke is a member of Vermont’s Higher
Education Financing Commission, which last
winter urged substantial increases in state
funds for colleges and students, whose
recommendations have been taken seriously
by the governor and legislature. He brought
Massachusetts economist Paul Harrington,

an adherent of using occupational-education
programs to help boost the economy, to the
vision of Clarke. When he arrived at VTC,
he spent two years getting to know the
campus. In that partnership, Goodrich ex-
acts as the program’s organizer. But, says
Clarke, with obvious
pride: “We do education and training. We’re
good at it. Often businesses are not. That’s
why I left my campus food service and became
an operations manager.”

That’s not, of course, VTC’s only business-

training contract. Clarke has developed a

slab of them, and he’s been willing and able
to make special arrangements for companies
with different needs whenever traditional
training programs seem unlikely to work.

Two examples:

Taking a program that leads to a
two-year degree in engineering technology

on the premises of BF Goodrich Aerospace in
Vermont. In that partnership, Goodrich ex-

manager at VTC said: “Having

very modest, but for the whole country.”

A 1996 study reported that the state
government was saving some 55 percent on
terminus of a ferry line across Delaware Bay
from Cape May, N.J.), but his family soon
moved further south on the Eastern Shore to
the tiny Maryland town of Snow Hill.

After high school, he spent two years nearby
at Salisbury State College, where he met his
future wife.

He then joined the Air Force, where he
spent seven years, picking up along the way
a bachelor’s degree in occupational edu-
cation from Southern Illinois University and

a master’s degree in the same field from Cen-
tral Washington University.

In 1978, Clarke joined the faculty of North-
ampton Community College in Bethlehem,
Penn., where in six years, he rose to Dean of
Business, Engineering and Technology while
also earning a doctorate in Higher Education
Administration and Supervision at Lehigh
University.

In 1984, VTC was in the doldrums. Its en-
rollment was declining. No new buildings
had been built in 12 years. It had no endow-
ment and few private gifts. The Vermont
State College trustees tapped the 33-year-old
Clarke, giving him the charge to rescue the
college and lead it to new heights. The rest,
as they say, is history.

Last fall, the state Chamber of Commerce
honored Clarke as the 1998 Vermont Citizen
of the Year and the accolades flew fast and
high. But Clarke says his professional
domestic leaders fear might skew their prior-
ities and jeopardize their independence.

...
complete their final year of high school and

dents can enroll at VTC and simultaneously

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dents who wish to get bachelor's degrees can

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Glenda have fallen in love with the state and

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Clarke seems to be willing to talk with

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clarke has changed since that confrontation.

They think he's a bit more fair-minded and
can now consider others' points of view, even
when those points of view challenge him. He's
developed a delicate touch in personnel matters,"

says Russ Mills, the veteran faculty member,

who thinks that, if confronted with the same

situation again, Clarke would react dif-

ferently today.

Nonetheless, there's no question that

Clarke likes to be in control of what's hap-

pening on his campus. Even today, people who

have attended the university over that time

that he personally interviews all finalistas

for campus jobs.

A quick review of several campus innova-
tions by Clarke and his academic colleagues

offers some idea of the breadth of his inter-

ests and concerns.

Several years ago, the college took over
the state's training programs for Licensed
Practical Nurses. It continued to offer the
standard one-year program at four sites
throughout the state, but added a second
year for students interested in becoming
Registered Nurses. And it offers academic
credit for its programs, so that nursing stu-

dents who want to get bachelor's degrees can

transfer to a four-year institution.

In 1989, the Vermont Academy of Science
and Technology was founded. Under that
program, students who graduate with high-school
degrees can enroll at VTC and simultaneously
complete their final year of high school and

their first year of college work. VTC is ac-
credited as a private high school for that
purpose. Students who complete that year's
work can continue there or transfer to an-
other college.

The college plays host every summer to a
Women-in-Technology program. About 250
young women spend a week on campus,

where they take courses in science and

workshops with female scientists and engi-

neers, as a way of providing role models
and encouraging more young women to
consider careers in science.

The Vermont Automobile Dealers' Associa-
tion, worried about a critical shortage of
auto technicians, working with the tech-

ology of modern cars, built and equipped an
automotive technology center on the VTC

campus, so that the college could add a two-

year in one program in automotive technol-

ogy. It also now provides scholarships for

auto tech students.

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just about any interest group that could con-

ceivably help his institution. He once struck

a deal with the state to buy a farm adjacent
to the campus where officials wanted to lo-
cate a veterans' cemetery. He agreed to man-

age the cemetery— and VTC still does—in

order to get the remainder of the land for

campus expansion.

Not all proposals come to fruition, how-

ever. Clarke offered land to the Wood-

stock-based Vermont Institute of Natural

Science when it was looking for a new home

last year. But the institute's board decided

that one faculty wag observed at a VTC

meeting: "Not even all—cradle to

grave, without leaving campus."

What's next on the agenda for Clarke? For

starters, he says he's committed to staying in

Vermont. He admits that when he first

took the job, he viewed it as a stepping

stone, but says the people here have been

so welcoming and unlike the flinty New

Englander stereotype, that he and his wife

Glenda have fallen in love with the state and

plan to stay. The college provides housing on

the campus, so that the Clarke's built a "weekend" home in Addison, near

Lake Champlain.

On the college front, he's planning more

related to science and technology. He's working
to develop one with IDX, the Burlington-

based medical-software company, which re-

cently announced an expansion. He hopes to

provide a six-month program of technical

training to liberal-arts graduates.

Clarke also wants to assist Vermont busi-

nesses to get into what he calls "e-com-

merce," selling their wares over the Inter-

net. "We know the technology and we can

help," he says. "Most businesses are barely

scratching the surface."

And he wants to encourage the state to

come up with a coordinated effort to deal

with vocational-technical education.

He applauds the efforts of the Higher

Education Financing Commission on which

he sat, but feels the key to having its rec-

ommendations work is a multi-year commit-

ment by the state. For example, he notes

that the new Trust Fund just passed by the

Legislature is about $8 million to start and

its use is limited to the earnings from the

amount.

"It's an important first step," he says,

"but one that will have marginal impact

until it grows." For each of the state col-

leges, he notes, there are about 2,000, or a

year for scholarships as it now stands. He's

disappointed, however, that there are no

“workforce development” funds. Most states

provide funds for training and re-training

workers, but in Vermont the cost must be

borne entirely by the companies.

Of course, if one is an entrepreneur

somewhere—someone like Bob Clarke—can

find the money and the backing to put a

package together.

HONORING COLORADO STATE
SENATOR TILMAN BISHOP

Mr. ALLARD. Mr. President, I'd like to
take a moment to honor an individ-
ual who, for so many years, has ex-
emplified the highest public service

and civic duty and an individual

who will always be remembered.

Mr. Chairman, Mr. President, friends:

I stand today to spotlight an indi-

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friendly. He has implemented programs such as Kids' Corner, the Diversity Council, and a flextime policy to allow parents greater schedule flexibility.

In addition, Tony Burns personifies community involvement, including service to the Boy Scouts of America.

Mr. President, as we approach a new millennium and look back on the all-but-completed Twentieth Century, we are reminded of the importance of the dedicated people who strive to improve both the workplace and their community. I commend Tony Burns for his professional acumen, his leadership, and his commitment to his company and the south Florida community. As he prepares to celebrate his 29th anniversary with Ryder, I ask you to join me and his many friends in extending congratulations and best wishes.

ON BEHALF OF THE LATE JIM BETHEL, DEAN EMERITUS OF THE UNIVERSITY OF WASHINGTON'S COLLEGE OF FOREST RESOURCES

Mr. GORTON. Mr. President, I rise to acknowledge the passing of an eminent teacher, scientist and academic administrator in my state. On Tuesday, May 18, Jim Bethel, Dean Emeritus of the University of Washington's College of Forest Resources, died in a Seattle hospital.

Dean Bethel was one of the Nation's most prominent and influential forestry leaders and was recognized both nationally and internationally. During his 17-year tenure as Dean from 1964 to 1981, he was a principal architect of creating undergraduate programs and related research programs that have endured in one way or another to this day. Furthermore, his extensive experience and leadership in international forestry affairs has contributed greatly to the College's involvement in international academic and research activities.

As an administrator, Dean Bethel set an undeniably high standard for his successors, faculty and administrators to emulate. Dean Bethel was responsible for initiating the College's pulp and paper program and the Center for Quantitative Science. Under his leadership, the College was repeatedly ranked among the top five forestry institutions in the U.S. Incidentally, while Dean, Bethel never gave up teaching two undergraduate courses, conducting personal research and advising graduate students.

Bethel received a BS degree from the University of Washington and advanced degrees at Duke University. In fact, he was one of the first individuals to be granted a Doctor of Forestry. Bethel held faculty appointments at Pennsylvania State University and Virginia Polytechnic University. During a 10-year tenure at the North Carolina State University, he was Professor and the Director of the Wood Products Laboratory and acting Dean of the Graduate School. He worked at the National Science Foundation for three years prior to becoming the Associate Dean of the Graduate School at the University of Washington. He also served as Professor and subsequently the Dean of the College of Forest Resources.

Bethel's scientific contributions are acknowledged. Bethel's scientific contribution: he was elected fellow of the Society of American Foresters, the American Association for the Advancement of Science and the National Academy of Wood Sciences. He served on various boards and was a founder of the National Academy of Sciences. Bethel also served on the President's Council on Environmental Quality. He was one of the founders of the Forest Products Research Society.

Bethel has significantly influenced the lives of many professional foresters. Perhaps his greatest and most enduring professional legacy are his graduate students who went on to responsible and successful positions, and the impressive list of professional journal articles and books.

Dean Bethel will be missed by those concerned about the scientific stewardship of forest resources in my state and the world.

PLIGHT OF THE KURDISH PEOPLE

Mr. DODD. Mr. President, I rise today out of concern for the plight of the Kurdish people in Northern Iraq and Eastern Turkey. They have been victims of some of the most egregious human rights abuses in recent years including brutal military attack, random murder, and forced exile from their homes. While American efforts in Northern Iraq have greatly improved the plight of the Kurds, there is certainly much room for improvement both there and in Turkey.

In 1988, the world was stunned by the horrific pictures of the bodies of innocent Kurds disfigured by the effects of a poison gas attack by Saddam Hussein. We may never know exactly how many people died in that particular atrocity, but the estimate of the number of victims, however, is most likely in the thousands.

This was certainly not Iraq's first deplorable attack on the Kurds and, sadly, it was not destined to be the last. Yet, this attack continues to represent a stark milestone in the long list of deplorable deeds Saddam Hussein has perpetrated against his own people.

In recent years, however, the United States has come to the aid of the Kurds of Northern Iraq. At the conclusion of the Gulf War, the United States and our allies established "no-fly" zones over Northern and Southern Iraq. These zones, plus the damage the Iraqi military sustained during Operation Desert Storm, have considerably curtailed Saddam Hussein's ability to attack the Kurds in Northern Iraq.

Mr. President, the men and women of the United States Air Force who risk Iraqi anti-aircraft fire over Iraq each day in order to enforce these no-fly zones deserve our support and commendation. Not only do their efforts protect nations throughout the region and around the world from Saddam Hussein's aggression, but their daily flights serve as sentries against human rights abuses.

Mr. President, the United States has taken other, more direct actions to help the Kurds of Northern Iraq. Following the Gulf War, the United States Agency for International Development worked to provide important humanitarian assistance to Iraqi Kurds. When Iraqi incursions into the region once again threatened the lives of thousands of innocent civilians, the United States worked to evacuate more than 6,500 people to the safety of Guam. Many were later granted asylum in the United States.

Our relationship with the Kurdish people of Northern Iraq is not a one-way street. More than 2,000 of the Kurds who the United States evacuated in 1996 were either employees of American relief agencies or family members of those employees. Others have provided invaluable intelligence information to the United States.

As I mentioned earlier, many Kurds also live in Eastern Turkey. A minority of Turkish Kurds have taken up arms against the democratically elected Turkish government in a bid for independence. Both sides in this internal conflict are guilty of human rights abuses against innocent Kurdish civilians.

The Kurdistan Workers Party, or PKK, has devolved into a terrorist organization targeting not only Turkish military and police forces but innocent Kurdish civilians as well. While reliable estimates of the number of victims are extremely hard to come by, it is clear that thousands of Turkish Kurds, of those employees. Others have provided invaluable intelligence information to the United States.

As is often the case, neither side in the dispute holds a monopoly on human rights abuses. The PKK's actions unquestionably demand a response from the Turkish government. Rather than a measured and targeted response, however, Turkey has declared a state of emergency in a large portion of Eastern Turkey, directly affecting more than 5 million of its citizens.

In addition, Turkey has severely rationed food, leading to hardship amongst innocent civilians. In addition, Turkey has forced hundreds of thousands of people out of their homes, leaving more than 2,600 towns and villages mere ghost towns.

These actions are, unfortunately, at suppressing the PKK's terrorism. Yet, the government has actively targeted not only known terrorists but those believed to agree with the PKK's goal of independence, as well as their methods—as well. Even those who support neither the PKK's goals nor their means suffer at the hands of the Turkish military and police forces.
Thus, Turkey's Kurdish population is under attack from both sides without any place to hide. Turkey is both a democracy and an important ally of the United States. In Kosovo and Bosnia, Turkey has stood firmly with NATO allies, descriptors of credit for its principled stand in the Balkans. In fact, Turkey has allowed the United States to enforce the no-fly zone over Northern Iraq from our air base based on Turkish soil.

Yet, it would be inappropriate for us to overlook Turkey's human rights abuses against its own people simply because of its commendable actions elsewhere. Mr. President, the intentional murder of innocent non-combatants, evenath inch to the United States regardless of where it occurs or who the perpetrator is. Thus, the PKK's efforts to intimidate others by random murder, certainly not indicative of all Kurds, deserves our condemnation. This does not excuse Turkey's abuse of its own innocent citizens in the pursuit of terrorists.

Mr. President, we must never let our nation's commitment to the protection of human rights lapse. As we sit here today, the human rights of entire race of Turkey and Iraq are under assault. I urge my colleagues to join me in condemning these abuses.

TRIBUTE TO COGGESHALL ELEMENTARY SCHOOL ON ITS 100TH ANNIVERSARY

Mr. REED. Mr. President, I rise to congratulate Coggeshall Elementary School of Newport, Rhode Island, which this year celebrates its 100th anniversary.

Coggeshall has seen much since it opened to students in 1899. It has seen the rise of the automobile, the invention of the airplane, and the emergence of the Internet. It has weathered the great hurricanes of 1938 and 1954. It was around for 5 Boston Red Sox World Series wins and all the summers and autumns of bitter defeat since the last in 1918. Coggeshall has seen its graduates serve in two World Wars. It has seen its female students earn the right to vote.

Since Coggeshall opened its doors, the sound barrier and the four minute mile were broken, Charles Lindburg traversed the Atlantic, Neil Armstrong walked on the moon, and Rosa Parks ignited the Civil Rights movement.

Mr. President, Coggeshall Elementary has not only experienced history, it has shaped it. Coggeshall and its teachers have had an impact on generations of Newport's students. The school's influence is certain to reach far into the future.

I want to take this opportunity to commend Coggeshall Elementary for its continuing legacy to Rhode Island—its students.

Recently, Jessica Perry, a fifth grade student at Coggeshall, penned a history of the school. I ask unanimous consent that her paper be printed in the Record. As an avid supporter of Coggeshall Elementary on its 100th anniversary.

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

HISTORY OF COGGESHALL ELEMENTARY SCHOOL

(By J essica Perry, Grade 5)

Coggeshall Elementary School was built beginning 1898. It opened to students in 1899. This year Coggeshall will be celebrating its 100th anniversary.

When Coggeshall was first opened there was a boys and girls entrance, boys had to go in one door and the girls had to go in the other door. Boys and girls almost always rode their bicycles so they had a bike room. Where the library is now is where the boys bike room was located. Where the kitchen is now was the boys' wash room. There was no girls' wash room. There were only four classrooms each on the 1st and 2nd floor.

The school had been open for a short period of time in the fall of 1899 was the formal dedication. The keys were given to mayor Boyle and Superintendent of Schools Baker. At the same time there was a graduation of Miss Gilpin's class. The girls wore white dresses and the stage was decorated with flowers. Lots of important people were there. Children sang and read their es-

From 1936-1971 there was a half-day kindergarten class as well as grades one to six. In the fall of 1976 grade six was moved to the Sullivan School. Now the sixth grade is located at the Thompson Middle School. Coggeshall has always had a kindergarten class until 1989. There was no kindergarten that year. In 1982 the kindergarten came back. It left again in 1990 for one year. In 1996 an all day kindergarten was begun at the school.

Throughout the years changes have been made to the school. There are now new chimneys, we added a fire escape, new school sign, parking lot, new windows and shrubs. There are also telephone poles, electric wires and cars that were not here in 1899.

Since 1936 there have been 12 principals, the principal that was the longest is Mary Ryan. She stayed for 34 years! The principal that stayed the shortest is Dr. Mary Koring. She worked here for only three years.

The principals Charles Carter, Irvin Henshaw, and Leo Connerton was the principal of Sheffield School and Coggeshall School. After the 1950's the principal was only in charge of Coggeshall School. Mr. Borgueta is the Superintendent of Schools now and Mr. Frizzle is the principal.

NATIONAL SMALL BUSINESS WEEK

Mr. GRAMS. Mr. President, I rise today to pay tribute to America's small businesses as a backbone of the nation's vibrant economy. As my colleagues may know, this week is recognized as "National Small Business Week."

As a former small businessman, I believe small businesses have always been one of the leading providers of jobs throughout our communities. Today, there are over 24 million small businesses that serve as the principal employers of new jobs more than 52 percent of the private workforce.

In particular, I am very proud of the tremendous growth in women-owned businesses over the last couple of years. According to the National Foundation for Women Business Owners, there are more than 166,000 women-owned businesses in my home state of Minnesota, employing 349,800 people and generating $42.3 billion in sales. Between 1987 and 1996 the number of women-owned businesses increased dramatically, by over 73 percent.

Mr. President, one of the unique aspects of Minnesota's small business community is the number of high-tech companies throughout our state. I certainly envision an important role for small, high-technology businesses in meeting the nation's science and technology in the years ahead.

During "National Small Business Week," I am proud to share with my colleagues the special recognition recently granted by the Small Business Administration to two dedicated Minnesotans: Comfrey Mayor Linda Wallin and Ms. Supenn Harrison, a restaurateur in Minneapolis.

Mr. President, in 1997 several communications in Minnesota were threatened by terrible tornadoes and floods. Almost immediately, Mayor Wallin provided courageous leadership to protect the community of Comfrey from this dangerous natural disaster. In addition to establishing a command center to coordinate efforts to rebuild and provide relief to residents, Mayor Wallin secured assistance from the SBA to rebuild a civic center, a new library, and an elementary school. This year, the SBA has honored her with the "Phoenix Award" for those who have displayed confidence, optimism, and love of community while surmounting near disaster.

Ms. Supenn Harrison, a successful CEO of Sawatdee, a Thai restaurant in Minneapolis, represents the finest of Minnesota's small business owners. Ms. Harrison is Minnesota's 1999 honoree as the National Small Business Person of the Year. Ms. Harrison's investment in her company and employees through consistent efforts to update equipment, implement new marketing strategies, and encourage high employee morale underscores her commitment to a strong economy.

Mr. President, I am honored to recognize the contributions of Minnesota's
small business community during “National Small Business Week.” I look forward to working with my colleagues to promote an economic climate where small businesses can succeed through federal regulatory relief, tax reduction, a skilled workforce, and free trade policies.

POLICE OFFICER PERRIN LOVE
• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the heroism of Officer Perrin Love, a private in the Charleston Police Department. Officer Love died a tragic death last Saturday morning, when he was accidentally shot by his partner while pursuing an armed suspect.

Hard-working, dedicated, and courageous, Police Officer Perrin Love was a credit to the Force and the City of Charleston. All who knew him liked and respected him, and though he was only a rookie, everyone on the Charleston Police Force believed he had a bright future as a law enforcement officer. Officer Love graduated first in his class from the Police Academy in Portland, Oregon, and had earned high marks for his performance on the Charleston Police Force. He earned his first stripe earlier than most new officers on the Charleston Police Force.

Public service and devotion to duty were the hallmarks of Perrin Love’s life. Before becoming a police officer, he served as a distinguisher in the United States Navy. As the Charleston Post and Courier wrote in its memorial to Officer Love: “Officer Perrin ‘Ricky’ Love was doing exactly what he wanted when he died Friday. He was wearing a uniform, serving the public, and enforcing laws he believed in.”

Mr. President, men and women like Officer Love are a credit to their families, to their uniforms, and to this nation. Law officers like Perrin Love always give me hope for our future. These brave souls continue to patrol our cities, enforce our laws, and protect our lives and property at great risk, asking nothing in return except the privilege to wear their uniforms and the knowledge that they have the hard-won respect of their neighbors and their peers.

According to his fellow officers, Officer Love embodied all the qualities one wants in an officer of the law: he was brave and dedicated to serving his fellow citizens and the law, but he also loved his community and worked hard to establish good relations with everyone on his beat. His tragic death is a blow to his family, to his fellow officers, and to the City of Charleston.

I join with the people of Charleston in mourning his passing and expressing my sincere condolences to his sister, Jennifer Love, and his parents, Joshua and Nancy Love. I hope the knowledge that the entire community laments the loss of such an honorable and admirable man as Officer Love will be of some small comfort to them in their time of grief.

TRIBUTE TO TEN YEARS OF SERVING THE SOUTH’S FINEST BARBEQUE
• Mr. COVERDELL. Mr. President, I rise today to commend Mr. Oscar Poole, affectionately known as “Colonel” in the north Georgia town of Ellijay, who will be celebrating his tenth year of business as a barbeque establishment, paying tribute to the many thousands of customers that have passed through the town of Ellijay to eat the Colonel’s barbeque. The establishment, referred to as the “Pig Hill of Fame,” is covered by nearly 4,000 personalized, painted, and pig shaped signs. Individuals, families, tour groups, friends, Sunday school classes, and celebrities have each had pigs erected to memorialize their visit to one of the South’s greatest barbecues. In fact, I am fortunate enough to have a sign in my name on this famed hill. As many in the South know, politics and barbeque go hand in hand. Therefore, it comes as no surprise to learn that governors, congressmen, senators, statesmen, and presidential candidates have made the voyage to Colonel Poole’s.

Colonel Poole’s reputation supersedes our state’s boundaries. On three separate occasions he was the highlight of Capitol Hill. On his first trip to Washington, the Colonel arrived at the steps of the Capitol in his large yellow PigMobile and in his colorful and patriotic suit to deliver his hickory smoked pork to the entire Georgia delegation and their staffs. Much to the dismay of the other members of the herd, some of the Colonel’s Georgia barbeque got around Washington so fast that the Colonel’s rafters, enough for 450 people, quickly ran out. On another occasion, I had the opportunity to serve what may be one of Georgia’s finest kept secrets to several of my friends and colleagues here in the Senate who meet for a weekly lunch.

While most know the Colonel as a barbecue maestro, he is a wearer of many hats. His customers know he is also a pianist. Others know him as a preacher. This man with a big heart is all of these things and more.

Inside his tin covered, pine wood restaurant, the Colonel plays classical music, show tunes, and almost every customer request. Having learned to play the piano at an early age, Mr. Poole has long since appreciated his gift as a musician. His ability to play was good enough to put himself through the Methodist seminary where he was ordained a minister.

His work in the Church, as a preacher and a missionary, took him to many rural communities here in the South and to developing countries like Brazil. It was this sort of compassion that enabled a north Georgia gentleman named Wendell Cross to approach the Colonel for instruction on how to read. Mr. Cross, a sixty year old man, had spent his entire life not knowing how to read. That was until Mr. Poole took him under his wing and worked with him on a daily basis for nearly twelve months. Eventually Mr. Cross learned to read. The story of friendship and respect received nationwide media coverage and was shown on the popular “Today Show.”

More importantly, two days before the tenth anniversary of his business, Colonel Poole will be celebrating his 49th, I repeat, 49th year of marriage to his lovely wife, Edna Poole. This is a milestone that anyone would be extremely proud of, and I am happy to report that the Poole’s will have four granddaughters, Cindy, Carol, and Darvin—to help them celebrate this milestone.

Once again, Mr. President, I would like to commend Colonel Oscar Love on his tenth year of business and his 49th year of marriage. During this time when there are discussions of the direction of today’s culture, Colonel Poole is an example of how leading one’s life by a core set of good, American values—faith, family and country—will result in a life of many successes.

WELCOME TO EDRINA AND LISELA DUSHAJ
• Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to tell the story of the Dushaj family. Several years ago Pranvera and Zenun Dushaj left their native Albania and were granted political asylum in the United States. They settled in the Bronx, New York where they found a place to live and both found jobs. Unfortunately, at the time they left Albania they could not bring their two young daughters, Edna and Lisesa, with them. They had to stay behind with their grandmother.

As soon as they were eligible, the Dushaj family applied for permission to bring their children to the United States. The family came to my office last year seeking assistance in getting the I-730 petitions approved. Last fall, the Immigration and Naturalization Service granted the petitions for both daughters.

All was set. The Dushaj children could now join their parents in this country. All they needed were immigrant visas, but therein lay the problem. Because of recent fighting and the threat of terrorism our consular services at our Embassy in Albania were all but shut down, providing only emergency services to American citizens. The embassy was no longer able to process the needed visas.

I note that this was occurring this March just as the conflict with Serbia was coming to a head. The Dushaj children were stuck in Albania and their
The survey was conducted by the National Opinion Research Center at the University of Chicago in collaboration with the Johns Hopkins Center for Gun Policy and Research with funding from the Joyce Foundation. The third in a series of surveys of American attitudes toward gun policies, it shows a continuation of an upward trend in public support for more control over firearms and more attention to making all firearms safer. Other key findings include:

- Three quarters of those surveyed want Congress to hold hearings to investigate the practices of the gun industry, similar to the hearings held on the tobacco industry.
- Sixty percent of Americans want licenses to carry concealed weapons to be issued only if the person is not a convicted felon, as is true for those convicted of simple assault, and 68 percent to those convicted of drunk driving.

Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Joseph A. Klingler as he retires after 36 years of service to the students and families of my hometown, Franklin Lakes, New Jersey. He served as a teacher, a principal, a mentor, and a leader in the educational field.

Throughout his thirty-one years, Dr. Klingler has shown unparalleled support and caring for his pupils. He provided each school he taught at with a unique personality that demonstrates caring, respect, interest in others, and academic challenge. He always encouraged his students to take an active role in school, whether academically, athletically, or through the many school activities. Because of his encouragement, staff members applied for mini-grants which contributed to the success of several middle school activities such as the Show Choir, F.A.Y.M., and the Drama Club. Dr. Klingler understands the importance of parents becoming involved in their children’s school and has formed a close alliance with the PTA.

Dr. Klingler shaped our definition of a middle school, with mission statements, team concepts, and programs. He was active in local and national education associations. He chaired the FLOW area Regional Education Council several times, and participated in the national program for evaluating education elements. He is a member of Phi Delta Kappa, the National Professional Educational Fraternity, the American Association of School Administrators, the National Association of Elementary School Principals, the New Jersey Principals and Supervisors Association, and the National Mathematics Teachers Association.
Dr. Klingler has served as a role model for community activities, coaching baseball in the local recreation program, volunteering at the Bergen Community Regional Blood Center, participating in the Environmental Commission Clean-Up Days, and chairing the Franklin Lakes Kiwanis Committee. He encouraged his students to take an active role in their community.

As one of his former students I was directly influenced by his teaching and leadership. I would like to take this opportunity to thank Dr. Klingler for his years of service to all his students in Franklin Lakes. He will be dearly missed, but I am certain that the values he instilled in his students will live on.


TRIBUTE TO ST. PHILOMENA SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

Mr. REED. Mr. President, I rise today to recognize the achievement of St. Philomena School of Portsmouth, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 105+ educators, 295 of the very best public and private schools in the nation were identified as deserving this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what St. Philomena School is doing. St. Philomena is a kindergarten through eighth grade school that emphasizes student achievement.

Since opening in 1953, much has changed for St. Philomena. For a brief time, it offered a comprehensive education from elementary through high school. But since the late 1960s, St. Philomena has focused exclusively on elementary education, and its students have benefited from this wise decision. While the school has grown in size—adding four new buildings to its facilities, its administration and faculty have taken a personalized approach to each student's education.

Mr. President, St. Philomena is dedicated to the highest standards. It is a school committed to a process of continuous improvement not only for students but for teachers as well. Indeed, St. Philomena's teachers hone their skills as educators by continuously pursuing educational opportunities of their own.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like St. Philomena. Under the leadership of its principal, Sister Ann Marie Walsh, its devoted and assorted parents, St. Philomena School will continue to be a shining example for years to come.

TRIBUTE TO MAJ. GEN. DAVID W. GAY

Mr. DODD. Mr. President, I rise today to pay tribute to Major General David W. Gay, the Adjutant General of the Connecticut National Guard. General Gay will retire on June 1st, so this is an appropriate time to recognize his nearly 40 years of service to the National Guard and to recount his achievements during his seven years as head of Connecticut's Guard.

Members of General Gay's Air National Guard component—the 103rd Air Control Squadron—will soon travel from Orange, Connecticut to Italy in support of NATO operations in Kosovo. Gay and the National Guard are the key members throughout the nation who have answered the call and are now overseas supporting the NATO mission, those men and women from Orange were engaged in their normal day-to-day lives one day before they were working in a massive, full-time military operation the next week. Such a scenario is not uncommon in the National Guard. Whether it is a military operation, a natural disaster, or civil unrest, our citizen soldiers in the Guard stand ready to put aside their private lives and report to their duty station, be it at home or abroad.

General Gay has dedicated his career to serving this country with a willingness to be called upon at any time to defend this nation and our way of life. He began his military service as a Marine in 1953. In 1960, he enlisted as a full-time member of the Connecticut National Guard, and, in 1962, he received his commission as a Second Lieutenant. His steady rise through the ranks led to command assignments in the Connecticut National Guard's artillery and infantry branches. In 1992, General Gay was appointed Adjutant General of the Connecticut National Guard, a position he has held for seven years. During his career, the General earned two of the most prestigious awards this nation gives to its military officers—the Legion of Merit and the National Guard Bureau's Eagle Award.

Beyond his duties as Adjutant General, ranking member of the Governor's Military Staff and commissioner of the State Military Department, General Gay has committed himself and his troops to taking positive actions to improve the quality of Connecticut. Most noteworthy are the host of youth programs that began under General Gay's tenure. Many of these are a part of the Drug Demand Reduction Program which brings National Guard personnel into the community to serve as role models for children, to encourage youth to excel in school, and to convince kids to avoid drugs. The various and ingenious offshoots of the program, such as the Drug Demand Reduction Community Regional Blood Center bombing and the intended bombing of the Lincoln Tunnel. Those investigations broke the back of one of the most violent terrorist groups ever
to operate in this country. Their speedy conclusion also did much to reassure the American public in the wake of the World Trade Center bombing, and they sent a message to terrorists around the world that no person or group will get away with terrorist actions in the United States.

Assistant FBI Director for the New York Metropolitan Area, Jim Kallstrom led the Bureau's largest field office. He supervised agents handling many of the FBI's most sensitive criminal, counterintelligence and counterterrorist cases. He was, and is, a vigorous investigator—truly a cop's cop—and an effective administrator.

One of Jim Kallstrom's best-known accomplishments—and his most controversial role—was his direction of the investigation of the TWA Flight 800 explosion of July 17, 1996. My colleagues will remember that 230 people died in that crash and that the American people demanded and great suspicion that this was the result of a terrorist or criminal act. There was also a recurrent allegation that the U.S. armed forces had accidentally shot down the aircraft and were trying to cover up their role. That allegation was utterly false, but it acquired a life of its own despite the facts. It was, in fact, one of the first cases of a rumor spread and perpetuated on the Internet.

In the initial days of this case—as the desperate search for any survivors turned into a continuing and heroic mission to retrieve and identify the hundreds of bodies, and as a raft of local and federal agencies combed the Georges, New York, toxic waste site and the Sandy Hook gun range for any evidence—the FBI's New York office, under Kallstrom's direction, imposed order on the incipient chaos. Over the coming weeks and months, it was the determination and competence of Jim Kallstrom and his agents that set the American people and gave us all confidence that no stone would be left unturned in the search for any criminal evidence.

In recent weeks, one of my colleagues has raised the possibility that Jim Kallstrom was responsible for the course of public events in the course of his counterterrorist investigation to the fullest, may have delayed or tried to delay the transmission to the National Transportation Safety Board of a report by the Bureau of Alcohol, Tobacco, and Firearms ("BATF") that conclusively showed that the TWA Flight 800 explosion appeared to have been caused by a mechanical flaw in the center fuel tank. Mr. Kallstrom denies that allegation. He intends to appeal the report to the National Transportation Safety Board within a few days of receiving it. He admits that he was angry that BATF would issue its conclusions while the counterterrorist and criminal investigation was still ongoing, and that he was aware of the conclusions from the start.

I do not know whether Mr. Kallstrom delayed transmission of the BATF report, although I note that two FBI officials testified that he did not. What I do know is that Mr. Kallstrom was performing his duties admirably in a situation fraught with challenges.

Let me emphasize those challenges. Millions of Americans drew the initial conclusion that this explosion was caused either by a bomb or by a missile. There was an urgent need not only to conduct a thorough investigation into that possibility, but also to demonstrate to the American people that the United States Government was doing everything humanly possible to bring any perpetrators to justice, while still doing anything humanly possible to meet the needs of hundreds of bereaved families and showing proper respect for the dead.

This was not a easy task, and no small one, either. Jim Kallstrom assumed those duties and brought the TWA Flight 800 investigation to a successful conclusion. I say "successful" very purposely, for the investigation did not fail to uncover any terrorist or criminal act. Rather, it eliminated those possibilities and gave the American people confidence that the explosion was instead a tragic accident.

Some have expressed concern that the FBI might have unwittingly delayed necessary action to correct safety flaws in U.S. commercial aircraft. I understand this concern and I would agree that recommendations of the National Transportation Safety Board should receive more attention from the Federal Aviation Administration. But safety board officials apparently reached the same conclusion as BATF weeks earlier, and they reportedly did not believe that any delay in receiving the BATF report hindered their ability to persuade the FAA to take corrective action.

Some people feel that the FBI was too determined to find evidence of a terrorist or criminal act. I don't doubt for a moment that some investigators found Jim Kallstrom rather intimidating. About such evidence. The good news is that Jim Kallstrom is sometimes intimidating. The bad news is that he also projects confidence and determination. That is what was needed of the head of the FBI's New York office, and that is what was needed by the head of the TWA Flight 800 investigation.

I am sorry if some investigators felt that Jim Kallstrom stepped on their toes. But I am happy as can be that he was the man to whom our nation turned when a conspicuously thorough investigation was needed—so as to catch and convict the murderers if there were any, and otherwise to give us complete confidence that the Flight 800 explosion was truly an accident. Jim Kallstrom accomplished that feat, and we are all in his debt for his tremendous service to his country.

SECTION 201 TRADE ACTION FILED BY THE DOMESTIC LAMB INDUSTRY

Mr. CRAIG. Mr. President, during the last 2 weeks, we have been hearing from our colleagues concerned about the lamb industry in the United States and the Section 201 trade action filed by them. I would like to join them in commenting on the situation and dispel some myths and confusion surrounding the Section 201 trade action filed by a coalition representing the domestic lamb industry. The case now lies before the President, and I urge him to impose strong, effective restrictions that will curb the devastating surge of imports that has swamped the domestic lamb market and threatens to drown an entire industry.

Some worry the nations of Australia and New Zealand may retaliate against the United States if we take action to protect our domestic industry. They shouldn't because they can't—not for at least 3 years. That is because of the laws that govern the Section 201 case—laws that, let me be clear about this, are and have been a part of every trade agreement since the United States signed since the Trade Act of 1974. That means all signatories to GATT also signed onto the Section 201 provisions. Importers say they have not done anything unfair. The U.S. lamb industry said they had. Frankly, the Section 201 rules don't pertain to unfair trading. It is never alleged, never argued, never considered. The only things that matter in a Section 201 case are whether imports have risen disproportionately over the recent time period. There is also the question of harm. A Section 201 case is a lot tougher to prove than dumping, or subsidies, or yes, unfair trading. The domestic industry is required to prove that imports are a "substantial cause" of significant injury or threat of significant injury.

You will hear arguments from importers about how their actions aren't to blame, about their price undercutting, their deliberate decision to swamp the market with cheap, imported product, in the face of ample notice of the harm being done, isn't to blame for the financial ruin now snaking its way through the domestic lamb industry.

The International Trade Commission heard those arguments. They heard all about the Wool Act, about the coyotes, about grazing fees and organization. They heard it all, and those six Commissioners rejected those arguments. They rejected them when the Commission unanimously ruled that imports threaten the domestic lamb industry and will cause injury. After that ruling, those arguments by importers are not a factor in this case.

You will also hear talk of cooperation. Of how the New Zealand and Australian industries want to work with the domestic industry to solve their problems. Why are we hearing about cooperation now? Where was the importers' cooperation when fourth-generation ranchers faced bankruptcy? When processors were losing money and right to cheap imports? When the leaders of the domestic industry publicly announced their intention to file the Section 201 trade case?
NOWHERE, is the answer. As the domestic industry reeled under the unrelenting wave of cheap, imported lamb, the importers have been busy breaking records. Month after month in 1998, the imports flooded the domestic market, shattering the record set in 1997. A record-making 70.2 million pounds of imported lamb had saturated the American market. But the importers are not finished yet. Even as the ITC conducted hearings, the level of imports were rising—in the first three months of 1999 alone, imports are up nine percent over 1998 levels, and an astonishing 34 percent above 1997 levels. If this pace keeps up, the record-making import levels of 1998 will be shattered, as will domestic sheep industry.

I urge the President to curb this devastating surge of cheap imports. The domestic industry won a fairly fought legal case governed by laws embedded in this nation's trade treaties. To do anything less than ordering strong, effective relief to both curb this unprecedented, record-breaking, surge of imports and the devastating price undercutting that accompanies it, this case is important for this nation's agriculture community. It's being watched throughout our rural towns, farms and ranches. If the President does not implement an effective remedy for the lamb industry, which has followed our laws and proved its case, an unmistakable signal would be sent to agriculture and rural interests throughout the United States.●

YOUNG MARINES

• Mr. DOMENICI. Mr. President, in the aftermath of the tragedy at Columbine High School, and in the midst of our debate on Juvenile Justice issues, I am proud to offer tribute to the youth group known as the Young Marines. The Young Marines is the official youth program of the Marine Corps League and the focal point for the Marine Corps Youth drug demand reduction effort. Its mission is to promote the mental, moral, and physical development of young Americans. All of its activities emphasize the importance of honesty, courage, respect, loyalty, dependability, and a sense of devotion to God, country, and family. For historical purposes, the birth of the Young Marines was in Waterbury, Connecticut in 1958. The official charter was issued on 17 October 1965 and thereafter the program spread throughout the country.

After World War II, members of the Marine Corps League discussed the possibility of establishing a Marine Corps League Youth program as a civic project for detachments and to create interest in the League. For historical purposes, the birth of the Young Marines was in Waterbury, Connecticut in 1958. The official charter was issued on 17 October 1965 and thereafter the program spread throughout the country.

In this age where the youth of America has been labeled as troubled or misguided, the Young Marines work to promote physical fitness through the conduct of physical activities, including participation in athletic events and close order drill. Any maybe what is most important, the Young Marines promote a drug-free lifestyle through a continual drug prevention education program.

Much has been said about the troubles of today's youth, and recent events have illustrated what can happen when teens consider themselves invincible or without the need for guidance. I think it's time that we give the recognition and respect to the groups and the youth who do participate in these groups, that which they deserve. I believe that the guidance that groups such as the Young Marines provide is more effective than any legislation can possibly be. And maybe we can start producing real role models that teens can relate to, instead of offering them the glorification of violence and drug use that is so prevalent in the movies and on television. I welcome the opportunity to extend my support to the young people of New Mexico who are participants in this vital program. I firmly believe the experience as Young Marines will greatly contribute to their future success.●

Tribute to Austin T. Smythe

• Mr. ABRAHAM. Mr. President, I rise to join the Chairman of the Budget Committee, Senator PETE DOMENICI, in recognizing Mr. Austin Smythe's service to the United States Senate. At the end of this week, Austin will join the private sector after 15 years as a key staff member of the Senate Budget Committee.

As a member of the Senate Budget Committee over the past 5 years, my staff and I have had the pleasure of working with Austin on a variety of budget related issues. He is extremely helpful to this Senator, offering his invaluable advice and expertise in the drafting of several bills and amendments that I have sponsored or cosponsored, most recently the Mandates Information Act and the Social Security Preservation and Debt Reduction Act. As Senator DOMENICI said in his statement, Austin is "a Senator's dream staffer"—extremely knowledgeable, hard-working, dedicated, and able to distill complex topics in terms even Senators can understand.

We will miss Austin Smythe's contribution to the U.S. Senate and to the Nation and wish him success in his new endeavors.●

Miscellaneous Trade and Technical Corrections Act of 1999

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 17, H.R. 435. The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:

A bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

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

**AMENDMENT NO. 481**

**Purpose:** To provide a substitute amendment

Ms. SNOWE. Mr. President, Senator ROTH has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for Mr. ROTH, proposes an amendment numbered 481.

Ms. SNOWE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Ms. SNOWE. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 481) was agreed to.

Ms. SNOWE. I ask unanimous consent that the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the Record.

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

The bill (H.R. 435), as amended, was considered read a third time and passed.

Mr. ROTH. Mr. President, the Senate today passed the Miscellaneous Trade and Technical Corrections Act of 1999. This bill, which my friend Senator MOYNIHAN cosponsored, is similar to legislation that the Committee on Finance had reported out last year.

This bill consists of over 150 provisions temporarily suspending or reducing the applicable tariffs on a wide variety of products, including chemicals used to make anti-HIV, anti-AIDS and anticancer drugs, pigments, paints, herbicides and insecticides, certain machinery used in the production of textiles, and rocket engines.

In each instance, there was either no domestic production of the product in question or the domestic producers supported by the government. By suspending or reducing, the duties, we can enable American firms that use these products to produce goods in a more cost efficient manner, thereby helping create jobs for American workers and reducing costs for consumers.

The bill also contains a number of technical corrections and other minor modifications to the trade laws that enjoy broad support. One such measure would help facilitate Customs Service clearance of athletes that participate in world athletic events, such as the upcoming Women's World Cup. Another measure corrects certain outdated references in the trade laws.

For each of the provisions included in this bill, the House and Senate solicited comments from the public and from the administration to ensure that there was no controversy or opposition. Only those measures that were non-controversial were included in the bill.

I thank my colleagues, particularly Senator MOYNIHAN, for helping move this legislation. I am delighted that we were able to pass these commonsense measures that will provide real benefits for the American people.

Mr. MOYNIHAN. Mr. President, my great thanks to the Chairman of the Finance Committee for his efforts in bringing this legislation, the Miscellaneous Trade and Technical Corrections Act of 1999, to a successful conclusion. The technical work on this bill began 15 months ago, culminating in the Finance Committee's approval of the package last September. For reasons unrelated to the substance of the bill, the Senate was unable to complete work on the bill.

The Chairman made this the first order of business for the Finance Committee in the 106th Congress, and, accordingly, the Committee ordered this package of temporary duty suspensions and Customs modifications reported on January 21, 1999. Of particular importance to New Yorkers, the bill will authorize the United States Customs Service to station inspectors in a number of Canadian airports, to "preclear" passengers with other needs to travel to New York. When these passengers arrive in New York, thus helping to reduce congestion at JFK International Airport. Passengers cleared in Canada can be routed through LaGuardia, where no further Customs formalities will be required.

Mr. HUTCHINSON. Mr. President, I rise today in support of S. Res. 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the Tiananmen protests, and calls on the government of China to live up to international standards by releasing prisoners of conscience, ending harassment of Chinese citizens, and ratifying the International Covenant on Civil and Political Rights.

Mr. President, we must never forget. For the past ten years, the Tiananmen Square massacre has been a dark cloud hanging over China. Hundreds of democracy activists still languish in prison for their involvement in the demonstrations of 1989. We must not forget that the U.S. is dealing with a regime that will not release these prisoners of conscience.

The Beijing protests began in April 1989 as a call for the government to explain itself—to explain its 1987 dismissal of Hu Yaobang, an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. Their demands eventually came to include freedom of speech, an end to the megalomania of the press, more money for education, and democratic reforms. Students of Beijing University and 40 other universities, as well as Beijing residents, protested in and around Tiananmen Square. They held hunger strikes and defied martial law. They were met with brutal repression.

Mr. President, we must never forget that heroic young man who stood in the path of a column of PLA tanks. We must never forget the brave men like Wang Dan who spent years in prison for daring to exercise his inalienable right to self-expression.

**TENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE**

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 103 and the Senate then proceed to its immediate consideration. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 103) concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

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

**AMENDMENT NO. 537**

Mr. HUTCHINSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes and amendment numbered 537.

**AMENDMENT NO. 537**

**Purpose:** To improve the resolution

On page 3, strike line 15 and all that follows through page 4, line 5.

On page 4, line 5, strike "(C)" and insert "(A)".

On page 4, line 14, strike "(D)" and insert "(B)".

On page 4, line 19, strike "(E)" and insert "(C)".

Mr. HUTCHINSON. Mr. President, I rise today in support of S. Res. 103, a resolution concerning the 10th anniversary of the Tiananmen Square Massacre on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the Tiananmen protests, and calls on the government of China to live up to international standards by releasing prisoners of conscience, ending harassment of Chinese citizens, and ratifying the International Covenant on Civil and Political Rights.

Mr. President, we must never forget. For the past ten years, the Tiananmen Square massacre has been a dark cloud hanging over China. Hundreds of democracy activists still languish in prison for their involvement in the demonstrations of 1989. We must not forget that the U.S. is dealing with a regime that will not release these prisoners of conscience.

The Beijing protests began in April 1989 as a call for the government to explain itself—to explain its 1987 dismissal of Hu Yaobang, an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. Their demands eventually came to include freedom of speech, an end to the megalomania of the press, more money for education, and democratic reforms. Students of Beijing University and 40 other universities, as well as Beijing residents, protested in and around Tiananmen Square. They held hunger strikes and defied martial law. They were met with brutal repression.

Mr. President, we must never forget that heroic young man who stood in the path of a column of PLA tanks. We must never forget the brave men like Wang Dan who spent years in prison for daring to exercise his inalienable right to self-expression.
Mr. President, I want to speak briefly in support of S. Res. 103 marks the 10th anniversary of Tiananmen Square. We must not forget. And we must never let the rulers in Beijing forget.

The memory of Tiananmen refuses to fade because the human rights situation in China remains abysmal. According to Amnesty International more than 200 individuals may remain in Beijing prisons for their role in the 1989 demonstrations. And if thousands of individuals continue to be detained or imprisoned for their political or religious beliefs.

We face many issues with China—the recent embassy bombing, accession to the WTO, charges of human rights abuses—but we can not let these issues silence our voices on the subject of human rights. China's human rights practices continue to be abhorrent, and we should not allow recent events to diminish our continued vigilance on such practices.

It is noteworthy that the recent demonstrations in China against the United States are perhaps the largest since the Tiananmen Square protests exactly 10 years ago. It is ironic that public protest is OK when it serves the government's interest, and not OK when it threatens the government's hold on power.

In fact, since the end of the bombing-related anti-U.S. demonstrations, China has resorted to intimidation on dissidents who could attempt to commemorate the anniversary of the Tiananmen Square massacre.

The failure to adopt a resolution condemning China's human rights practices at last month's UN Commission on Human Rights makes it all the more urgent that we continue to demand improvements in China's policies.

We cannot betray the sacrifices made by those who lost their lives in Tiananmen Square in 1989. We must not tacitly condone through our silence the abuses that continue to this day.

This resolution reminds the leaders in Beijing that we will not forget what was done 10 years ago and will not look the other way when they again deny the Chinese people their rights.

Until we see genuine progress on human rights, the memory of Tiananmen Square will continue to haunt us. We must not forget. And we must never let the rulers in Beijing forget.
Res. 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre which occurred on June 4, 1989. This bipartisan resolution expresses sympathy for the families of those killed in the peaceful protests, calls upon the Government of the People's Republic of China to live up to international standards by releasing prisoners of conscience, ending the harassment of Chinese citizens, and calls upon the Chinese Government to ratify the International Covenant on Civil and Political Rights.

We must never forget the heroic young man who stood in the path of a column of PLA tanks 10 years ago. We must never forget the brave men like Wang Dan, who spent years in prison for daring to exercise his inalienable rights to self-expression. We must never forget those students who were so inspired by our own experiment in self-government and freedom and democracy that they erected a 37-foot model of our Statue of Liberty. We must not forget the ones who still languish in prison in China today, simply because they have democratic aspirations, because they have religious convictions, because they have a desire to be free.

We must never forget men like Wang Wenjiong and Wang Zechen, members of the Chinese Democracy Party, who were detained for circulating a petition calling for a reassessment of the Tiananmen Square massacre. We must never forget pro-democracy activist Yang Tao arrested for planning a commemoration of the Tiananmen Square massacre. We must not forget Ji Jiang Qisheng, who was taken from his home in Beijing on May 18 for urging the Chinese to light candles in commemoration of those killed in the massacre ten years ago. For asking for a peaceful memorial, the lighting of candles, he has been arrested.

According to the Wall Street Journal today, over 50 dissidents have been detained in recent days leading up to the tenth anniversary of the Tiananmen Square massacre, and at least 14 are currently being held. The Chinese government knows what it has done. It is afraid of its own people. Otherwise, these series of arrests would not have occurred. This resolution asks the Chinese government to face the truth, to release prisoners of conscience.

Mr. President, I am just afraid that in the midst of all of our talk of the espionage of the Chinese government— which well we should pay attention to—with all of the talk of the unfortunate, tragic bombing of the Chinese embassy, with all of the talk about access of China to the WTO and a permanent normal trading status for China, we will forget that there are tens of thousands today who are oppressed, and hundreds remain in prison, and China continues to take part in the deprivation of freedom and want a better political system for their country, who want democracy, and I am afraid they will be forgotten in all of the milieu concerning our relationship with China.

So this resolution calls upon us to remember. And I will—if no one else does—offer this resolution year after year. It is a special anniversary. It is the tenth anniversary of the tragedy that forevermore will be remembered in the history of the United States of America.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the table be reconsidered and that any additional statements appear at this point in the RECORD.

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

The amendment was agreed to. The resolution (S. Res. 103), as amended, was agreed to. The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic human rights; Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights; Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a democratic government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials; Whereas after that date thousands of pro-democracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square; Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department's 1989 Human Rights Practices, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, were killed and thousands more were wounded; Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were tortured; Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison; Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1989, is the tenth anniversary of the Tiananmen Square massacre: Now, therefore, be it
Resolved, That:
(1) Expresses sympathy to the families of those killed as a result of their participation in the democracy protests of 1989 in the People's Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;
(2) Commends the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that Government to—
(A) Release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful democrats, protest on May of May and June 1989; provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;
(B) Put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and
(C) Demonstrate its willingness to respect the fundamental rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1966.

AMENDING THE OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1379 and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1379) to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance.

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

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 1379) was read the third time, and passed.

DESIGNATING JUNE 5, 1999, AS "NATIONAL RACE FOR THE CURE DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 110, submitted earlier today by Mr. HUTCHINSON, for myself and others.

Without objection, it is so ordered.
Breast cancer is the leading cause of death of women between the ages of 35 and 54. A woman in the United States will be diagnosed with breast cancer every three minutes, and every 12 minutes a woman will die of breast cancer.

The Tenth Anniversary of the National Race for the Cure is one day, when Americans of all walks of life, can come together united in a great cause to wipe out this terrible disease.

Mr. President, I would urge the Senate to adopt this resolution. I also want to thank the numerous other Senators that were part of this effort. Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor with Senators DOMENICI and CONNIE MACK a resolution commending the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure for their commitment to eradicating breast cancer. June 5 will be the Komen National Race for the Cure Day and this resolution urges the President to issue a proclamation calling upon the American people to observe the day with appropriate activities.

There are 26 million women in this country living with breast cancer and more than 178,000 women will be diagnosed with breast cancer. Over 43,000 will die.

Diagnostic tools for breast cancer are very limited. Treatments for breast cancer are as mysterious as much is unknown. We don't know how to prevent it. We don't know how to cure it. We need to redouble our effort to stop breast cancer now.

Congress is taking some steps. During the FY 2000 appropriations process, I hope we can increase researching funding for all cancers. We must pass legislation, such as S. 784 which I have sponsored, to require Medicare coverage of routine costs of clinical research trials and require private insurance coverage of the routine costs of clinical research trials. We should enact legislation ensuring access to specialists and coverage of second opinions. We should pass Medicaid coverage for women who are screened by CDC's breast and cervical cancer program but have no way to pay for treatment when they learn they have cancer.

I call on my colleagues to join us in supporting the 10th anniversary Race by supporting this resolution and sending it to the President. As new understandings of cancer emerge almost weekly, we must do all we can to support increased research and access to services.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 111, introduced earlier today by Senator GRAHAM and others.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 110) designating June 5, 1999, as "National Race for the Cure Day"

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

Mr. DODD. Mr. President, this resolution, submitted by Senator FEINSTEIN and I, commemorates the Tenth Anniversary of the National Race for the Cure. We are pleased to be joined by over 40 other Senators, including Majority Leader DASCHLE.

Mr. President, on June 5, 1999, the National Race for the Cure will take place in Washington, D.C. This will be the Tenth Anniversary of this Race that has drawn national attention and thousands of volunteers and runners.

All are united by one goal—to eradicate breast cancer from our lives.

The Resolution we are introducing today designates June 5th as National Race for the Cure Day.

This Race has very special meaning for me. The Race for the Cure was started by the Susan G. Komen Foundation which is located in my hometown of Dallas, Texas.

The Susan G. Komen Foundation was founded in 1982 by Nancy Brinker. The Foundation honors her sister, Susan Komen, who tragically died of breast cancer at the young age of 36. Nancy promised herself that she would fulfill Suzy's plea to help others confronted with this disease.

The mission of the Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, services to end this scourge.

Nancy Brinker's pledge to her sister has grown to be a major factor in fighting breast cancer. The Foundation has 35,000 volunteers and 106 offices across the United States.

The Komen Foundation's Grant Program is regarded as one of the most innovative in funding breast cancer research today. The Komen Foundation has financed 325 grants at 72 institutions in 25 states.

The Foundation's most public event, however, has become the Race for the Cure. The Race for the Cure has become the largest series of Five Kilometer Runs in the world.

The Race series started as one event in Texas with 800 participants. But, this year, there will be 98 races across the United States with over 700,000 people participating.

The Komen Foundation and the Race for the Cure have raised over $136 million for breast cancer research.

On June 5th, the National Race for the Cure will celebrate its 10th anniversary. It is the largest of the races across Dallas. In fact, there are more than 50,000 entrants already signed up for this race.

This resolution commemorates the Tenth Anniversary and it designates June 5th as National Race for the Cure Day.

Mr. President, I think it is fitting that the Senate recognize this unique day.

The Resolution, with its preamble, is as follows:

SEC. 1. COMMEMORATION AND DESIGNATION.

(1) designates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day";

(3) requests that the President issue a proclamation calling upon the American people to observe the day with appropriate activities.

There being no objection, it is so ordered.

Resolved,

SECTION 1. COMMEMORATION AND DESIGNATION.

The Senate—

(1) commemorates the 10th Anniversary of the National Race for the Cure;

(2) designates June 5, 1999, as "National Race for the Cure Day";

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

DESIGNATING JUNE 6, 1999, AS "NATIONAL CHILD'S DAY"

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 111, introduced earlier today by Senator GRAHAM and others.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 111) designating June 6, 1999, as "National Child's Day".

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas every 3 minutes a woman will be diagnosed with breast cancer and every 12 minutes a woman will die of breast cancer;

Whereas the Komen National Race for the Cure Series is celebrating its 10th Anniversary during 1999;

Whereas the Komen National Race for the Cure Series, an event of the Susan G. Komen Breast Cancer Foundation, is the largest series of 5 kilometer races in the world;

Whereas there will be 98 Komen National Race for the Cure events throughout the United States during 1999 and;

Whereas the Susan G. Komen Breast Cancer Foundation and the Komen National Race for the Cure Series has raised an estimated $136,000,000 to further the mission of eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment; Now, therefore, be it

Resolved,
children receive the attention they need and deserve.

I urge my colleagues to join me in designating the first Sunday in June as National Child's Day.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

Mr. HUTCHINSON. 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 thereto be placed in the Record at the appropriate place as if read.

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

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 111

Whereas June 6, 1999, the first Sunday in the month, falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and has a place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially at the tender adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of the people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of their role within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 6, 1999, as “National Child’s Day”;

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

**DESIGNATING JUNE 5, 1999, AS “SAFE NIGHT USA”**

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 112, introduced earlier today by Senator FEINGOLD.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 112) to designate June 5, 1999, as “Safe Night USA.”

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

Mr. FEINGOLD. Mr. President, I rise today to introduce a resolution designating June 5, 1999, as “Safe Night USA.” Safe Night USA is an exciting program that is helping reduce youth violence, as well as drug and the over abuse, in my home state of Wisconsin and around the nation.

Safe Night is a low cost, high-profile way to focus national attention on the importance of providing young people with wholesome activities and tools for conflict resolution, anger management and mediation. I am proud to report Mr. President that Safe Night first began in 1994 in Milwaukee, Wisconsin and in 1999 all fifty states, Puerto Rico, and the Virgin Islands will participate in this exciting program.

Mr. President, Olusegun Sijuwade, a Milwaukee Health Department educator and former police officer, developed Safe Night in response to more than 300% increase in violent death and injury in Milwaukee between 1983 and 1993. The Safe Night program in Wisconsin began with 4,000 youth in Milwaukee and by 1996 involved more than 10,000 participants in over 100 sites spread throughout the state. And now, on June 5, 1999, a million kids are expected to participate in Safe Night programs in 1,200 sites across the country.

Mr. President, as you know, last week Congress debated and voted on the juvenile justice bill. The resolution I am introducing today is indeed timely and an appropriate response to the juvenile crime statistics we were reminded of last week. These include the over 220,000 juveniles arrested last year for over 1,000,000 juvenile victims of a violent crime. I believe community-based violence prevention models, like Safe Night USA, are extremely important to stem the rise in juvenile crime. By educating youth, community leaders and parents, Safe Night promotes secure environments for kids and families while reducing the alienation that so often leads to violent crime and substance abuse.

Very simply, Mr. President, Safe Night brings community partners together to provide a place for youth to have fun during high-risk evening hours, with three ground rules; no guns, no drugs and no fighting allowed. A typical Safe Night consists of a party, planned by kids and adults in the community, including police officials, church leaders, doctors, teachers, parents, and other volunteers. Held at a local community center, a Safe Night event could have a dance with a disc jockey, an athletic event, or a large dinner, usually interspersed with targeted violence-reduction activities. These activities include role playing, trust-building, and other methods of teaching kids stress management and alternatives to violence.

Safe Night USA 1999 will occur in both rural and urban areas. The Public Broadcasting Service (PBS) and the Black Entertainment Television (BET) Network will broadcast the events nationally. The following community partners have joined with Safe Night USA: the Corporation for Public Broadcasting, the National Civil Rights Movement, Black Men of America, the Resolving Conflict Creatively Center and Educators for Social Responsibility, America Academy of Pediatrics, Boys and Girls Clubs of America, Community Anti-Drug Coalitions of America and the National 4-H Youth Council.

Mr. President, it is critical that both families and communities understand that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. Safe Night USA helps develop a strong, committed partnership between schools, community and families to foster a drug-free and violence-free environment for our youth. I believe that Safe Night USA is a wise investment up front—it is a simple idea that works—and I am proud that it originated in my home state of Wisconsin. I thank my colleagues for their cooperation in passing this bill. I urge my colleagues to join me in observing Safe Night USA. I wish the 10,000 local Safe Night USA events great success on June 5, 1999, as they join in one nationwide effort to combat youth violence and substance abuse.

I yield the floor.

Mr. HUTCHINSON. 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 thereto be placed in the Record at the appropriate place as if read, without intervening action.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 112

Whereas over 1,500,000 people, 220,000 of them juveniles, were arrested last year for drug abuse;

Whereas over 1,000,000 juveniles were victims of violent crimes last year;

Whereas local community prevention efforts are vital to reducing these alarming trends; and

Whereas Safe Night began with 4,000 juvenile participants in Milwaukee during 1994 in
The Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Safe Night USA.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate waive procedural requirements of Calendar No. 97, S. 704.

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

The Senator from Arkansas (Mr. HUTCHINSON), for Mr. LEAHY, proposes an amendment.

The amendment is as follows:

Section 1. SHORT TITLE. This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 1999."  

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.  

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:  

"§ 4041. Fees for health care services for prisoners.  

"(a) Definitions.—In this section—  

"(1) the term `account' means the trust fund account (or institutional equivalent) of a prisoner;  

"(2) the term `Director' means the Director of the Bureau of Prisons;  

"(3) the term `health care provider' means any person who is—  

"(A) authorized by the Director to provide health care services; and  

"(B) operating within the scope of such authorization;  

"(4) the term `health care visit' means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and  

"(5) the term `prisoner' means—  

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or  

"(B) any other individual, as designated by the Director, who is convicted of an offense against the United States.  

"(b) Fees for health care services. —  

"(1) IN GENERAL. —The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.  

"(2) EXCLUSION. —The Director may not assess or collect a fee under this section for preventative health care services, as determined by the Director.  

"(c) Persons subject to fee. —Each fee assessed under this section shall be collected by the Director from the account of—  

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or  

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.  

"(d) Amount of fee. —Any fee assessed and collected under this section shall be an amount of not less than $2.  

"(e) No consent required. —Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.  

"(f) No refusal of treatment for financial reasons. —Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—  

"(1) the account of the prisoner is insolvent; or  

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.  

"(g) Use of amounts.—  

"(1) Restitution to specific victims. —Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution;  

"(2) Allocation of other amounts. —Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—  

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and  

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.  

"(h) Reports to Congress. —Not later than 2 years after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—  

"(1) a description of amounts collected under this section during the preceding 24-month period; and  

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of health care visits by prisoners.".

(b) Clerical Amendment. —The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:  

"§ 4048. Fees for health care services for prisoners."

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.  

Section 403 of title 18, United States Code, is amended by adding at the end the following:  

"(c) Health care fees for federal prisoners in non-Federal institutions.—  

"(1) IN GENERAL. —Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—  

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;  

"(B) the fee—  

"(i) is authorized under State law; and  

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and  

"(C) the services—  

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;  

"(ii) are provided at the request of the prisoner; and  

"(iii) are not preventative health care services.  

"(2) No refusal of treatment for financial reasons.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—  

"(A) the account of the prisoner is insolvent; or  

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.".

AMENDMENT NO. 538

(Purpose: To clarify certain provisions)

Mr. HUTCHINSON. Mr. President, Senator LEAHY has an amendment at the desk, and I ask for its consideration.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:  

On page 8, strike lines 1 through 3 and insert the following:  

"(d) the term `health care visit'—  

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and
Finally, I have suggested that we review this new program and its impact next year rather than delaying evaluation for the 2-year period initially provided by the bill. The bill constitutes a shift in federal corrections and custodial policy and it is appropriate that those changes be evaluated promptly and adjusted as need be.

I continue to be concerned that we are imposing an administrative burden on the Bureau of Prisons greatly in excess of any benefit the bill may provide. Achieving the goals of cutting down on unnecessary health care visits besides the imposition of fees, many of which may go uncollected. The contemplated $5 a visit fee for prisoners compensated at a rate as low as 11 cents an hour seems excessive, but that is how the BOP wishes to proceed.

I also fear that the effort will lead to extensive litigation to sort out what it means and how it is implemented. As we impose duties and limitations on federal prisoners, that is one of the consequences of such duties. I will be interested to see whether funds end up being received by victims of crime either with respect to restitution orders or by the Victims of Crime Fund through the enforcement mechanisms created by this legislation. I hope that victims will benefit from its enactment as opposed to experiencing another false promise. In this regard, I wonder why there is no benefit to victims from the fees collected from federal prisoners held in nonfederal institutions. If our policy is to benefit victims, the ownership of the facility ought not deter that policy. Surely the copayment fee is not designed as payment for the health care treatment itself or even payment for the administrative overhead of the system.

Despite my concerns, this bill does have the support of the BOP and U.S. Marshals Service. Just as I facilitated the bill being reported from this Committee, today I am acting to allow the Senate to pass an improved version of the bill.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the Record.

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

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will begin the BOP appropriation bill on Monday, June 7, and hopefully will complete action on that bill by close of business on Tuesday, June 8. In addition, on Monday, it will be the leader's intention to move to proceed to S. 138, the new emergency energy bill on Monday, and file a cloture motion on the motion for a cloture vote on Wednesday, June 9.

Also, on Tuesday, June 8, it will be the leader's intention prior to the recess adjournment to move to proceed to the lockbox issue and file a cloture motion on that matter for a cloture vote on Thursday, June 10. Members who have an interest in the important Social Security savings bill should plan to participate in the debate Tuesday evening and Tuesday night.

Needless to say, when the Senate reconvenes following the Memorial Day recess, there will be a tremendous amount of legislation needing passage by the Senate. Therefore, the leader wishes all Members a safe and restful Memorial Day and looks forward to the cooperation of all Members when the Senate reconvenes.

ORDERS FOR MONDAY, JUNE 7, 1999

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon on Monday, June 7, further asking that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time
for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate be in a period of morning business for 2 hours equally divided between the majority leader, or his designee, and the Democratic leader, or his designee.

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

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, the Senate begin consideration of S. 1122, the Department of Defense appropriations bill.

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

PROGRAM

Mr. HUTCHINSON. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 12 noon until 2 p.m. on Monday. Following morning business, the Senate will begin consideration of the Department of Defense appropriations bill, with the expectation of completing the bill early in the week. Therefore, Senators should be prepared to offer amendments to the bill as early as possible next week.

ORDER FOR ADJOURNMENT

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of S. Con. Res. 35, following the remarks of Senator LANDRIEU.

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

DOD AUTHORIZATION

Ms. LANDRIEU. Mr. President, I rise after this very long but, I think, good debate on the defense authorization bill to thank the distinguished chairman of our committee, the Senator from Virginia, and our ranking member, the Senator from Michigan, for their hard work on this bill. I have to add all the staff that worked very hard too.

It is a huge authorization, as you know, Mr. President. It represents 16 percent of the total expenditures of our Government, for the Department of Defense. We fund and try to prepare for the finest military and strongest military operations in the world; over a million men and women—14 million active-duty men and women. This bill has provided, because of the hard work on both sides of the aisle, some significant and much-needed increases to support our men and women, to help our forces be even more ready, more professional, better trained and better prepared for all the new threats that we face in the world today.

So I thank them for their work, and acknowledge that in this bill that received an overwhelming vote, we had one of the largest increases of expenditures for the readiness of those active forces, pay provisions to help make the salaries more competitive with the booming economy we are currently enjoying here in the United States.

Thanks to the leadership of our great colleague from Georgia, Senator Cleland, we were able to add some additional funding for GI benefit expansions, the first in over two generations, so the men and women in our armed services can share those benefits with their spouses and their children, improving educational opportunities across the board.

There are many other provisions funding the increase in technology, the first downpayment on our missile defense system, which has come a little bit too late for some and right on time for others. I think it is the right step for our Nation.

I join my colleagues in thanking the leadership that has brought this bill to final passage today. There is more work to be done. There were some disappointments, obviously some shortcomings, but no piece of legislation is perfect. We will have opportunities to work in the future, as this Congress progresses.

Because the floor was so busy earlier today I waited until now to take this opportunity, but I did not want this day to end without noting the historic event that took place today with the indictment of Yugoslavian President Milosevic by an International War Crime Tribunal. As was noted earlier, Justice Louise Arbour announced that he and his four deputies and military leaders have in fact been indicted for the atrocities they have committed. This body passed almost unanimously—it was unanimously for those present—a resolution earlier this week, urging the Tribunal to act, saying the United States will put up what resources are necessary to make sure justice is done; that not only can war criminals be identified, but cases can be built in the proper and legal way so they can be successfully prosecuted for what has occurred.

I was particularly moved by an article I plan to pass around to the Members of the Senate and to send to family and supporters around the Nation, written by Carol Williams of the Los Angeles Times. That report in horror and detail the experiences of a group of young women, young girls—very young, 12, 13, 14 and 15—who had been violated over and over again; sometimes, as she outlined in this article, within hearing distance—but not sight or comfort—of parents. In this particular part of the world, though, what makes this doubly horrific and horrifying is that victims of rape often accuse themselves, as if they themselves committed the crime. There is shame that is brought, in this particular culture, to them and to their families. So after having barely lived, surviving this ordeal, they are then turned away, in many instances, from their fathers, their mothers, their brothers, their sisters.

Somehow there is a tremendous injustice that is occurring. Many of the women in the Senate talked at great length today about this and were joined by our colleagues in various meetings throughout the day.

I just want to say, as we break for this Memorial Day, that while we may take a few days of rest from our work, as one Senator, I am prepared to come back and daily, weekly, monthly and for years if necessary, continue to come to this floor and talk about war crimes and justice and holding people accountable. Had we done a better job of this in Bosnia, I think we could have perhaps prevented the atrocities we are seeing in Kosovo today.

I hope the international community comes together, whatever it is a large country or small country, and the people in the United States—and let their elected officials know we want these war criminals prosecuted, we want justice brought to these families, and we want the resources and the commitment and counseling available to these women—women of all ages—who have lived through the horror and the terror of what has been wrought in that part of the world.

Thank God we live in this country. It is not perfect, terrible things have happened, but I can say on the eve of this Memorial Day recess how proud I am and mindful and grateful of the great sacrifice that has been made by men and women in uniform who have given their lives so that we, in this country, can live in relative peace and prosperity without fear of being pulled from our homes at night, having our homes burned and our family members violated or executed.

We have gone through periods of history of which we are not proud. But I am proud of the work this Congress does in putting forth legislation and finances to support efforts that are so important, like the one in which we are engaged. We will not stop until we have a military victory. We will not stop until the diplomatic means have been accomplished. We will not stop until we have been able to help the Kosovars move back into their nation and help this part of Europe join the mainstream of Europe so they can live in peace, prosperity, and democracy and, finally, until justice is done to the women, children, and families who have been so barbarically handled in the last several months.

Again, I thank the leadership for their good work on this legislation. I thank the Chair.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands
in adjournment, in accordance with the provisions of S. Con. Res. 35, until Monday, June 7, 1999, at 12 noon.

Thereupon, the Senate, at 8:36 p.m., adjourned until Monday, June 7, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 27, 1999:

THE JUDICIARY

Charles R. Wilson, of Florida, to be United States Circuit Judge for the Eleventh Circuit, vice Joseph W. Hatchett, retired.
Patricia A. Coan, of Colorado, to be United States District Judge for the District of Colorado vice Zita A. Weinshienk, retired.
Dolly M. Gee, of California, to be United States District Judge for the Central District of California vice John G. Davies, retired.
William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee vice Thomas A. Higgins, retired.
Victor Marrero, of New York, to be United States District Judge for the Southern District of New York vice Sonia Sotomayor, elevated.
Fredric D. Woocher, of California, to be United States District Judge for the Central District of California vice Kim McLane Wardlaw, elevated.

DEPARTMENT OF THE TREASURY

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)
Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)
Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)
James W. Wetzler, of New York, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)
Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development, vice J. Brian Atwood.

DEPARTMENT OF STATE

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.
Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.
Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.
Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.
M. Osman Siddique, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

HONORING OUR ARMED FORCES ON MEMORIAL DAY

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize and remember the millions of women and men who have given their lives to serve in our Nation’s Armed Forces. Their courageous efforts have been honored at this time of year since the fighting of the Civil War. During the Civil War numerous families began their heartfelt commemorative efforts and since then the countless events which followed have generated an uncompromising level of respect and reverence for our beloved soldiers.

Yet we must not forget the reasons for which our Armed Forces have fought for our Nation: to preserve and protect the blanket of freedom under which we have rested with security for over 200 years. Since the end of the Civil War our country has changed, and yet so much in our society remains the same. Those Soldiers fought to protect our inalienable rights as humans and have continued to do so from that day to this.

Even today our men and women sacrifice their lives to protect our interests overseas. We must remember them in these times of conflict. Our sentiments go out not only to the soldiers who have fought in our conflicts of yesteryear. We must include today’s Armed Forces in our thoughts and our prayers for they continue to struggle and rightfully defend our beliefs in life, liberty, and freedom in Europe and around the world.

Entering into the 21st century we look forward to a time of peace in which our decisions to take direction are reserved for reflection. I remind you Mr. Speaker that we do not remember in joy, but in sorrow. We do not reflect with happiness, we reflect in pain. The millions of men and women dedicated their lives to fight so that we can look forward to a time in which we shall fight no more and we must never forget.

Since the first official commemoration of our soldiers of war on May 30, 1868, as Decoration Day, our Country has devoted a continuous and conscious effort to support our troops and the battles they have fought. In 1971, to recognize the weight of their importance, Congress declared Memorial Day a National holiday.

Mr. Speaker, to continue our recognition of our soldiers’ tireless efforts, I am currently introducing a bill to grant the Korean Veterans Association a Federal Charter. Granting this Federal Charter is a small expression of appreciation that, as a Nation, we can offer to these men and women to show our continued support, one which will enable them to work as a unified front to ensure that the “Forgotten War” is forgotten no more.

Please join with me in expressing full recognition and thanks to those who have served our Nation and its Armed Forces on this Memorial Day. The respect and debt of gratitude we owe these honorable men and women for preserving our Nation and our freedom is immeasurable.

TRIBUTE TO DR. AARON S. GOLD: RABBI, TEACHER, SCHOLAR, SPIRITUAL LEADER

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to congratulate Rabbi Dr. Aaron S. Gold on his retirement after serving the Rabbinate for 50 years, and for his dedication and service to the San Diego community. Rabbi Gold has been a spiritual and community leader to many individuals in San Diego—and I would like to take a moment to honor him and his accomplishments.

Rabbi Gold was born in Poland and came to America during the depression years, prior to World War II. He graduated from Wisconsin State College with Highest Honors in the English and Speech Departments. He later received his M.A. from Columbia University where he studied Education for Marriage and Family Life, and later completed his Ph.D in Family Education.

Rabbi Gold came to San Diego in 1974, and immediately became an active community leader. He was invited to join the boards of the United Jewish Federation, Jewish Community Relations Council and the Bureau of Jewish Education. He is particularly known for his work in promoting spiritual harmony and understanding among all religions, and has been active with the National Conference of Christians and Jews and the Ecumenical Council.

He has also appeared on a number of radio and television shows to promote interfaith activities.

His initiation of a joint Thanksgiving service with the San Carlos United Methodist Church was so successful that it became the annual Thanksgiving service for the Tifereth and many churches of the Navajo Interfaith Association—he is lovingly called “our Rabbi” by the members of the San Carlos United Methodist Church. His ecumenical efforts have been recognized with a number of plaques and citations.

Rabbi Gold has also reached out to the youth in our community by helping establish the Coalition for the Jewish Youth for San Diego, San Diego Jewish Academy and the Community High School of Jewish Studies. He also served as the President of the San Diego Rabbinical Association for two years, and he and his wife Jeanne were Rabbinic Couple for Jewish Encounter weekend in the San Diego area, where they helped 1,000 couples enhance theirs and their children’s lives.

In addition to his many contributions to the San Diego community, he has served our country as the Chaplain for Suffolk County Air Force Base in Long Island; Cancer patients in Long Island; the Boy Scouts Councils in Wisconsin, Long Island, Philadelphia, and Pennsylvania; and Nellis Air Force Base in Nevada.

Rabbi Gold has had an amazing life and an incredible career. He has touched the lives of many people and has served our country well. I congratulate Rabbi Gold on all of his accomplishments and wish him the best in his retirement.

CHIGHELLAH ELEMENTARY SCHOOL, MCKINLEY ELEMENTARY SCHOOL, AND THOMAS FITZWATER ELEMENTARY SCHOOL ARE WINNERS OF THE BLUE RIBBON SCHOOLS AWARD

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the outstanding efforts of three elementary schools in Pennsylvania’s Thirteenth Congressional District, which I am proud to represent.

On behalf of the entire Montgomery County community, I congratulate these schools for winning a national competition to earn recognition as Blue Ribbon Schools of excellence. The U.S. Department of Education recently named Cheltenham Elementary School in Cheltenham, Pennsylvania; McKinley Elementary School in Elkins Park, Pennsylvania; and Thomas Fitzwater Elementary School of Willow Grove, Pennsylvania as 1998–1999 winners of the prestigious Blue Ribbon Schools Award.

The Blue Ribbon Schools Program was established by the U.S. Secretary of Education in 1982 with three goals in mind: identify and recognize outstanding public and private schools across the United States, offer a comprehensive framework of key criteria for school effectiveness, and facilitate the sharing of best practices among schools. Over the years, the program has developed a reputation of offering a powerful tool for school improvement in addition to providing recognition.

Before winning the national Blue Ribbon Schools Award, Cheltenham, McKinley, and Thomas Fitzwater Elementary Schools all were named as Pennsylvania Blue Ribbon schools and were nominated for national recognition by the Pennsylvania Department of Education. Each school had to work very hard to earn the Blue Ribbon status, going through a demanding self-assessment experience that involved the entire school community, including students, teachers, parents, administrators, and business leaders.

Each of these schools have been judged particularly effective in meeting local, state, and national goals. In addition, each school displayed strong leadership, clear vision and a sense of mission shared by the entire school community.
community, high quality teaching, challenging and up-to-date curriculum, policies that ensure a safe environment conducive to learning, family involvement, and equity in education to assure that all students are helped to achieve high standards.

Blue Ribbon schools do not rest on their laurels. Each is committed to sharing best practices with other schools, and to helping to identify their strengths and weaknesses.

Special congratulations are due to Cheltenham Elementary School for designing a curriculum that encourages students to research their community. Cheltenham students take field trips to historic homes, the police station, the township building, the library, and the local judge. Their learning also makes the students aware of needs of the less fortunate through activities such as providing food baskets and visits to nursing homes. As a result of these projects, Cheltenham students have gathered money to build a wall for a school in Ecuador and to provide materials for a school devastated by a hurricane in Florida. They have also written letters to government officials on behalf of a Native American group. Cheltenham students are learning civic responsibility at a young age.

McKinley Elementary School has demonstrated excellence in creating a safe school environment. The McKinley community understands that academic success can only grow in a violence-free classroom, and has been a leader in these issues. They have taken a proactive approach to violence prevention by developing non-violent conflict resolution strategies, peer mediation program, parenting workshops, and school and police collaboration. The importance of McKinley’s work in this area has been underscored by recent tragedies in schools across the nation.

Thomas Fitzwater Elementary School has taken special steps to meet the needs of all students. These materials for school childhood experience success is exemplified by the programs and accomplishments such as Thomas Fitzwater’s Support One Student initiative, a child advocacy program to assist at-risk students. Each identified student is matched with a volunteer staff member. These members include professional, custodial, secretarial, and cafeteria staff. Regular personal contact by caring and supportive staff member promotes a positive environment and guides the student away from inappropriate and possibly destructive behavior. Another example of Thomas Fitzwater’s inclusive policies is the collaboration between the Montgomery County Intermediate Unit special education classes and the regular education classes in our school. Throughout the county, the Intermediate Unit provides classes for children with low-incidence handicaps. Four of these classes are housed in Thomas Fitzwater’s school building. Regular education children assist in these classes and are very sensitive to these exceptional children’s needs. As a result of this collaboration, many special education students have been integrated into regular education classes. McKinley sets the bar high with its motto, “Success for All Students,” and every school in the country should endeavor to meet this standard.

INTRODUCTION OF THE MEDICARE COMMUNITY NURSING DEMONSTRATION EXTENSION ACT OF 1999

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to re-introduce legislation similar to that which I sponsored in the 104th and 105th Congresses to extend the demonstration authority under the Medicare program for Community Nursing Organization (CNO) projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare acute care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNOs are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary care and prevention. They coordinate management of the patient’s care.

The current CNO demonstration program, which was authorized by Congress in 1987 and extended for 2 years in the Balanced Budget Act of 1997, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicality of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services. Authority for these effective programs is now set to expire on December 31, 1999.

Mr. Speaker, while I am glad Congress extended the demonstration authority for the CNO projects last session, I am disappointed that the Health Care Financing Administration is so anxious to terminate this important and effective program. In 1996, HCFA extended the demonstration for one year to allow them to better evaluate the costs or savings of the services available under the program, learn what barriers exist to implementation of a partially capitated program for post-acute care, review Medicare payments for out-of-plan services covered in a capitation rate, and provide greater opportunity for beneficiaries to participate in these programs.

Frankly, in order to do an analysis of the program, we need more time to evaluate the extensive data that has been collected. We should not let the program die as the data is reviewed. We need to act now to extend this demonstration authority for another three years.

This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments and case management services—all for an average monthly capitation rate of about $89. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,600 enrollees at four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNOs on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOs actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with enrollees who are elderly or disabled, CNOs have shown us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and health-care-enhancing CNO demonstrations for another three years.

DEDICATION OF THE NEW CITY HALL

HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. KINGSTON. Mr. Speaker, the volunteer efforts of so many people in Offerman have been extraordinary that one is tempted to suggest that the federal government consider this method of putting up new buildings in order to save ourselves from the cost overruns, delays, and problems that seem to plague this kind of enterprise all too often.

The efforts of people like the Edward Daniel family, Mrs. Lucille Chancey, Mrs. Ethel Roberson, the Sam Cason family, the Ray Cason family, the Harvey Dixon family, the Ellis Denison family, and so many, many others have been so inspiring that the entire community has created a feeling of togetherness that is similar to the feeling one experiences at a family reunion.

And speaking of families, the extended Cason family contributed to the enterprise in a way that brought generations together. Sam and Susie Cason helped with the painting, the carpentry, the sheet rock, the landscaping, the insulation, and countless other tasks. And they were joined by their children, and the Ray Cason family and grandchildren, with some as young as the 1st grade helping with their little tool sets in the best way they could.

Many of those who volunteered their time had full-time jobs, and so they came to help in their little tool sets in the best way they could.
Communities used to come together during the Middle Ages to construct spectacular cathedrals, for they were the center of public life and the beautiful churches they built were the pride of the community. The cathedrals were often multi-year projects, and were the labors of virtually everyone in the community. The famous cathedrals of Notre Dame in Paris, for example, was built over a period of 157 years by the time it was finally completed. It was the pride of kingdom, and artists and carpenters came from great distances to have the honor of participating in such a spectacular undertaking.

Another famous cathedral is the stunningly beautiful cathedral of Chartres, also in France. 50 years after it was built, it was completely destroyed by fire.

So the community decided it would have to be rebuilt—even better than before. It took 26 years, but as generations to follow would attest, it was worth the effort. The same spirit of common enterprise evident back then has been evident in the construction of Offerman’s new city hall.

The entire community was involved, and for the past two years, there was no escaping the progress of the project, as the results were there for all to see.

Well, today we see the final result of so many labors. The citizens of this great city have devoted time, materials, labor, and not a few blisters, overcoming many obstacles and unanticipated hiccups along the way. This new addition to Offerman will be much more than a new building we call city hall. It will include a branch library and computer facilities for students and adults; and it stands next to a public park with picnic and other recreational facilities that are tailor-made for Offerman families.

This facility promises to be a new center of public activity for the citizens of Offerman, and it is with great enthusiasm and pride that I join you in dedicating this new city hall and declaring “Open House” to all.

Thank you very much for allowing me an opportunity to share in the celebration of all your hard work and perseverance.

INTRODUCTION OF THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT (FAIR) ACT

HON. WILLIAM F. GOODLING OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today to introduce a bill that will level the playing field for small businesses as they face two aggressive federal agencies with vast expertise and resources—the National Labor Relations Board (NLRB) and the Occupational Safety and Health Administration (OSHA). The Fair Access to Indemnity and Reimbursement Act—the FAIR Act—is about being fair to small businesses. It is about giving small entities, including labor organizations, the incentive they need to fight meritless claims brought against them by intimidating bureaucracies that sometimes strong-arm those having limited resources to defend themselves.

The FAIR Act is similar to Title IV of my Fairness for Small Business and Employees Act from last Congress, H.R. 3246, which passed the House last month. This new legislation, however, amends both the National Labor Relations Act (NLRA) and the Occupational Safety and Health Act (OSH Act) to provide that a small business or labor organization which prevails against the Board or OSHA will automatically be allowed to recoup the attorney’s fees it spent defending itself. The FAIR Act applies to any employer who has not more than 100 employees and a net worth of not more than $7 million. It is these small entities that are most in need of the FAIR Act’s protection.

Mr. Speaker, the FAIR Act ensures that those with modest means will not be forced to capitulate in the face of frivolous actions brought by the Board or OSHA, while making those agencies’ bureaucrats think long and hard before they start an action against a small business. By granting attorney’s fees and expenses to small businesses who know the case against them is a loser, who know that they have done nothing wrong, the FAIR Act gives these entities an effective means to fight against unreasonable intrusions by the Board and OSHA. Government agencies the size of the NLRB and OSHA—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a case before bringing a complaint or citation against a small business. To avoid defending itself against an opponent with such superior expertise and resources, the FAIR Act will provide protection for an employer who feels strongly that its case merits full consideration. It will ensure the fair presentation of the issues.

The FAIR Act says to these two agencies that if they bring a case against a “little guy” they had better make sure the case is a winner, because if the Board or OSHA loses, if it puts the small entity through the time, expense and hardship of an action only to have the business or labor organization come out a winner in the end, then the Board or OSHA will have to reimburse the employer for its attorney’s fees and expenses.

The FAIR Act’s 100-employee eligibility limit represents only 0.0007 percent of the 500,000 employees/$7 million net worth limit that is in the Equal Access to Justice Act (EAJA)—an Act passed in 1980 with strong bipartisan support to level the playing field for small businesses by awarding fees and expenses to parties prevailing against agencies. Under the EAJA, however, the Board or OSHA—even if it loses its case—is able to escape paying fees and expenses to the winning party if the agency can show it was “substantially justified” in bringing the action. When the EAJA was made permanent law in 1985, the Congress made it clear in committee report language that federal agencies should have to meet a high burden in order to escape paying fees and expenses to winning parties. Congress said that for an agency to be considered “substantially justified” it must have more than a “reasonable basis” for bringing the action. Unfortunately, however, courts have undermined that 1985 directive from Congress and have interpreted “substantially justified” to mean that an agency does not have to reimburse the winner if it had any reasonable basis for bringing the action. The result of all this is that an agency easily is able to win an EAJA claim and the prevailing business is often left high and dry. Even though the employer wins its case against the Board or OSHA, the agency can still avoid paying fees and expenses under the EAJA if it meets this lower burden. This low threshold has led to egregious cases in which the employer has won its case—or even where the NLRB, for example, has withdrawn its complaint—and the employer must endure a costly trial or change its legal theory in the middle of its case—and the employer has lost its follow-up EAJA claim for fees and expenses.

A prevailing employer faces such a difficult task when attempting to recover fees under the EAJA, very few even try to recover. For example, Mr. Speaker, in Fiscal Year 1996 for example, the NLRB received only eight EAJA fee applications, and awarded fees to a single applicant—for a little more than $11,000. Indeed, during the ten-year period from FY 1987 to FY 1996, the NLRB received a grand total of 100 applications for fees. This small number of EAJA applications and awards arises in an overall context of thousands of cases each year. In Fiscal Year 1996 alone, for example, the Board cited and assessed nearly 33,000 unfair labor practice charges and issued more than 2,500 complaints, 2,204 of them settled at some point post-complaint. Similarly, at the OSHRC, for the thirteen fiscal years 1982 to 1994, only 79 EAJA applications were filed with some recognized fees awarded. To put these numbers into context, of nearly 77,000 OSHA violations cited in Fiscal Year 1998, some 2,061 inspections resulting in citations were contested.

Since it is clear the EAJA is underutilized at best, and at worst simply not working, the FAIR Act imposes a flat rule: If you are a small business, or a small labor organization, and you prevail against the Board or OSHA, then you will automatically get your attorney’s fees and expenses.

The FAIR Act adds new sections to the National Labor Relations Act and the Occupational Safety and Health Act. The new language simply states that a business or labor organization which has not more than 100 employees and a net worth of not more than $7 million is a “prevailing party” against the NLRB or the OSHRC in administrative proceedings “shall” be awarded fees as a prevailing party under the EAJA “without regard to whether the position” of the Board or Commission was “substantially justified.”

The FAIR Act awards fees and expenses “in accordance with the provisions” of the EAJA and would thus require a party to file a fee application pursuant to existing NLRB and OSHRC EAJA regulations, but the prevailing party would not be precluded from receiving a fee by any burden or work requirement could show if the agency loses an action against the small entity, it pays the fees and expenses of the prevailing party.

The FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB or OSHA. This covers situations in which the party wins a case against either agency in civil court, including a proceeding for judicial review of agency action. The Act also makes clear that fees and expenses incurred appealing an agency decision are covered by the FAIR Act and would also be awarded to a prevailing party without regard to whether or not the agency could show it was “substantially justified.”
In adopting EAJA case law and regulations for counting number of employees and assessing net worth, an employer’s eligibility under the FAIR Act is determined for Board actions as of the date of the complaint in an unfair labor practice proceeding or the date of the notice in a backpay proceeding. For Commission actions, eligibility is determined as of the date the notice of contest was filed, or in the case of a petition for modification of abatement period, the date the petition was received by the Commission. In addition, in determining the 100-employee limit, the FAIR Act adopts the NLRB and OSHRC EAJA regulations, which count part-time employees on a “proportional basis.”

Mr. Speaker, the FAIR Act will arm small entities—businesses and labor organizations alike—with the incentive to defend themselves against these two agencies. The FAIR Act will help prevent spurious lawsuits and ensure that small employers have the ability to effectively fight for themselves when they have actions brought against them by a vast bureaucracy with vast resources.

If the NLRB or the OSHA wins its case against a small employer then it has nothing to fear from the FAIR Act. If, however, one of these agencies drags an innocent small employer through the burden, expense, heartache and intrusion of an action that the employer ultimately wins, reimbursing the employer for its attorneys’ fees and expenses is the very least that should be done. It’s the FAIR thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

INTRODUCTION OF THE AMERICAN HANDGUN STANDARDS ACT

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mrs. TAUSCHER. Mr. Speaker, today I am introducing the American Handgun Standards Act so we can finally eliminate junk guns from our streets by demanding that domestically produced handguns meet common sense consumer product protections standards. This bill is companion legislation to S. 193 introduced by Senator Barbara Boxer.

I find it unbelievable that we subject toy guns to strict safety regulations, but we do not apply quality and safety standards to real handguns.

There are currently no quality and safety standards in place for domestically produced firearms. In fact, domestically produced handguns are specifically exempted from oversight by the Consumer Product Safety Commission; however, imported handguns are subject to quality and safety standards. This disparity in standards has led to the creation of a high-volume market for domestically manufactured junk guns.

Saturday night specials or junk guns are defined as non-sporting, low quality handguns with a barrel length of under three inches. These guns are not favored by sportsmen because their short barrels make them inaccurate and their low quality of construction make them dangerous and unreliable. These guns are favored by criminals because they are cheap and easy to conceal. The American Handgun Standards Act, will amend current law to define a “junk gun” as any handgun which does not meet the standard imposed on imported handguns.

According to the Bureau of Alcohol, Tobacco, and Firearms, in 1996 approximately 242 million firearms were either available for sale or were possessed by civilians in the United States. This total includes 72 million handguns, 76 million rifles and 64 million shotguns. Most guns available for sale in the US are produced domestically. We need to make sure these guns are subject to very strict safety standards. My legislation will make it unlawful for a person to manufacture, transfer, or possess a junk gun that has been shipped or transported in interstate or foreign commerce. I urge my colleagues to support this bicameral, commonsense legislation.

HOTEL DOHERTY IS A SHINING PIECE OF MID-MICHIGAN’ HISTORY

HON. DAVE CAMP
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. CAMP. Mr. Speaker, I rise today to speak about the Hotel Doherty, a building that has become a cherished landmark in the 4th Congressional District. I would like to bring to the attention of my colleagues this magnificent structure and the pride it has brought the people of Clare County.

In 1924, Senator A.J. Doherty, grandfather of A.J. Doherty, built the hotel as a way to try to return to the people of Clare a fraction of what they had given to him. He had been given a piece of property in Clare with the sole requirement that he erect a hotel costing more than $60,000. Mr. Doherty far exceeded this sum, building a massive and remarkable hotel that featured every modern amenity possible at that time. Such marvels as radios, hot and cold running water in every room and an Otis Elevator were just a few of its attractions.

As time passed, the Hotel Doherty secured its place as a hotel for Clare. For 75 years, the Hotel Doherty’s guests have enjoyed its fine food and luxurious decor. It serves as a central meeting place in the state, as a respite for travelers and as a site for tourists. Even during tough economic times, the Doherty has maintained a level of excellence that has kept it among mid-Michigan’s premier hotel and restaurant establishments.

The Hotel Doherty is also exceptional because it has remained family operated since it opened. Its current operators are Dean and Jim Doherty, the fourth generation of Dohertys who serve as a central meeting place in mid-Michigan.

Through the years, the hotel has changed with the times. It has undergone four expansions and renovations in its existence, but has still retained the charm and class that has made it an institution in mid-Michigan.

It is a special privilege for me to be the Representative for a district that has such a magnificent establishment as the Hotel Doherty. In our quickly changing world, it is comforting to know that the Hotel Doherty has been a part of Michigan’s history for 75 years. I am confident that under the Doherty’s stewardship, it will continue to be a vital part of its future for many years to come.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Tuesday, May 25, 1999, I was unavoidably detained while conducting official business and missed rollcall votes 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157. Had I been present, I would have voted “yea” on rollcall votes 147, 148, 149, and 150.

I would have voted “present” on rollcall vote 151, the Quorum Call of the Committee. Finally, I would have voted “nay” on rollcall votes 152, 153, 154, 155, 156, and 157.

WORKERS MEMORIAL DAY: LEADERSHIP AWARD

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Mary Grillo, as she is honored by the San Diego-Imperial Counties Labor Council, AFL-CIO, with its Leadership Award.

Mary helped rebuild a small local union over the last ten years to become one of the largest, most visible and powerful unions in San Diego, the Service Employees International Local 2028. Her efforts have created a new and strong force in San Diego’s labor and political landscape.

Mary has been an enormous inspiration, particularly to those unions who represent women, Latinos, African Americans and Asian constituencies.

She has fought the County of San Diego’s Executive Bonus plan, forced the County to make changes and won a new and improved contract for thousands of county employees. She also won a big victory in the convalescent home industry.

Her work has been an inspiration and example for others and have produced one of the largest delegations to the Labor to Neighbor. This vital program educates and involves union members and their families in the campaign to protect jobs and the future of working people in San Diego and Imperial Counties.

My congratulations go to Mary Grillo for these significant contributions. I can personally attest to Mary’s dedication and commitment and believe her to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL-CIO Leadership Award.

CONGRATULATIONS TO ABINGTON SENIOR HIGH SCHOOL

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the outstanding accomplishments of a High School in my District, Pennsylvania’s Thirteenth Congressional District.

On behalf of the entire Montgomery County community, I congratulate Abington Senior
High School in Abington, PA, for being selected by the Corporation for National Service as a National Service-Learning Leaders Schools. Abington is one of only two schools in Pennsylvania to receive this honor, and has been selected as part of the first-ever class of Service-Learning Leaders Schools.

This designation is only awarded to schools that have broad-based service-learning activities throughout the school, and who have thoughtfully and effectively integrated service into school life and curriculum, promoted civic responsibility, improved school and student performance, and strengthened the surrounding communities with their participation.

National Service-Learning Leader Schools do not simply hold an honorary title. Along with the honor, Abington accepts responsibility for helping other schools integrate service into their curriculum. During Abington’s 2-year term as a Service-Learning Leader, it will serve as a model of best practices to other schools and actively help them incorporate service-learning into their school life and curriculum. Specifically, Abington will lead, mentor, and coach other schools by sharing materials, making presentations, and participating in peer exchanges.

As part of its Service-Learning Leader activities, Abington will send representatives to Washington, DC this June in order to attend a Leader Schools Leadership Institute, during which delegates will receive specific training on establishing service programs in their schools, and in helping other schools to do the same.

Once again, congratulations to Abington Senior High School. The entire Thirteenth District is proud of them, and commends them for their excellent work in instilling civic responsibility in students and for serving the community.

INTRODUCTION OF H.R. 1977, THE HAROLD HUGHES, BILL EMMERSON SUBSTANCE ABUSE TREATMENT PARITY ACT

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, every day, politicians talk about the goal of a “drug-free America.”

Mr. Speaker, let’s get real! We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million American people presently addicted to drugs and/or alcohol.

That’s right, Mr. Speaker. 26 million alcoholics and addicts in the United States today. 150,000 Americans died last year from drug and alcohol addiction.

Alcohol and drug addiction, in economic terms, cost the American people $246 billion last year. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone in 1997—more than they spent on education, transportation, agriculture, energy, space and foreign aid combined.

According to the Health Insurance Association of America, each delivery of a new child that is complicated by chemical addiction results in an expenditure of $48,000 to $150,000 in maternity care, physicians’ fees and hospital charges. We also know that 65 percent of emergency room visits are drug/alcohol related.

The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million prisoners in America are behind bars because of drugs and/or alcohol addiction.

Another recent study showed that 85 percent of child abuse cases involve a parent who abuses alcohol or other drugs. 70 percent of all people arrested test positive for drugs.

Two-thirds of all murders are drug-related.

Mr. Speaker, how much evidence does Congress need that we have a national epidemic of addiction? An epidemic crying out for a solution that works. Not more cheap political rhetoric. Not more simplistic, quick fixes that obviously are not working.

Mr. Speaker, we must get to the root cause of addiction and treat it like other diseases. The American Medical Association told Congress and the nation in 1956 that alcoholism and drug addiction are a disease that requires treatment to recover.

Yet today in America only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment.

That’s right. Only 2 percent of alcoholics and addicts covered by health insurance plans are receiving effective treatment for their chemical dependency, notwithstanding the purported “coverage” of treatment by their health plans.

That’s because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays as well as other restrictions on chemical dependency treatment that are different from other diseases.

If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach; it’s also the cost-effective approach.

We have all the empirical data, including actuarial studies, to prove that parity for chemical dependency treatment will save billions of dollars nationally while not raising premiums more than one percent of one percent, in the worst case scenario!

It’s well-documented that every dollar spent for treatment saves $7 in health care costs, criminal justice costs and lost productivity from job absenteeism, injuries and sub-par work performance.

A number of studies have shown that health care costs, alone, are 100 percent higher for untreated alcoholics and addicts compared to recovering people who have received treatment.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment. As a recovering person of almost 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. Over half of the treatment beds are gone that were available 10 years ago. Even more alarming, 60 percent of the adolescent treatment beds are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That’s why today I am introducing the Harold Hughes, Bill Emerson Substance Abuse Treatment Parity Act—the same bill that had the broad, bipartisan support last year of 95 cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discrimination against those who are addicted to drugs and/or alcohol.

The law; it’s time to knock down the barriers to chemical dependency treatment. It’s time to end the discrimination against people with addiction.

It’s time to provide access to treatment to deal with America’s No. 1 public health and public safety problem.

We can deal with this epidemic now or deal with it later.

But it will only get worse if we continue to allow discrimination against the disease of addiction.

As last year’s television documentary by Bill Moyers pointed out, medical experts and treatment professionals agree that providing access to chemical dependency treatment is the only way to combat addiction in America. We can build all the fences on our borders and all the prison cells that money can buy. We can hire thousands of new border guards and drug enforcement officers. But simply dealing with the supply side of this problem will never solve it.

That’s because our nation’s supply side emphasis does not adequately attack the underlying problem. The problem is more than illegal drugs coming into our country; the problem is the addiction that causes people to crave and demand those drugs more than simply tough law enforcement and interdiction; we need extensive education and access to treatment.

Drug Czar Barry McCaffrey understands. He said recently, “Chemical dependency treatment is more effective than cancer treatment, and it’s cheaper.”

General McCaffrey also said, “We need to redouble our efforts to ensure that quality treatment is available.”

Mr. Speaker, General McCaffrey is right and all the studies back him up. Treatment does work and it is cost-effective.

Last September, the first national study of chemical dependency treatment results confirmed that illegal drug and alcohol use are substantially reduced following treatment. This study, by the Substance Abuse and Mental Health Services Administration, shows that treatment rebuilds lives, puts families back together and restores substance abusers to productivity.

According to a report, released by former Captain, Navy Medical Corps, and former Vice Chairman of Psychiatry at the National Naval Medical Center, the U.S. Navy substance abuse treatment program has an overall recovery rate of 75 percent.
The Journal of the American Medical Association (JAMA) on April 15, 1998 reported that a major review of more than 600 research articles and original data conclusively showed that “addiction conforms to the common expectations for chronic illness and addiction treatment [is] outcomes comparable to other chronic conditions.” It states that relapse rates for treatment for drug/alcohol addiction (40%) compare favorably with those for 3 other chronic disorders: adult-onset diabetes (50%), hypertension (30%) and adult asthma (30%).

A March 1998 GAO report also surveyed the various studies on the effectiveness of treatment and concluded that treatment is effective and beneficial in the majority of cases. A number of state studies also show that treatment is cost-effective and good preventive medicine.

A Minnesota study extensively evaluated the effectiveness of its treatment programs and found that Minnesota saves $22 million in annual health care costs because of treatment. A California study reported a 17 percent improvement in other health conditions following treatment—dramatic decreases in hospitalizations.

A New Jersey study by Rutgers University found that untreated alcoholics incur general health care costs 100 percent higher than those who receive treatment. So, the cost savings and effectiveness of chemical dependency treatment are well-documented. But putting the huge cost-savings aside for a minute, what will treatment parity cost?

First, there is no cost to the federal budget. Parity does not apply to FEHBP, Medicare or Medicaid. First, there is no cost to the federal budget. Parity does not apply to FEHBP, Medicare or Medicaid.

According to a national research study that based projected costs on data from states which have already enacted chemical dependency treatment parity, the average premium increase due to full parity would be 0.2 percent. (Mathematical Policy Research study, March 1998)

A Milliman and Robertson study projected the worst-case increase to be 0.5 percent, or 66 cents a month per insured.

That means, under the worst-case scenario, 16 million alcoholics and addicts could receive treatment for the price of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, the American people would realize $5.4 billion in cost-savings from treatment parity.

In 1996, New Jersey implemented a law requiring health care providers to test all children under the age of 6 for lead exposure. But during the first year of this requirement, there were actually fewer children screened than the year before, when there was no requirement at all. Between July 1997 and July 1998, 13,596 children were tested for lead poisoning. The year before that more than 17,000 tests were done.

Childhood lead poisoning has long been considered the number one environmental health threat facing children in the United States, and despite dramatic reductions in blood lead levels over the past 20 years, lead poisoning continues to be a significant health risk for young children. CDC has estimated that about 880,000, or 4.4 percent of children between the ages of one and five have harmful levels of lead in their blood. Even at low levels, lead can have harmful effects on a child’s intelligence and his, or her, ability to learn.

Children can be exposed to lead from a number of sources. We are all cognizant of lead-based paint found in older homes and buildings. However, children may also be exposed to non-paint sources of lead, as well as lead dust. Poor and minority children, who typically live in older housing, are at highest risk of lead poisoning. Therefore, the health threat is of particular concern to states, like New Jersey, where more than 35 percent of homes were built prior to 1950.

In 1996, New Jersey implemented a law requiring health care providers to test all children under the age of 6 for lead exposure. But during the first year of this requirement, there were actually fewer children screened than the year before, when there was no requirement at all. Between July 1997 and July 1998, 13,596 children were tested for lead poisoning. The year before that more than 17,000 tests were done.

At the federal level, the Health Care Financing Administration (HCFA) has mandated that Medicaid children under 2 years of age be screened for elevated blood lead levels. However, recent General Accounting Office (GAO) reports indicate that this is not being done. For example, the GAO has found that only about 21% of Medicaid children between the ages of one and two have been screened. In the state of New Jersey, only about 39% of children enrolled in Medicaid have been screened.

Based on these reviews at both the state and federal levels, it is obvious that improvements must be made to ensure that children are screened early and receive follow-up treatment if lead is detected, that is why I am introducing this legislation which I believe will address some of the shortcomings that have been identified in existing requirements.

The legislation will require Medicaid providers to screen children and cover treatment for children found to have elevated levels of lead in their blood. It will also require improved data reporting of children tested, so that we can accurately monitor the results of the program. Because more than 75%—or nearly 700,000—of the children found to have "addiction conforms to the common expectations for chronic illness and addiction treatment [is] outcomes comparable to other chronic conditions.”
The Administration’s proposal is so focused on reducing class size that it loses sight of the bigger quality issue. We try to find the right balance between reducing class size, retaining, and retraining quality teachers. And in our bill, class size is a local issue, not a Washington issue.

In math and science, the Administration increases set-asides and makes no provision for local school districts that do not have significant needs in those areas. Our approach is different because we maintain the focus on math and science, but also provide additional flexibility for schools that have met their needs in those subject areas.

The Administration takes dollars from the classroom by allowing the Secretary of Education to maintain half of all funds for discretionary grants and to expand funding for national projects. Our bill reduces funding for national projects and sends 95 percent of the funds to local school districts.

The Administration wants to put 100,000 new teachers into classrooms, but requiring this would force States and local school districts to put many unqualified teachers in the classroom. We allow schools to decide whether they should use the funds to reduce class size, or improve the quality of their existing teachers, or hire additional special education teachers.

Finally, one point that I would like to make is that improving the quality of our teachers does not mean that we need national certification. In fact, our bill prohibits it. Again, it’s a question of who controls our schools: bureaucracies in Washington, or people at the State and local level who know the needs of their communities.

The Teacher Empowerment Act is good legislation. It provides a needed balance between the quality and quantity of our teaching force. I hope that we can work together on this legislation, in a bipartisan manner, so that we see enactment of this legislation, along with our other reforms in ESEA, in this Congress.

Ms. STABENOW. Mr. Speaker, I was unavoidably detained on May 24, 1999 and was not able to vote on H.R. 1251 and H.R. 100.

Had I been present, I would have voted “yea” on H.R. 1251.

Had I been present, I would have voted “yea” on H.R. 100.

Mr. GOODLING. Mr. Speaker, today I am joining with the distinguished Chairman of the Subcommittee on Postsecondary Education, Training and Life-long Learning, Mr. MCKEON, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRYCE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. As someone who has spent a lifetime in the classroom as a parent, a teacher, a school administrator, and a Member of Congress, I know that after parents, the most important factor in whether a child succeeds in school is the quality of the teachers in the classroom. An inspirational, knowledgeable, and qualified teacher is worth more than anything else we could give a student to ensure academic achievement.

The Teacher Empowerment Act will go a long way toward helping local schools improve the quality of their teachers, or to hire additional qualified teachers, and to do this in the way that best meets their needs. The Teacher Empowerment Act will provide $2 billion per year over 5 years to States and local school districts to help pay for the costs of high quality teacher training and for the hiring of new teachers. We do this by consolidating the following programs: Eisenhower Professional Development, Goals 2000, and “100,000 New Teachers.”

We have tried to develop legislation that will have bipartisan support, and we will continue to do so as the bill moves along. However, our approach differs significantly from the Administration’s. The Administration’s legislative proposal is prescriptive and centered on Washington. We lift restrictions and encourage local innovation.
Mr. DINGELL. Mr. Speaker, this year marks the occasion of the 150th anniversary of the death of one of the world’s most enduring musicians, Frédéric Chopin. Chopin was born in Żelazowa Wola, a village six miles from Warsaw, Poland on March 1, 1810. He suffered from tuberculosis and died in Paris at the age of 39 on October 17, 1849. This year his life and work will be celebrated around the world, and it brings me and my Polish heritage great pride to recognize this event.

Chopin’s abilities were recognized at an early age. At 9, he played a concerto at a public concert. He published his first composition at 15. And at the age of 21, Chopin moved to Paris where he was well-received. He taught piano lessons and often played in private homes, preferring this to public concerts.

One of the best-known and best-loved composers of the romantic period, Chopin was devoted to the piano, and his more than 200 compositions demonstrate his grace and skill. And his admirers included fellow composer Franz Liszt and Robert Schumann. Chopin reportedly fell deeply in love with the novelist George Sand (Aurore Dudevant), and he described her as his inspiration.

His works include two sets of études, two sonatas, four ballads, many pieces he titled Preludes, impromptus, or scherzos, and a great number of dances. Included among the latter are a number of waltzes, but also mazurkas and six polonaises, dances from his native Poland. Some of these dance pieces are among Chopin’s best-known works, including the Polonaise in A-flat major and the Waltz in C-sharp minor.

Among Chopin’s most engaging works are the Préludes. Intended to serve as improvised beginnings to an intimate recital, these pieces range from gentle melancholy to the dramatic. Many of Chopin’s most beautiful compositions come from the series of short, reflective pieces he called nocturnes. His nocturnes are usually accompanied with a flowing bass and demonstrate Chopin’s flair for elegant, song-like melodies.

Indeed, Chopin composed some of the most beautiful piano music ever written, and I applaud those who will pay tribute to this remarkable composer and show Polish heritage in this important anniversary year.

Mr. TIERNEY. Mr. Speaker, recently I had the pleasure of joining with my constituents to celebrate Marblehead, Massachusetts’ 350th Anniversary! At the festivities a remarkable young eighth grader from Marblehead Middle School shared her poem, “Remembrance of Old Marblehead” with those assembled. I can attest to the fact that her words and delivery truly “stole the show” and I take great pride in sharing Ms. Katherine Fowley’s fine work with my Colleagues:

Remembrance of Old Marblehead

I stand on the rocks and I listen to the ancient whispers of the sea,
They sing the songs of fishermen, of cannon fire, of boats rich with merchandise.
I lie on the banks of Fort Sewall,
Suddenly, the benches transform into canons.
Trees become young soldiers.
Townpeople cheer as the proud bow of the Constitution steers into harbor.
At night men gather around a blazing fire.
Their triumphant songs rise to meet the surge of ocean winds.
When I walk on the old roads, I hear the drumming of Glover’s Regiment marching over faded cobblestones.
On the steps of the Town House the crier is ringing his bell.
It calls out in the salty air like a foghorn leading sailors home.
When I walk by the historic houses, I see the spirits of Marblehead.
A woman stands on a widow’s walk, Her white dress flaps around her like the wings of wild seagulls.
She is waiting for her husband to return.
She is waiting to see the tall mast emerge from the fog.
She is waiting.
The aged bricks and wooden clapboards of these houses are filled with voices.
And the song of these voices is remembered.

STATEMENT FOR THE RECORD ON THE INTRODUCTION OF A BILL TO CLARIFY TAX TREATMENT OF NATURAL GAS GATHERING LINES ARE 7-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

Mr. SAM JOHNSON of Texas, today I am joined by Representatives McCrery, Houghton, Watkins, McNinis, and Camp in the introduction of legislation that will clarify the proper treatment of natural gas gathering lines for purposes of depreciation.

For several years, a level of uncertainty has hampered the natural gas processing industry as well as imposed significant costs on the energy industry as a whole. Consequently, I have worked to bring certainty to the tax treatment of natural gas gathering lines. During this time, I have corresponded and met with a variety of people from the Department of Treasury in an effort to secure the issuance of much needed guidance for the members of the natural gas processing industry regarding the treatment of these assets.

Unfortunately, I have not received satisfactory responses. Protracted Internal Revenue Service audits and litigation on this issue continues without any end in sight. As a result, I chose to introduce legislation in the 105th Congress in order to clarify that, under current law, natural gas gathering lines are properly treated as seven-year assets for purposes of depreciation. This year, I introduced similar legislation, H.R. 674, as a part of the 106th Congress. Today’s bill supersedes my earlier bill, H.R. 674, and contains a few minor technical changes that are necessary to ensure that this legislation achieves its intended effect.

This bill specifically provides that natural gas gathering lines are subject to a seven-year

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year cost recovery period. In addition, the legislation includes a proper definition of a “natural gas gathering line” in order to distinguish these assets from pipeline transportation lines for depreciation purposes. While I believe this result is clearly the correct result under current law, my bill will eliminate any remaining uncertainty regarding the treatment of natural gas gathering lines.

The need for certainty regarding the tax treatment of such a substantial investment is obvious in the face of the IRS’s and Treasury’s refusal to properly classify these assets. The Modified Accelerated Cost Recovery System (MACRS), the current depreciation system, includes “gathering pipelines and related production facilities” in the Asset Class for assets used in the exploration for and production of natural gas subject to a seven-year cost recovery period. Despite the plain language of the Asset Class description, the IRS and Treasury have repeatedly asserted that only gathering systems owned by producers are eligible for seven-year cost recovery and all other gathering systems should be treated as transmission pipeline assets subject to a fifteen-year cost recovery period.

The IRS’s and the Treasury’s position creates the absurd result of the same asset receiving disparate tax treatment based solely on who owns it. The distinction between gathering and transmission is well-established and recognized by the Federal Energy Regulatory Commission and other regulatory agencies. Their attempt to treat natural gas gathering lines as transmission pipelines ignores the integral role of gathering systems in production, and the different functional and physical attributes of gathering lines as compared to transmission pipelines.

Not surprisingly, the United States Court of Appeals for the Tenth Circuit recently held that natural gas gathering systems are subject to a seven-year cost recovery period under current law regardless of ownership. The potential for costly audits and litigation, however, still remains in other areas of the country. Given that even a midsize gathering system can consist of 1.200 miles of natural gas gathering lines, and that some companies own as much as 18,000 miles of natural gas gathering lines, these assets represent a substantial investment and expense. The IRS should not force businesses to incur any additional expenses as well. My bill will ensure that these assets are properly treated under our country’s tax laws.

I urge my colleagues to join me as cosponsors of this important legislation.

HONORING THE ANNIVERSARY OF THE BIRTH OF SAMUEL S. SCHMUCKER

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today in recognition of the bicentennial of the birth of Samuel S. Schmucker, who made great contributions to American culture, religion, and education.

Mr. Samuel Schmucker was born 200 years ago on February 28, 1799 in Hagerstown, Maryland into a Lutheran parsonage family. At age ten, he moved with the family to York, Pennsylvania. As a young man at a time when there were no colleges under Lutheran auspices, Samuel Schmucker attended the University of Pennsylvania and Princeton Theological Seminary. While attending these schools, he demonstrated exceptional intelligence and had the skills necessary for the ministry. He founded and served the Lutheran Theological Seminary by preparing hundreds of men for the Lutheran ministry.

In 1832 Mr. Schmucker became the chief founder of Gettysburg College, one of the 50 oldest colleges in the United States today. Although the college was under Lutheran influence, he insisted that no student or faculty member be denied admission based on their religion. Samuel Schmucker remained an active member of the College Board of Trustees for more than 40 years. Throughout his life, he was an ardent supporter of education for women and minorities. He so adamantly opposed slavery and was outspoken on the subject that when confederate soldiers swept across the seminary campus on July 1, 1863, his home and library were ransacked.

I am pleased to recognize the sponsors of this special event: Gettysburg College, the Lutheran Historical Society, and Lutheran Theological Seminary at Gettysburg and I commend them for acknowledging the importance of Samuel Schmucker’s accomplishments.

I am very happy with Samuel Schmucker’s contribution to the educational system and culture of Pennsylvania. His legacy of leadership has benefited many generations of Americans.

INTRODUCTION OF THE MEDICARE ELDERTLY RECEIVING INNOVATIVE TREATMENTS (MERIT) ACT OF 1999

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to promote the coverage of frail elderly Medicare beneficiaries enrolled in innovative Medicare-Choice programs.

This bill will exempt certain innovative programs specifically designed for the frail elderly living in nursing homes from being impacted by the new risk-adjusted payment methodology designed by the Health Care Financing Administration (HCFA) during its phase-in period.

While the concept of a risk-adjusted payment methodology would actually be beneficial for such programs, the interim methodology is limited in scope and is primarily based on hospital encounter data. This focus on hospitalizations will put programs that are designed to provide care in non-hospital settings, thus reducing the need for expensive hospitalizations, at a distinct disadvantage.

One such program is EverCare, an innovative health care program for the frail elderly in Minnesota and other states. A recent study by the Long Term Care Data Institute (LTCDI) has concluded that EverCare’s revenue alone will decrease 42% under this new methodology. The program could not continue with such dramatic cuts.

Recognizing that EverCare and programs like it may be adversely impacted by the new methodology, HCFA granted certain programs limited exemptions. However, HCFA acknowledged that additional steps may be necessary by stating they would also be “assessing possible refinements to the risk adjustment methodology” as it relates to these programs and was considering developing a ‘hybrid’ payment methodology for them.

I appreciate HCFA’s understanding of the uniqueness of the programs and the need to treat them differently than traditional Medicare-Choice plans. However, I am concerned that over four months have passed and we have not seen action on the part of HCFA to develop such a methodology. In addition, I am concerned that they have not applied the exemption to other similar programs specifically designed for the frail elderly living in nursing homes.

Along with the bill and statement today, I am submitting some testimonials I have received from those involved with this critical program. I believe they will do a better job than I could of explaining the uniqueness and importance of these programs.

Mr. Speaker, the risk adjusted payment methodology is intended to ensure reimbursements which reflect the health care status and needs of Medicare beneficiaries, not deny access to pioneering new programs.

That’s why I urge my colleagues to cosponsor this legislation to ensure cost-effective and care-enhancing programs like these are not unintentionally and fatally impacted as HCFA gradually moves into an appropriate, comprehensive methodology. I urge my colleagues to cosponsor this MERITious bill.

THE EVERCARE STORY—CLINICAL SUCCESS STORIES SUBMITTED BY SITE

Sara Roth was a 75 year old EverCare resident of Shadow Mountain Care Center. Sara’s primary diagnosis was S/P frontotemporal craniotomy for a massive subdural hematoma. She was now essentially bedridden and as a result had pressure sores complicating her current medical status. Less than 9 months prior to her enrollment with EverCare, she had been essentially alert and dependent. Sara’s family was pursuing legal interventions with her previous health care providers and we have not seen action on the part of HCFA to develop such a methodology.

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The example truly represents the unique aspects of the EverCare model in action—providing the quality of life, and when this is no longer possible, creating the most therapeutic environment to protect life’s end.
of Ms. Freeman's help in regard to our mother, Sara Roth, who passed away on July 1 at the Shadow Mountain Nursing Home in Scottsdale.

Prior to EverCare, our family felt alone and frustrated in dealing with all Sara's medical needs at Shadow Mountain. It was difficult reach a doctor or getting answers from her regarding her condition and explanation of medications. EverCare became like a fairy godmother who orchestrated a wonderful team approach to caring for our mother. Communication between Dr. Sapp, Ms. Freeman and myself was excellent and that in itself did wonders for my peace of mind.

I would like to take this opportunity to thank one of your shining stars—Ms. Sue Freeman. What a wonderful woman! She is articulate, highly skilled, organized, professional, and has a great heart! I always felt like Sara was a top priority with Sue and for that, we will always be grateful.

EverCare is important for you to know. God only knows what would have happened to Sara's quality of life without Dr. Sapp and Ms. Freeman. Thank you from the bottom of our hearts. Sincerely,

Eleanor Shnier.

Rose Dealba is an 82-year-old female resident of the Casa, a cottage of Dr. Greene's with a history of cervical myopathy and chronic diarrhea. Mrs. Dealba was essentially bedridden and total care because of her cervical myopathy. Of note, Mrs. Dealba is cognitively intact. Her inability to care for herself had added depression to her problem list. Her quality of life was less than optimal due to her inability to get herself to the bathroom, to feed herself, etc. The patient and her family felt there was no hope for improvement in Mrs. Dealba's condition.

With progressively less instrumental physical therapy, occupational therapy and restorative nursing, Mrs. Dealba was able to feed herself, transfer and ambulate to the bathroom with a walker and assist of one. Her chronic diarrhea has finally been controlled. With another round of PT she has become more independent in her transfers and ability to get around the room. She is now able to go outside with her family.

Both Mrs. Dealba and her family are thrilled with her progress. With Mrs. Dealba's severe cervical myopathy and physical therapy had been denied. She has been able to maintain these gains with assistance of the restorative nursing program.

It is very difficult to report only one success story. Team members report successes in practicing the EverCare model on a daily basis. A recent event leading to a letter of appreciation for Mary Ann Allan is one of many examples. Mary Ann has grown especially close to her residents and their families in a very short time as she joined EverCare in June of 1998.

Elizabeth DeBruler is an 89-year-old resident at the Gentlco Care Center with a primary diagnosis of S/P CVA and Hyper-tension. Elizabeth is alert, oriented and very functional with no stroke residual. She is up and about daily in the facility ambulating with her walker. Mary Ann and Dr. Kaczar are the Primary Care Team and work together to monitor Elizabeth's blood pressure and medications.

In December, the nursing staff reported to Mary Ann that Elizabeth was confused with decreased food and fluid intakes. Mary Ann examined her, ordered a workup to rule out a treatable condition and discussed a treatment plan with Dr. Kaczar. Labs showed a urinary tract infection and dehydration. The BUN was 56, Creatinine 2.4. A family conference was convened with Elizabeth's daughter Arlene Latham, Dr. Kaczar, Mary Ann and the nursing staff. Potential treatments were discussed and Advanced Directives were reviewed. Elizabeth's wishes were considered as well as her daughter's. Everyone agreed on a plan. Antibiotics by mouth would be started and fluids intravenous fluids for hydration would be given. Elizabeth would remain a do not resuscitate. Intravenous fluids would be given in the care center with full support of the Director of the Nursing and the staff rather than transport to the hospital. Elizabeth did not improve with antibiotics and required intravenous fluids. Mary Ann contacted the Case Manager, Rose Larkin, and it was determined that Elizabeth would qualify for Intensive Service Days for a change in condition and to prevent a hospitalization. As Elizabeth improved, she was moved into a Skilled Nursing benefit. Mary Ann visited Elizabeth daily and updated Arlene on her condition. Elizabeth recovered with the assistance and support of the family, facility staff and the primary care team.

EverCare is to be commended for their foresight in selection of these individuals. I feel they are an asset to Ever Care and Gentry Care Center.

Sincerely,

Arlene Latham.
projects throughout the next eight years. As a result of these efforts, Art won a $750,000 grant from the Workforce Partnership to establish a groundbreaking pre-apprenticeship program that will create new pathways for low-income San Diegans—particularly women and people of color—into skilled construction jobs that pay living wages.

My congratulations go to Art Lujan for these significant contributions. I can attest to Art’s dedication and commitment and believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL-CIO Leadership Award.

THANK YOU TERRY VANSUMEREN
HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. BARCIA. Mr. Speaker, there is no doubt as to the value of the characteristics of dedication, loyalty and perseverance. These are traits that distinguish the ordinary from the extraordinary. Today, I rise to congratulate a Terry VanSumeren, an extraordinary individual who has served the Hampton Township community every day for the past 32 years.

Terry was born on September 19, 1937, to Lawrence and Mary VanSumeren. After growing up in the area where he would make a name for himself, he was hired by the Hampton Township Department of Public Works on June 5, 1967. This would begin one of the most impressive streaks ever by a local government employee. Since his date of hire, Terry VanSumeren has never taken a sick day—not one single day. Blessed with good health and an unmatched devotion to the residents of Hampton Township, Terry has been there every day for the people of his township. He has become a very well respected member of the community. Always looking to improve Hampton Township, Terry is an active member of the township board.

At a time when many people are skeptical about government, the excellent work done by Terry VanSumeren should instill a sense of confidence in the residents of Hampton Township. They have been extremely fortunate to have someone so hard working and devoted to attending to the needs of their community. Today, Terry retires as the Superintendent of the Hampton Township of Public Works, a position he has held for the past 15 years. There is no doubt that as he leaves this position, Terry has made the township a much stronger community. As he now enters into his retirement, Terry will have the opportunity to spend time in his workshop and, more importantly, to spend time with his charming wife, Margaret, his two daughters Kym and Keri, as well as his grandson Zane.

Mr. Speaker, dedication is defined as the act of being wholly committed to a particular course of thought or action. I know of no one who better exemplifies what it means to be dedicated than Terry VanSumeren. For the past 32 years, he has been wholly committed to the people of Hampton Township. I urge you and all of our colleagues to join with me to congratulate the outstanding accomplishments of Terry VanSumeren and to wish him continued health and happiness.

TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS, AND STUDENTS OF HOLLOW HILLS FUNDAMENTAL SCHOOL

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Hollow Hills Fundamental School, in my hometown of Simi Valley, CA, recognition as a national Blue Ribbon School.

Hollow Hills Fundamental School is a shining example of what can happen when parents, teachers and administrators collaborate on the best approaches for providing a quality education. The school’s motto—Committed to Excellence—is not merely a slogan. It’s a way of life that other campuses would be well served to follow. A combination of a structured, consistent learning environment with an emphasis on basic skills and traditional American values ensures intelligent, socially responsible students and future adults.

Mr. Speaker, the school will be honored at the Ronald Reagan Presidential Library in Simi Valley on Tuesday. It’s a particularly fitting tribute to Hollow Hills. President Reagan once made this statement to a group of educators:

Our leaders must remember that education doesn’t begin with some isolated bureaucrat in Washington. It doesn’t even begin with state or local officials. Education begins in the home, where it is a parental right and responsibility.

That principle is fully integrated into Hollow Hills’ lesson plans. The school was founded in 1982 in collaboration with parents. Every year, Hollow Hills parents, students and educators formally rededicate themselves to quality education through a “Commitment to Excellence” agreement. The school boasts a strong PTA and dedicated parents who volunteer their spare time to enhance students’ education.

In addition to stressing basic reading and math skills, the school also emphasizes art, music and technology, guaranteeing students a well-balanced education.

Hollow Hills also stresses attributes that unfortunately are missing in many schools today: personal responsibility, diligence, courtesy, respect to authority, punctuality and respect for the law. These ingredients are just as important to raising intelligence and socially responsible adults.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our Blue Ribbon Schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Hollow Hills Principal Leslie Frank, her entire staff, and the parents and students of Hollow Hills for raising the bar and setting a strong example for others to follow.
HONORING OUR FALLEN MILITARY PERSONNEL AT GLENDALE CEMETERY

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. GREEN of Texas. Mr. Speaker, this weekend, in a solemn ceremony at Glendale Cemetery, families will gather to honor those who gave their lives in conflict. Let us remember that future generations of Americans might live in freedom. America bows its head in thanks to our fallen heroes. With flags at half-mast, with flowers on a grave, and with quiet prayers, we take time to remember their achievements and renew our commitment to their ideals.

Across our country, Americans will be holding similar ceremonies in remembrance of those who have died under the colors of our Nation. We will remember the brave men and women whose sacrifices paved the way for us to live in a country like America. We will remember the families of our fallen heroes, and we will grieve for their losses. We will remember the men and women who are now serving in our Armed Forces.

Throughout our history, we have been blessed by the courage and commitment of Americans who were willing to pay the ultimate price. From Lexington and Concord to Iwo Jima and the Persian Gulf, on fields of battle across our nation and around the world, our men and women in uniform have risked—and lost—their lives to protect America's interests, to advance the ideals of democracy, and to defend the liberty we hold so dear.

For more than 200 years, the United States has remained the land of the free and the home of the brave. The NATO military operations in the former Yugoslavia have reaffirmed that international peace and security depend on our Nation's vigilance. Even in the post-Cold War era, we must be wary, for the world still remains a dangerous place.

This spirit of selfless sacrifice is an unbroken thread woven through our history. Whether they wore the uniform or not, whether they served in active or reserve duty, our fallen heroes knew they were fighting to protect the liberty we hold so dear.

Racial profiling is the worst-kept secret in New Jersey,” Black Ministers Council of Trenton Rev. Reginald Jackson told The Star-Ledger for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”

Authorities said the indictments against Hogan and Kenna were not directly related to their involvement in the shooting near Exit 7A. Three young minority men were wounded this year when troopers fired into their van. The troopers said the van had backed up toward them suddenly.

The problem with this is that they indict the supervisors—"Racial profiling is the worst-kept secret in New Jersey," Black Ministers Council of Trenton Rev. Reginald Jackson told The Star-Ledger for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”

Attorneys for Hogan and Kenna have said the pair are being used as scapegoats in the broader debate over racial profiling. Another lawyer who often represents troopers, Philip Jackson told The Star-Ledger for Tuesday’s editions. “They don’t indict the supervisors—they indict the troop—"Racial profiling is the worst-kept secret in New Jersey,” Black Ministers Council of Trenton Rev. Reginald Jackson told The Star-Ledger for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”

The problem with this is that they indict the supervisors—but the supervising officers are protecting the troopers from criminal cases, found evidence of racial profiling.

The newspaper reports come one day after state officials announced official misconduct indictments against the two troopers involved in last year’s controversial shooting along the Turnpike in Mercer County.

Troopers John Hogan and James Kenna allegedly made false statements on the race of motorists they pulled over. Such data was being gathered in a State Police traffic stop survey prompted by the 1996 court decision.

The problem with this is that they indict the supervisors—they don’t indict the supervising officers.

"When he made that decision, I found no probable cause," Jackson said. "I didn’t think that if the military did not take care of it, the state would." Jackson told The Star-Ledger for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”

"The Marine who was subjected to this indignity has expressed his satisfaction with the action currently being taken by his command," Jackson said. "A staff judge advocate is reviewing the case to determine whether it should be turned over to the Naval Criminal Investigative Service."

All four Marines are from the same unit currently deployed with the 26th Marine Expeditionary Unit to the Mediterranean.

WACO, OKLAHOMA CITY BOMBING ANNIVERSARY

KEEPS NEARLY ONE-THIRD OF JASPER STUDENTS AT HOME

JASPER, TEXAS (AP)—Almost one-third of Jasper students stayed home Saturday, fearful that those who were there would use the anniversary of the Branch Davidian fire in Waco and Oklahoma City bombing to stage another violent event.

Shannon Holmes sent her 8-year-old daughter, Meagan, to the baby sitter with her little brother, Monday instead of the second-grade class at Parnell Elementary.

"I just wanted the peace of mind," she told the Houston Chronicle. “There’s all kinds of nasty rumors going around, but I just thought it was better to be safe. It’s just one day.”

Ms. Holmes said that her daughter could return to school today. Earlier this month, state officials revealed that a racist prison gang member called another like-minded individual to gather in Jasper on the anniversary of the Oklahoma City bombing and Branch Davidian fire in Waco and Oklahoma City bombing to stage another violent event.

"I don’t think it’s going to happen," defense lawyer John Weichsel told The Record of Hackensack for Tuesday’s editions. “I don’t think it’s going to happen.”

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"I didn’t think it was a realistic possibility," defense lawyer John Weichsel told The Record of Hackensack for Tuesday’s editions. “I didn’t think it was a realistic possibility.”

"When he made that decision, I found no probable cause," Jackson said. "I didn’t think that if the military did not take care of it, the state would." Jackson told The Star-Ledger for Tuesday’s editions. “I don’t think anybody reasonable will say that it doesn’t happen.”
But at the Jasper County Courthouse on Monday, activity was slow. A handwritten sign taped inside the front door reminded the last person out to lock up.

At the same time, nothing to the in-mate-generated threat, the school superintendent said Monday.

Nevertheless, concerned parents kept 1,080 students, or 32 percent of those enrolled at Jasper's two elementary schools, the middle and high school, at home on Monday, said Doug Koebernick, superintendent of the Jasper Independent School District.

"Some parents picked up on that, so in the interest of the safety of their children, parents kept them from school," Koebernick said. "It was just rumor generated."

J ohn William King, 24, an avowed white supremacist, was convicted and sentenced to death in February by a capital murder trial.

John William King, 24, an avowed white supremacist, was convicted and sentenced to death in February by a capital murder trial. Co-defendant Lawrence Russell Brewer, 32, faced the same fate when his capital murder trial begins May 13. A trial for the third defendant, 24-year-old Shawn Allen Berry, has not been scheduled.

DEFENSE BEGINS CASE IN TRIAL OF TWO WHITE SUPREMacists

LITTLE ROCK, ARK. (AP)—Defense attorneys for two white supremacists accused of murder and conspiracy to set up a whites-only nation have tried to deflect the prosecution's incriminating testimony by suggesting that others were responsible for the crimes.

This week, the defense gets to provide jurors with fragmented evidence of an activity generated by Chevie Kehoe and Daniel Les, both 26, of the charges in federal court.

Kehoe, Columbia, Wash., and Lee, of Yukon, Okla., are charged with racketeering, conspiracy and murder. They are accused of killing three members of Arkansas gun dealer William Mueller's family as part of the plot.

Prosecutors say the two wanted to overthrow the federal government to set up a new nation in the Pacific Northwest, resorting to polygamy, gun trafficking, armed robbery, bombings and murder to carry out their plan.

The defense, which claims Kehoe and Lee are not dangerous racists, was scheduled to begin its case today.

Defendants have decided to delay opening statements until after the prosecution rests, which it did last Tuesday after Cheyne Kehoe, Kehoe's younger brother, testified to what he said he heard his brothers and Lee murdering an Arkansas family three years ago.

Federal prosecutors and defense lawyers haven't been able to discuss the case because of a gag order. But during a hearing, Lee's lawyer, Cathleen Compton, argued that the government had little physical evidence to connect the men to the crimes or show that they were part of any grand conspiracy.

"I think, without any respect to the court or anyone, if these boys were in charge of conspiring to overthrow the government, we're all safe," Compton said.

Prosecutors called more than 150 witnesses and wheeled in shoulder-high stacks of exhibits. They are seeking the death penalty.

In the indictment, Chevie Kehoe and Lee are accused of the January 1996 robbery and death of Mueller, his wife, Nancy Mueller, and her 8-year-old daughter Sarah Powell.

Other crimes mentioned in the indictment include aΦing the bombing of the Spokane, Wash., Car Hall, a Φ97 Ohio truck stop with police that was videotaped and broadcast nationally; and the slayings of two associates.

FOUR MEN PLEAD GUILTY TO CROSS BURNING

EMREDON

ALEXANDRIA, L.A. (AP)—Four men pleaded guilty Monday to setting crosses afire in front of a north Louisiana home whose white owners took in an interracial couple and their family seeking refuge from a hurricane.

Gary Delane Norman, 25; James Norris Friday, 23, Matthew Ryan Morgan, 19, and Huey Kenneth Martin, 18, all of Goldonna, admitted to a federal civil rights conspiracy.

Each faces up to 10 years in prison and a $250,000 fine when sentenced July 21 by U.S. District Judge F.A. Little. Jnr. Mandatory sentences of 15 years can be used in setting federal sentences, which are served without parole.

Authorities said crosses were burned in front of the house in Goldonna, where the family was staying on the nights of Sept. 27 and Sept. 28, 1998. The family had been given shelter after fleeing the approach of Hurricane Georges.

The victims were a black man, his white wife and their children who were staying temporarily with the wife's sister after fleeing south Louisiana as Hurricane Georges approached.

The indictment alleged that one of the men said, "We are black and we are good." Authorities alleged the scheme was hatched at a grocery store. After the cross was burned on the first night, a second, larger cross was built and burned the following night.

Whether a cross burning is illegal depends upon its purpose. Cross burning for ceremonial or symbolic purposes is a federal crime to burn a cross for racial motives in an attempt to intimidate or oppress someone.

"While some may try to minimize this as nothing more than a prank, finding a burning cross on your front lawn in the middle of the night is no laughing matter," said U.S. Attorney Mike Skinner. "It is a federal crime and federal and state authorities will use whatever means they need to bring those responsible to justice."

BASKETBALL COACHES SUIT TEXAS CITY,

POLICE OVER DETAINMENT

(Boy Sonja Barisci)

NORFOLK, VA (AP)—A women's basketball coach and her husband and assistant coach have filed a $30 million lawsuit alleging racial bias after being detained by police in Lubbock, Texas.

The lawsuit, filed Monday contends that the city and its police engaged in racially discriminatory behavior when they stopped Hampton University coach Patricia Bibbs, her husband, and assistant coach Vanetta Kelso on Nov. 16.

All three, who are black, have said they believe race played a role in how they were treated when police detained them during an investigation of an alleged scam.

The suit also says police violated their constitutional rights of due process, equal protection and protection from unreasonable and illegal arrests, searches and seizures.

"The city of Lubbock and its police department have known and tolerated . . . the selection and retention of police officers who have exhibited racist attitudes toward African-Americans and other minorities," the lawsuit said.

Tony Privett, a spokesman for the city of Lubbock, would not comment.

The Bibbss were detained outside a Lubbock Wal-Mart by officers responding to a customer's complaint that someone tried to scam her. The three were handcuffed and held for several hours.

The three were suspected of trying to sell a "pegon drop, " where a thief claims to have found a purse with cash in it and persuades the victim to stay with a lawyer so they can both lay claim to the cash—and then disappears with the victim's money.

Police studied security tapes from the store, determined that the Bibbss had no contact with the shopper and said no charges would be filed.

The Bibbss and Kelso had no comment on the suit Monday, said Victoria J. Jones, a spokeswoman for the university in southeastern Virginia.

RACIAL PROFILING BILL HEADS TO HOUSE

AGSTFFP

HARTFORD, CT (AP)—Two competing bills, both designed to prevent profiling by law enforcement, were headed to the desk of Gov. John G. Rowland.

Sen. Alvin Penn's bill would require police officials to record their observations about the gender and race of every driver they pull over. That information would be gathered by the Chief State's Attorney's office and used to determine whether the problem, known as "racial profiling" exists.

Another bill passed to the House by the judiciary Committee Monday does not have those requirements.

"It's an ill-fated bill, " Penn, D-Bridgeport, said. "It's a compromise, and this is something you can't compromise on."

Rep. Michael Lawlor, co-chairman of the judiciary Committee, said the bills are not at odds with each other. "There are questions about how police officers could compile racially sensitive information about drivers without offending them or creating an adversarial situation in the police officer's mind."

"By what system are you going to identify who's in what category?" he said. "We have to make it clear that its not OK to target people based on their race or ethnicity. If it is happening, lets figure out how to monitor it in a way that does not unnecessarily burden the jobs that the police do."

Minority drivers have complained they are sometimes stopped and queried by police because of their race, especially when driving an expensive car or driving through affluent neighborhoods.

Penn, who says he was a target of profiling in Trumbull three years ago, also wants police departments to set up a system to deal with complaints about profiling. If they don't, he wants the towns to be fined.

Defendants that they have illegally targeted black and Hispanic motorists have prompted an FBI probe.

The investigation follows complaints from minority drivers and a memo by police Chief Theodore Ambrosini suggesting officers watch for people who don't fit into the community.

MAYOR OPPOSES DESEGREGATION PROGRAM

MILWAUKEE (AP)—Racial guidelines in a court-approved desegregation plan for the Milwaukee School District ought to be abandoned, the mayor said Monday.

The Chapter 200 program was adopted in the 1970s by the district in response to a federal lawsuit to bus black children to suburban districts. Hundreds of Milwaukee white children are ineligible for the state-subsidized transportation.

The lack of opportunity for white children encourages their families to move to the suburbs, Norquist said Monday, recalling he opposed the Chapter 200 plan when the legislature adopted it while he was a state senator.

"I don't think there should be any racial quotas," he said. Some members of the newly elected Milwaukee school board are predicting the guidelines. Gov. Tommy Thompson recommends the Legislature reduce the funding available to districts that participate in Chapter 200.

Penn, who is the National Association for the Advancement of Colored People favor preserving the program.
More than 5,100 Milwaukee minority children attend suburban schools under the program this year while 540 suburban whites attend Milwaukee schools.

H.R. 1817: RURAL CELLULAR LEGISLATION

HON. BENJAMIN A. GILMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, today I'm introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Representatives CAROLYN MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area has only one cellular operator. The Minnesota rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had not complied with its "letter-perfect" application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Representative Joe McDade, joined by Representative Anna ESHOO and former Representative Scott Klug, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, the Anti-Slamming bill.

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

SECTION 1. RESTORATION OF APPLICANTS AS TENTATIVE SELECTEES.

(a) In General.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission as a condition to the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) Exemption from Petitions to Deny.—For purposes of the amended applications filed pursuant to subsection (a), the provisions of section 308(d)(1) of the Communications Act of 1934 (47 U.S.C. 308(d)(1)) shall not apply.

(c) Procedure.—The proceeding described in this subsection is the proceeding of the Commission in re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners (1992). SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) Award of Licenses.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) Service Requirements.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to a covered rural service area licensing proceeding, the applicant agrees to provide cellular radio-telephone service to subscribers in accordance with the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the amendment of an application pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a)

(2) Authorization for any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the amendment of an application pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a)

(c) Calculation of License Fee.—(1) The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 32); and

(B) the payment requirements to be paid by the permittee pursuant to the consent decree set forth in the Commission's order, in re the Telcom Partners (F.C.C. Rcd. 3168 (1992), multiplying such payments by two.

(2) Notice of Fee.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) Payment for Licenses.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a)

(e) Authorization for any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the amendment of an application pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a)

(f) Authorization for any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the amendment of an application pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a)

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date an applicant is granted an license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) Applicant.—The term “applicant” means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) Commission.—The term “Commission” means the Federal Communications Commission.

(3) Covered Rural Service Area Licensing Proceeding.—The term “covered rural service area licensing proceeding” mean the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) Tentative Selectee.—The term “tentative selectee” means a party that has been selected by the Commission after a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission’s rules for grant of the license.

HONORING ROSE ANN VUICH

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a brief biography on Senator Rose Ann Vuich, who, for her ethical leadership, has been honored with an award in her nameakes. The Rose Ann Vuich Ethical Leadership Award is designed to increase ethical sensitivity, raise expectations for behavior and knowledge, and inspire the next generation of leaders. The first recipient of the award was Fresno County Supervisor Sharon Levy. This year's recipient is Lindsay Mayor Valeriano Saucedo.
Rose Ann Vuich was the daughter of immigrant parents who grew up on a farm in rural Tulare County. She became a small-town accountant and went on to the California State Senate as the first woman ever to serve in that body. Although at first she was reluctant to run for the office, she eventually (in her own words) "stayed the course." Her campaign and subsequent election campaigns were carefully planned and executed, and her efforts eventually led to more than 2,600 votes in 1976.

Rose Ann's first election was the last hard-fought election she would face. She said to the settlers in 1980 and 1984 that nobody ran against her in 1988. Had she chosen to run in 1992, it's likely she would have run unopposed again.

The reason she became progressively more unbeatable came not only out of the deep roots and wide networks she had in her home district, but because she served in public office in exactly the way she promised she would.

In 1992, after a 16-year career as one of the most respected and esteemed legislators in California history, Senator Vuich retired from office and returned to her home, here in the Valley.

Rose Ann Vuich was more than honest. She was a woman of extremely high integrity who took her public responsibilities very seriously and believed in giving the voter, the constituents what they deserve: fair, ethical consideration of issues and conscientious, cost-effective delivery of service.

In addendum to her biography, I would be remiss if I failed to recognize Rose Ann for the recent dedication to her of the Rose Ann Vuich Interchange. The interchange, which links three major Fresno freeways, was named after the lawmaker who got it built. Vuich made the completion of Freeway 41 the centerpiece of her 1976 election campaign. Her vision has finally been realized.

Mr. Speaker, it is with great pleasure that I recognize Rose Ann Vuich, a woman of vision and integrity. I urge my colleagues to join me in wishing her a bright future, and many years of continued success.

CONGRATULATING THE CITY OF HALEYVILLE, ALABAMA AS THE HOME OF 911

HON. ROBERT B.ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. ADERHOLT. Mr. Speaker, I would like to pay tribute to the City of Haleyville and Alabama as it holds the annual 911/Heritage Festival in June of each year. On Friday, February 16, 1968, the Speaker of the Alabama House, Rankin Fite dialed 911 in Haleyville. Mayor James Whitt's office and Congressman Tom Bevill picked up the receiver in the Haleyville Police Department. America's first emergency dial telephone service was initiated.

Since that first call in 1968, the overall plan to establish this service nationwide has been implemented and become second nature to the American people. Today, anyone can dial 911 in any type of emergency, such as sickness, fire, police, or ambulance and a police officer on duty will immediately summon the help needed. Although there are no specific figures available, it is clear the 911 service has saved countless lives throughout the country. This impressive accomplishment all began in the city of Haleyville, which is in the Fourth Congressional District of Alabama. As a lifelong resident of the city of Haleyville, I am proud of this achievement and pay tribute to this accomplishment which is something we can all support.

HONORING ROBERT ROGERS’ UPON HIS RETIREMENT FROM THE EWING MARION KAUFFMAN FOUNDATION

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Robert "Bob" Rogers upon his retirement from the position of Chairman of the Board of the Ewing Marion Kauffman Foundation, which he has held since 1993. Fortunately, Mr. Rogers will continue to serve as the Chairman Emeritus on the Board and pursue his involvement in civic and community service at a national level. I know his valuable work will continue as he serves on the boards of the Independent Sector, the Council on Foundations, America's Promise, the Alliance for Youth, American College Testing, and the Corporation for National Service.

Mr. Speaker, on June 4th, 1999, Maxey Companies will officially open the doors to an expansion of Max-Air Trailer Sales, 9715 Brighton Road, Brighton, Colorado.

On a personal note, Mr. Speaker, I have known the Maxey family for many years and am proud to count them among the best of my friends. The Maxeys are known widely as a family dedicated to their community.

The Maxeys are always there for their friends, neighbors, and associates. I know of no family that outpaces the Maxeys when it comes to volunteerism and leadership. Loren, for example, has punctuated his community dedication by distinguished service on the Fort Collins City Council. Carl, has emerged as one of Fort Collins’ most respected business leaders. Kathy Maxey, and Maria Maxey have accumulated countless hours of volunteer time too, serving area youth and those suffering mental illness and developmental disabilities.

As a strong close-knit family, the Maxeys are the finest example of real America. The Maxeys are always there for their friends, neighbors, and associates. I know of no family that outpaces the Maxeys when it comes to volunteerism and leadership. Loren, for example, has punctuated his community dedication by distinguished service on the Fort Collins City Council. Carl, has emerged as one of Fort Collins’ most respected business leaders. Kathy Maxey, and Maria Maxey have accumulated countless hours of volunteer time too, serving area youth and those suffering mental illness and developmental disabilities.

Mr. Speaker, on June 4th, 1999, Maxey Companies will officially open the doors to an expansion of Max-Air Trailer Sales, 9715 Brighton Road, Brighton, Colorado.

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Elmer Lee Chaney, Professor of Educational Psychology and Educational Resources at Jacksonville State University, Jacksonville, Alabama, on the occasion of his retirement from the university. Elmer Chaney came to Jacksonville State University from North Carolina where he attained his Bachelor of Arts degree from Elon College and his Masters of Education and Guidance degree from the University of North Carolina. He was also certified as a Licensed Guidance Counselor in North Carolina. He started his teaching career as a Teacher of English and French at Bethany High School and was honored as Teacher of the Year at Bethany High School in 1958.
Elmer Chaney began his college teaching career at Jacksonville State University in 1962 as Assistant Professor of Educational Psychology. In addition to his duties as a professor, he has served on and chaired a number of committees at the university including screening committees for educational faculty members, the Committees for Educational Resources, the Off Campus Commuter College Committee, and the Assessment Committee.

Elmer Chaney has also been involved in community activities. He has always been a fundraiser for Big Brothers and Big Sisters, but his greatest contribution to the community is his love of the reed organ. Mr. Chaney is an accomplished organist and carillonneur at the Church of St. Michael and All Angeles in Anniston, Alabama. He is a member of the Reed Organ Society and owns a number of outstanding instruments.

Elmer Chaney has been a vital part of Jacksonville State University. His presence at the university is felt in so many ways. I salute him for his dedication to his students, to Jacksonville State University and to the field of Education.

John Barrett believes in giving back to his community and he is particularly committed to improving the lives of the young people in our area. Boys Hope/Girls Hope works to overcome the obstacles of poverty, abuse and neglect and provide a structured, caring educational experience for those deserving students through high school and college. John’s enthusiasm for this organization is contagious and he has been instrumental in attracting others in the business community to this most worthy cause.

John Barrett believes in giving back to his community and he is particularly committed to improving the lives of the young people in our area. In addition to the tremendous work he does for Boys Hope/Girls Hope, he serves on the boards of the Childrens Hospital, the Dan Beard Council/Boy Scouts of America, and the Greater Cincinnati Scholarship Association.

All of us in Greater Cincinnati owe John a debt of gratitude and congratulate him on receiving the Heart of Gold Award.
birthday at her farm in my congressional dis-

To visit Miss Buck’s farm and the stories that it bears, is also a visit to a quiet memory of the early American experience. This farm, a virtual self-contained world, is both the founda-
tion and legacy of a woman for whom complete self-sufficiency is essential to survival.

Her family’s story begins as many American families do. It starts with her great-grandparents, young and hopeful pioneers, who left their Native Germany aboard a ship with hun-
dreds of other immigrants to America. Across the Mississippi River her maternal grandparents, the Henkes, and her paternal great-grandparents, the Bucks, both settled in neighbor-

Rather than fading to lore, as the heritage of many families do, Emma Buck embraced and sustained the life that her great-grandparents began in Monroe County. She still lives in the log cabin that her grandfather built. She still

Miss Buck remains the sole curator of this farm, which was named a national landmark of our nation. As she has for over 90 years, in accordance with the methodical teaching of her father and grandfather, Emma rises each morning to the tasks at hand. She fixes the split-rail fences, she weeds the gardens, she prunes the trees. Farming has since been left to interested neighbors, but the fields, the tools, and the dedication of her ancestors remain in the Buck-Farm name.

As the 20th Century ends and the beginning of the new millennium approaches, Emma Buck reminds us of our nation’s heritage. The story of the farm is one that honors the rudimentary tools of the past.

Mr. Speaker, I ask my colleagues to join me in honoring Emma Buck, and in doing so honor our nation’s history.

TRIBUTE TO FRESNO ELKS LODGE #439

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Elks Lodge as they begin their 100th year of service. The Fresno Elks Lodge was founded May 12, 1899, and has remained true to the mission of the “Benevolent and Protective Order of Elks,” dedicated to responsible and charitable inter-

Maintaining its emphasis on charity, justice, brotherly love, and fidelity, the order provides millions of dollars in charitable goods and services. It services disabled children through the Elks Major Project by offering scholarships and innovative therapies. It provides after-school youth programs, wellness assistance pro-

The Fresno Elks Lodge is second to the Federal Government in providing scholarships to students pursuing a college education.

During times of national crisis such as nat-

Elks are second to the Federal Government in

for their hard work and success in their quest to uphold and improve the American community.

TRIBUTE TO DR. HOWARD CAREY:
A GOOD NEIGHBOR

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to congratulate Dr. Howard Carey on the 30th anniversary of his leadership at Neighborhood House in San Diego County. Dr. Carey’s commitment to the Neighbor-
hood House Association and to his role as President and Chief Executive Officer since 1972, Dr. Carey brings more than 35 years of experience in the field of social work, from both administrative and program perspectives, to this leadership position.

Serving more than 300,000 San Diego resi-
dents, Neighborhood House is one of the larg-
est non-profit organizations in San Diego, a multi-purpose social welfare agency whose goal is to improve the quality of life of the people served. Since Dr. Carey assumed leader-

Dr. Carey’s motto—being a good neighbor—

Dr. Carey is a native of Lexington, Mis-
sissippi, a graduate of Atlanta’s Morehouse College, and holds graduate degrees from At-
tanta University and United States Inter-
national University. He became enchanted

with San Diego during his four years of mili-
tary service with the United States Navy and

Mr. Speaker, I rise today to congratulate and pay tribute to the Fresno Elks Lodge #439 on occasion of its 100th year of continued service. I urge my colleagues to join me in wishing the Fresno Elks Lodge continued suc-

and minds of his neighbors and changes lives, his contributions to the community are far-
reaching, long lasting and immeasurable. I sin-
cerely appreciate this opportunity to honor Dr. Carey and his many contributions to San Diego during the past three decades.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. HINOJOSA. Mr. Speaker, on Tuesday, May 25, I had the pleasure of hosting Presi-
dent Clinton and Vice-President Gore in my congressional district. The event resulted in my missing several votes. Had I been present I would have voted as follows:

S. 249, “yea.”
Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to Captain Stephen Eric Benson, Commanding Officer of Naval Air Station Oceana, who has served in the United States Navy for twenty-five years of faithful duty to his country.

For the past three years, Captain Benson has served as the Commanding Officer of Naval Air Station Oceana Virginia Beach, Virginia located in my congressional district. During his tenure as Commanding Officer, Captain Benson has distinguished himself by his exceptional efforts to establish and improve upon the relationship between the community and the Naval Air Station. It is a testimony to these efforts that as he leaves his post in June of this year, the relationship between the base and the City of Virginia Beach is one of the best in the nation.

The tenacious efforts of Captain Benson to enhance the cooperation with the surrounding community and his goal of serving as a "good neighbor" has not only helped the Navy achieve its mission, but also has made a direct contribution to the goals of the City of Virginia Beach. His open communication policy with both the Mayor of Virginia Beach and with the local congressional delegation has been exemplary and productive for all concerned.

Captain Benson has worked tirelessly to improve the quality of life for the sailors stationed under his command. New living quarters and recreational improvements have been either built or have been funded. With the assistance of congressional leadership, local political leaders and businesses, a new Barracks for enlisted personnel and a new recreational facility have either been funded or are near completion as he executes his next assignment.

Captain Benson has overseen the movement of ten F/A-18 squadrons and their families to Naval Air Station Oceana from Naval Air Station Cecil Field, Florida. A total of one hundred fifty-six aircraft and nearly nine thousand personnel and dependents have made the transition to their new home in Virginia Beach with minimum impact to operations and family members.

Again enhancing community relations, he has developed and nurtured the local Military Air Show into a community affair, aligned with the City of Virginia Beach’s Neptune Festival. This event, once known as the NAS Oceana Air Show, now known as the Neptune Festival Air Show. The show has been not only profitable to the Military Welfare and Recreation Fund which has a direct impact on the improvement of quality of life issues for the sailors at NAS Oceana, but was awarded the Best Military Air Show in North America for 1998 by the International Council of Air Shows. This is a true win-win scenario which has brought recognition to not only the base, but to the community at large.

Captain Benson has personally conducted hundreds of community presentations fostering the best base-community relationships within the Hampton Roads region. He has been lauded by both the Mayor of the City of Virginia Beach and myself for his efforts in working with the local political groups and businesses for the betterment of all concerned.

Under his charge, Naval Air Station Oceana has won two consecutive Environmental Awards in 1998 and 1999 for efforts to maintain the environment on this installation. From these efforts, to rapid response teams for fuel spills, to responses to Environmental Protection Agency (EPA) inquiries, NAS Oceana has been praised on all fronts.

Captain Benson is an active member of the Hampton Roads Rotary and the City of Virginia Beach Neptune Festival Committee, further enhancing the cooperation and community leadership between the base and the public at large.

A totally dedicated professional, Captain Benson has set a superior personal example of all military leaders to emulate. His many contributions will continue to be felt for many years to come in the Hampton Roads area. Because of his outstanding and distinguished record of accomplishments, his tenacious efforts to keep the local community informed and his outgoing personality, Captain Benson is truly worthy of recognition. We will surely miss him at Oceana Naval Air Station.

IN RECOGNITION OF JOSEPH POSEDEL

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize Joseph F. Posedel who is retiring as Business Manager of Plumbers and Steamfitters Local 343 under the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry.

In his 36 years with the union, Mr. Posedel has worked to create a solid foundation for Local 343.

He joined the union in 1963 as a building trades apprentice. He became a trustee for the Trust Fund in 1970. Subsequently, he served as Vice President, President, Business Agent and Apprenticeship Coordinator for the union. In January 1996 he assumed the important leadership position of Business Manager.

As Business Manager, Mr. Posedel successfully negotiated an improved wage package, including health, welfare, and pension benefits, for union members.

Mr. Posedel is a native of the San Francisco Bay area. He grew up in Rodeo and attended St. Mary’s High School, graduating in 1955. He also attended St. Mary’s College in the same community.

He and his wife, Patricia, have been married for 39 years. They have three children and six grandchildren.

Following his retirement, Mr. Posedel will continue to serve Local 343 as a Trustee of the Trust Fund.

Mr. Speaker, because of Joseph F. Posedel’s long and devoted service to Local 343 of the Plumbers and Steamfitters Union, it is fitting and proper to honor him today for his accomplishments, and to wish him well in his retirement.

THIRD ANNIVERSARY OF TAIWANESE PRESIDENT LEE IN OFFICE

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to convey to Taiwanese President Lee Teng-hui, on the eve of his third anniversary in office, our best wishes and congratulations. Taiwan is very fortunate to have Dr. Lee as its President.

A man of vision, President Lee supports the reunion of Taiwan and mainland China according to the principles of democracy, freedom, and the equitable distribution of wealth. During his tenure in office, he has made every effort to resume the cross Strait dialogue and to maintain peace and security in the Taiwan Strait.

Accordingly, I invite my colleagues to join in extending congratulations and best wishes to President Lee and we look forward to his continuing accomplishments in the coming years.

INTRODUCTION OF THE TEACHER EMPOWERMENT ACT

HON. HOWARD P. “BUCK” McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. McKEON. Mr. Speaker, today I am joining with the distinguished Chairman of the Committee on Education and the Workforce, Mr. GOODLING, Mr. CASTLE, the Speaker of the House, the Majority Leader, Mr. WATTS, Mr. BLUNT, Ms. PRYCE, and other distinguished Members of the House to introduce the Teacher Empowerment Act. This legislation will make a significant and positive impact on how we prepare our Nation’s teaching force by providing States and local school districts with needed funding for the provision of high quality teacher training and for the hiring of new teachers, where necessary.

In the development of the Teacher Empowerment Act, we have made every effort to put together a bill that is in the best interests of children, parents, and teachers. We have also tried to include the best elements of teacher training proposals from the Governors, the Administration, and different Members of Congress, on a bipartisan basis. I hope that by the time this legislation is considered by the full House, we will have a bipartisan proposal that will vastly expand training opportunities for our Nation’s teachers and increase the achievement of all of our Nation’s students. I intend to work closely with Mr. Martinez, the Ranking Democrat Member on the Subcommittee on Postsecondary Education,
Training and Life-long Learning, and others, on a bipartisan basis, to bring this bill to the floor of the House as rapidly as possible.

We believe that parents and other taxpayers have the right to information about student achievement and the quality of the teachers in their schools. Our bill holds schools accountable for raising student academic achievement, and we ensure that parents know the quality of their children’s teachers.

We encourage intensive, long-term teacher training programs, focused on the subject matter taught by the teacher. We know that this works. If localities are unable to provide such professional development, teachers will be given the choice to select their own high quality teacher training programs. For the first time, we’re giving teachers a choice in how they upgrade their skills. Our Teacher Opportunity Payments will empower individual teachers, or groups of teachers, to choose the training methods that best meets their classroom needs.

The Teacher Empowerment Act maintains an important focus on math and science, as under current law, but the legislation expands teacher training beyond just the subjects of math and science. The legislation ensures that teachers will be provided with training of the highest quality in all of the core academic subjects.

By combining the funding of several current Federal education programs, the Teacher Empowerment Act provides over $2 billion annually over the next five years to give States, and more importantly local school districts, the flexibility they need to improve both teacher quality and student performance. This legislation also encourages innovation in how schools improve the quality of their teachers. Some localities may choose to pursue tenure reform or merit-based performance plans. Others may want to try differential and bonus pay for teachers qualified to teach subjects in high demand. Still others may want to explore alternative routes to certification.

The Teacher Empowerment Act continues to support local initiatives to reduce class size. In fact, schools would be required to use a portion of their funds for hiring teachers to reduce class size. However, unlike the President’s program, no set amount is required for the hiring of new teachers. Schools will be allowed to determine the right balance between quality teachers and reducing class size. Schools will also be allowed to hire special education teachers with these funds.

All of these are feasible in our legislation, because we don’t try to tell schools what the approach should be. We don’t want to impose any one system that every school must follow in order to upgrade the quality of its teachers. That won’t work, because one size does not fit all.

The Teacher Empowerment Act is good, balanced legislation. It provides the flexibility that States and local school districts need to improve the quality of their teaching force with two goals in mind: increases in student achievement; and increases in the knowledge of teachers in the subjects they teach. I encourage all of my colleagues in the House to support this important legislation as we work to improve our nation’s schools.

SAN FRANCISCO STATE UNIVERSITY’S CENTENNIAL YEAR

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. PELOSI. Mr. Speaker, I rise today to congratulate San Francisco State University and to celebrate the 100th anniversary of its founding. It has grown from a teacher training school in 1899 with a student body of 31, to its status today as a racially and ethnically diverse, major urban university serving more than 27,000 students. While San Francisco State University was founded on March 22, this year graduation will be held on May 29. As SFSU graduates its 100th class, I’d like to recognize their contributions during the last century.

Throughout its first century, this University has led the way in providing accessible higher education for California’s residents, promoting excellence in teaching and learning, embracing diversity, and creating community partnerships that enrich the cultural and economic life of the Bay Area, while strengthening the educational experience of our students.

San Francisco State University should be commended for its many achievements including, making global headlines for discovering new planets outside our solar system; establishing the nation’s first College of Ethnic Studies; creating the only academic research facility on the San Francisco Bay; building one of the nation’s top two Conservation Genetics Laboratories; creating the largest multimedia studies program in the country; and housing nationally recognized biology, creative writing and journalism programs.

SFSU should be proud of the linkages that its programs and quality faculty have built for sustained community involvement and partnership throughout its history. SFSU serves as a national model of a community-engaged urban campus, housing more than 100 centers, institutes and other special programs and projects addressing such varied issues as the health of the San Francisco Bay; K–12 student math skills; and small business success and science skills for inner city youth throughout the state. The University has also sustained collaborative partnerships throughout San Francisco and the Bay Area, including the Valencia Health Clinic, Step to College, Community Science Workshops for California, the Vistacion Valley Community Service Center, the Muir Alternative Teacher Education program, and the Community Outreach Partnership Center.

San Francisco State is truly a model institution, making significant contributions in the Bay Area and beyond. They deserve to be congratulated for all their successes during the last 100 years and we wish them the best for the next century.
Thursday, May 27, 1999

Daily Digest

HIGHLIGHTS

Chamber Action
Routine Proceedings, pages S6159-S6453

Measures Introduced: Forty-four bills and five resolutions were introduced, as follows: S. 1142-1185, S. Res. 109-112, and S. Con. Res. 36.

Measures Reported: Reports were made as follows:
- S. 1143, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. (S. Rept. No. 106-55)
- Special Report entitled “Revised Allocation to Subcommittees of Budget Totals.” (S. Rept. No. 106-56)

Measures Passed:

Miscellaneous Trade and Technical Corrections Act: Senate passed H.R. 435, to make miscellaneous and technical changes to various trade laws, after agreeing to an amendment proposed thereto, as follows:
- Snowe (for Roth) Amendment No. 481, in the nature of a substitute.

Department of Defense Authorization: By 92 yeas to 3 nays (Vote No. 154), Senate passed S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto:

Adopted:
- Warner Amendment No. 411, to authorize the Secretary of Defense to incorporate in to the Pentagon Renovation Program the construction of certain security enhancements.
- Warner/Levin Amendment No. 412, to authorize the appropriation for the increased pay and pay reform for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act.
- Warner (for Allard/Cleland), Amendment No. 413, to authorize dental benefits for retirees that are comparable to those provided for dependents of members of the uniformed services.
- Warner (for Mack/Graham) Amendment No. 414, to provide $6,000,000 (in PE 604604F) for the Air Force for the 3-D advanced track acquisition and imaging system, and to provide an offset.
- Warner Amendment No. 415, to amend a per purchase dollar limitation on funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to each item of equipment procured.
- Levin (for Torricelli) Amendment No. 416, to require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress.
- Warner (for Crapo) Amendment No. 417, to provide a substitute for section 654 a repeal of the reduction in military retired pay for civilian employees of the Federal Government.
- Warner (for Snowe) Amendment No. 418, to establish as a policy of the United States that the United States will seek to establish a multinational economic embargo against any foreign country with
which the United States is engaged in armed conflict.

Warner (for Hatch) Amendment No. 419, to require a report on the Air Force distributed mission training.

Levin (for Reed/Chafee) Amendment No. 420, to add test and evaluation laboratories to the pilot program for revitalizing Department of Defense laboratories; and to add an authority for directors of laboratories under the pilot program.

Warner (for Gramm) Amendment No. 421, to authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota.

Levin (for Gramm/Mack) Amendment No. 422, to require a land conveyance, Naval Training Center, Orlando, Florida.

Warner (for Sessions) Amendment No. 423, to modify the conditions for issuing obsolete or condemned rifles of the Army and blank ammunition without charge.

Warner (for Snowe) Amendment No. 424, to authorize use of Navy procurement funds for advance procurement for the Arleigh Burke class destroyer program.

Warner (for Shelby/Sessions) Amendment No. 425, to set aside funds for the procurement of the multiple launch rocket system (MLRS) rocket inventory and reuse model.

Warner (for Gramm) Amendment No. 426, to expand the entities eligible to participate in alternative authority for acquisition and improvement of military housing.

Levin (for Cleland) Amendment No. 427, to authorize medical and dental care for certain members of the Armed Forces incurring injuries on inactive-duty training.

Warner (for Thompson) Amendment No. 428, to refine and extend Federal acquisition streamlining.

Levin (for Lieberman/Santorum) Amendment No. 429, to authorize an additional $21,700,000 for research, development, test, and evaluation, Defense-wide, relating to a hot gas decontamination facility and to reduce by $21,700,000 the amount authorized for chemical demilitarization activities to take into account inflation savings in the account for such activities.

Warner (for Cochran) Amendment No. 432, to provide $3,500,000 (in PE 62633N) for Navy research in computational engineering design, and to provide an offset.

Warner (for Allard) Amendment No. 433, to extend certain temporary authorities to provide benefits for Department of Defense employees in connection with defense workforce reductions and restructuring.

Levin (for Landrieu) Amendment No. 434, to require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces.

Warner/Levin Amendment No. 435, to authorize the use of amounts for award fees for Department of Energy closure projects for purposes of funding additional cleanup projects at closure project sites.

Warner (for Abraham/Thurmond) Amendment No. 436, to authorize the awarding of the Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.

Warner (for Thomas/Enzi) Amendment No. 437, to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

Warner/Levin Amendment No. 438, to authorize emergency supplemental appropriations for fiscal year 1999.

Warner Amendment No. 439, to clarify the scope of the requirements of section 1049, relating to the prevention of interference with Department of Defense use of the frequency spectrum.

Warner (for Bond/Kerry) Amendment No. 440, to ensure continued participation by small businesses in providing services of a commercial nature.

Warner (for Roberts) Amendment No. 441, to authorize the Secretary of Defense to provide assistance to civil authorities in responding to terrorism.

Allard/Harkin Amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should
be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

By a unanimous vote of 98 yeas (Vote No. 152), Kennedy Amendment No. 442, to express the sense of the Congress regarding the continuation of sanctions against Libya. Pages S6178–80, S6184–85, S6189

Lott Modified Amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities. Pages S6160, S6190

Feingold Modified Amendment No. 444, to ensure compliance with contract specifications prior to multiyear contracting and entry into full-rate production under the F/A-18E/F aircraft program. Pages S6185–89, S6190

Warner (for Hutchison) Amendment No. 477, to require the President to submit to Congress a proposal to prioritize and begin disengaging from non-critical overseas missions involving United States combat forces. Pages S6209–10, S6213–14

Warner (for Specter) Modified Amendment No. 458, to prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal. Pages S6205, S6229

Warner Amendment No. 482, to add an exception to a requirement to reimburse a mentor firm under the Mentor-Protege Program. Pages S6231–50

Levin (for Schumer) Amendment No. 483, to provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York. Pages S6231–50

Warner (for Bennett) Amendment No. 484, to provide for the repair and conveyance of the Red Butte Dam and Reservoir, Salt Lake City, Utah, to the Central Utah Water Conservancy District. Pages S6231–50

Levin (for Biden) Amendment No. 485, to provide $3,000,000 (in PE 62234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding), and to provide an offset. Pages S6231–50

Warner (for Roberts) Amendment No. 486, to add $3,000,000 (in PE 65326A) for the Army Digital Information Technology Testbed. Pages S6231–50

Levin (for Kennedy) Amendment No. 487, to provide for contract goal for small disadvantaged businesses and certain institutions of higher education. Pages S6231–50

Warner (for McCain) Amendment No. 488, to authorize payment of special compensation to certain severely disabled uniformed services retirees. Pages S6231–50

Levin (for Harkin) Amendment No. 489, to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations. Pages S6231–50

Warner (for Lott) Amendment No. 490, to clarify the relationship between the pilot program for commercial services and existing law on the transportation of supplies by sea. Pages S6231–50

Levin (for Bingaman) Amendment No. 491, to require a report on the use of the facilities and electronic infrastructure of the National Guard for support of the provision of veterans services. Pages S6231–50

Warner (for Sessions) Amendment No. 492, to express the sense of congress regarding ballistic missile defense technology funding. Pages S6231–50

Levin (for Conrad) Amendment No. 493, to require a report regarding National Missile Defense. Pages S6231–50

Warner (for Allard) Amendment No. 494, to require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado. Pages S6231–50

Levin (for Cleland) Amendment No. 495, to provide for Montgomery GI bill benefits and other education benefits. Pages S6231–50

Warner (for Thurmond) Amendment No. 496, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older. Pages S6231–50

Levin (for Dorgan) Amendment No. 497, to authorize the award of the Navy Combat Action ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between December 7, 1941, and March 1, 1961. Pages S6231–50

Warner (for McCain) Amendment No. 498, to authorize Coast Guard participation in DOD education programs. Pages S6231–50

Levin (for Landrieu) Amendment No. 499, to designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information. Pages S6231–50
Warner (for Snowe) Amendment No. 500, to authorize a demonstration program on open enrollment in managed care plans of the former uniformed services treatment facilities.

Levin (for Dorgan) Amendment No. 501, to require a report on the D-5 missile program.

Warner (for Lott) Amendment No. 502, to provide $10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Operational Meteorology and Oceanography and UNOLS, and to provide an offset.

Warner (for Hutchison) Amendment No. 503, to require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education schools and programs of the Armed Forces.

Levin (for Lieberman) Amendment No. 504, to enhance the technology of health care quality surveillance and accountability.

Warner (for Gramm) Amendment No. 505, to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in federal, State, and local elections.

Levin (for Feinstein) Amendment No. 506, to express the sense of Congress regarding United States-Russian cooperation in commercial space launch services.

Warner (for Nickles) Amendment No. 507, to make available certain funds to the American Red Cross to fund the Armed Forces Emergency Services.

Levin (for Feinse) Amendment No. 508, to require the Department of Defense and the Department of Veterans Affairs to carry out joint telemedicine and telepharmacy demonstration projects.

Warner (for Frist) Amendment No. 509, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program.

Warner (for DeWine) Amendment No. 510, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks.

Warner (for Cochrane) Amendment No. 511, to authorize the transfer of a naval vessel to Thailand.

Levin (for Robb) Amendment No. 512, to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

Warner (for Sessions) Amendment No. 513, to increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers.

Levin (for Edwards) Amendment No. 514, to express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones.

Warner (for Stevens) Amendment No. 515, to increase the funding for the Formerly Used Defense Sites account.

Warner (for McCain) Amendment No. 516, to strike the portions of the military lands withdrawals relating to lands located in Arizona.

Warner (for Santorum) Amendment No. 517, to increase by $2,000,000 the amount authorized for the Navy for procurement of MJU-52/B air expendable countermeasures and to offset the increase by a decrease by $2,000,000 of the amount authorized for the Army for UH-1 helicopter modifications.

Levin (for Sarbanes) Amendment No. 518, to authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilities transfer of towers.

Warner (for Smith, of N.H) Amendment No. 519, to impose certain requirements relating to the recovery and identification of remains of World War II servicemen in the Pacific theater of operations.

Warner (for Levin) Amendment No. 520, to make certain technical and clarifying amendments.

Warner (for Smith, of N.H) Amendment No. 521, to require a report on military-to-military contacts between the United States and the People’s Republic of China.
Warner (for Sessions) Amendment No. 522, to authorize the Secretary of Defense to transfer to the Attorney General quantities of lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness, Fort McClellan, Alabama. Pages S6231–50

Warner (for Voinovich) Amendment No. 523, to direct the Secretary of Defense to undertake a study and is authorized to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River. Pages S6231–50

Levin (for Conrad) Amendment No. 524, to require a study and report regarding the options for Air Force cruise missiles. Pages S6231–50

Levin (for Conrad) Amendment No. 525, to encourage reductions in Russian nonstrategic nuclear arms. Pages S6231–50

Warner (for Helms) Amendment No. 526, to make certain technical corrections. Pages S6231–50

Warner (for Domenici) Amendment No. 527, to authorize $4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and $8,000,000 for runway improvements at Cannon Air Force Base, and to offset such authorizations by striking a military family housing project at Holloman Air Force Base, New Mexico, and by reducing the amount authorized for the United States share of projects of the NATO Security Investment program. Pages S6231–50

Levin (for Bingaman) Amendment No. 528, to amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review. Pages S6231–50

Warner (for Smith, of NH) Amendment No. 529, to authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire. Pages S6231–50

Levin (for Bryan/Reid) Amendment No. 530, to authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF983014). Pages S6231–50

Warner Amendment No. 531, to provide for the Army Reserve relocation from Fort Douglas, Utah. Pages S6231–50

Warner (for DeWine) Amendment No. 532, to authorize, with an offset, an additional $59,200,00 for drug interdiction and counterdrug activities of the Department of Defense. Pages S6231–50

Warner (for Thurmond) Amendment No. 533, expressing the sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off the coast of Namibia on September 13, 1997. Pages S6231–50

Warner (for Gramm) Amendment No. 534, to commemorate the victory of freedom in the Cold War. Pages S6231–50

Levin (for Harkin) Amendment No. 535, to require the implementation of the Department of Defense special supplemental nutrition program. Pages S6231–50

Warner (for Domenici) Amendment No. 536, to provide $4,000,000 for testing of airblast and improvised explosives (in PE 63122D), and to offset that amount by reducing the amount provided for sensor and guidance technology (in PE 63762E). Pages S6231–50

Rejected:
Feingold Amendment No. 443, to limit the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A–18E/F aircraft program. (By 87 yeas to 11 nays (Vote No. 153), Senate tabled the amendment.) Pages S6180–84, S6189–90

Withdrawn:
Cochran Amendment No. 445, to authorize the Secretary of the Navy to provide for the transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. Pages S6190–93

Kyl Amendment No. 446, to provide for the organization of Department of Energy counterintelligence, intelligence, and nuclear security programs and activities. Pages S6193–98, S6214–31

Graham Amendment No. 447, to establish a commission on the counterintelligence capabilities of the United States. Pages S6198–S6202, S6230, S6250

Levin (for Kerrey) Amendment No. 376, to strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems. Pages S6203, S6250

Levin (for Sarbanes) Amendment No. 386, to provide for a one-year delay in the demolition of certain naval radio transmitting facility (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers. Pages S6203, S6250

Levin (for Sarbanes) Amendment No. 387, to modify land conveyance authority relating to the
former Naval Training Center, Bainbridge, Cecil County, Maryland.  

Levin (for Harkin/Boxer) Amendment No. 398, to require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy.  

Levin (for Harkin/Feingold) Amendment No. 399, to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance of replacement of military medals and decorations.  

Levin (for Boxer) Amendment No. 403, to authorize transfers to allow for the establishment of additional national veterans cemeteries.  

Levin (for Reid) Amendment No. 448, to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter.  

Levin (for Bryan) Amendment No. 449, to authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKF983014).  

Levin (for Harkin/Boxer) Amendment No. 450, to require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC-35A) aircraft for the Navy.  

Levin (for Leahy) Amendment No. 451, to prohibit the authorization of certain funds to be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.  

Levin (for Conrad) Amendment No. 452, to require the Secretary of Defense to submit a report to Congress regarding the advantages of a two-site deployment of a ground-based National Missile Defense.  

Levin (for Conrad) Amendment No. 453, to encourage reductions in Russian nonstrategic nuclear arms.  

Levin (for Conrad) Amendment No. 454, to require the Secretary of the Air Force to conduct a study and report regarding the options for Air Force cruise missiles.  

Levin (for Lautenberg) Amendment No. 455, to require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey.  

Levin (for Lautenberg) Amendment No. 456, to authorize a land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.  

Levin (for Sarbanes) Amendment No. 457, to authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers.  

Levin (for Bingaman) Amendment No. 459, to amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a placeholder to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review.  

Warner Amendment No. 460, to provide for the Army reserve relocation from Fort Douglas, Utah.  

Levin (for Robb) Amendment No. 461, to authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.  

Levin (for Lincoln) Amendment No. 462, to amend the tables in section 2301 to include $7.8 million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas.  

Warner (for Smith, of N.H.) Amendment No. 463, to authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire.  

Warner (for Helms) Amendment No. 464, to provide for the disposition of weapons-grade material.  

Warner (for Sessions) Amendment No. 465, to increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude
those officers from a limitation on number of general and flag officers. Pages S6207, S6211-13, S6250

Warner (for DeWine) Amendment No. 466, to authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdru drug activities of the Department of Defense. Pages S6207, S6250

Warner (for Voinovich) Amendment No. 467, to direct the Secretary of Defense to undertake a study and to remove ordnance infiltrating the federal naviga tion channel and adjacent shorelines of the Toussaint River. Pages S6207, S6250

Warner (for McCain) Amendment No. 468, to strike the portions of the military lands withdrawals relating to lands located in Arizona. Pages S6207-08, S6250

Warner (for Helms) Amendment No. 469, to make certain improvements to the bill. Pages S6208, S6250

Warner (for Bond/Kerry) Amendment No. 470, to ensure continued participation by small businesses in providing services of a commercial nature. Pages S6208, S6250

Warner (for McCain) Amendment No. 471, to set aside $600,000 for providing procurement technical assistance for Indian reservations out of the funds authorized to be appropriated for the Procurement Technical Assistance program. Pages S6208, S6250

Warner (for Hatch) Amendment No. 472, to require a report on the Air Force distributed mission training. Pages S6208, S6250

Levin (for Edwards) Amendment No. 473, to express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones. Pages S6208, S6250

Warner (for Gramm) Amendment No. 474, to commemorate the victory of freedom in the Cold War. Pages S6209, S6250

Warner (for Smith, of N.H.) Amendment No. 475, to require a report on military-to-military contacts between the United States and the People's Republic of China and the United States. Pages S6209, S6250

Warner (for Thomas) Amendment No. 476, to improve implementation of the Federal Activities Inventory Reform Act. Pages S6209, S6250

Warner (for Smith, of OR) Amendment No. 478, relating to chemical demilitarization activities. Pages S6210, S6250

Warner (for Thurmond) Amendment No. 479, expressing the Sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off the coast of Namibia on September 13, 1997. Pages S6210, S6250

Warner (for Domenici) Amendment No. 480, to authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire. Pages S6210, S6250

National Defense Authorizations: Senate passed S. 1060, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1059, National Defense Authorizations, as amended. Page S6274

Military Construction Authorizations: Senate passed S. 1061, to authorize appropriations for fiscal year 2000 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1059, National Defense Authorizations, as amended. Page S6274


A unanimous-consent agreement was reached with respect to further consideration of S. 1059, S. 1060, S. 1061, and S. 1062 (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of these bills, that the Senate be deemed to have disagreed to the amendment or amendments to the Senate-passed bill, that the Senate agree to or request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate. Page S6274

Tiananmen Square Massacre Anniversary: Committee on Foreign Relations was discharged from further consideration of S. Res. 103, concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China, and the resolution was then agreed to, after agreeing to the following amendment proposed thereeto:

Hutchinson Amendment No. 537, to improve the resolution. Pages S6445-47
Technical Correction: Committee on Foreign Relations was discharged from further consideration of H.R. 1379, to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to an emergency supplemental appropriation for international narcotics control and law enforcement assistance, and the bill was then passed, clearing the measure for the President.

National Race for the Cure Day: Senate agreed to S. Res. 110, designating June 5, 1999, as “National Race for the Cure Day”.

National Child’s Day: Senate agreed to S. Res. 111, designating June 6, 1999, as “National Child’s Day”.

Safe Night USA: Senate agreed to S. Res. 112, to designate June 5, 1999, as “Safe Night USA”.

Federal Prisoner Health Care Copayment Act: Senate passed S. 704, to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Hutchinson (for Leahy) Amendment No. 538, to clarify certain provisions.

Department of Defense Appropriations—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 1122, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, on Monday, June 7, 1999.

Authority for Committees: All committees were authorized to file legislative reports during the adjournment of the Senate on Wednesday, June 2, 1999, from 11 a.m. until 1 p.m.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report of the notice of the continuation of the emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro); referred to the Committee on Banking, Housing, and Urban Affairs. (PM - 35).

Transmitting a report relative to the Internal Revenue Service Oversight Board; referred to the Committee on Finance. (PM - 36).

Nominations Received: Senate received the following nominations:

Charles R. Wilson, of Florida, to be United States Circuit Judge for the Eleventh Circuit.
Patricia A. Coan, of Colorado, to be United States District Judge for the District of Colorado.
Dolly M. Gee, of California, to be United States District Judge for the Central District of California.
William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.
Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.
Fredric D. Woocher, of California, to be United States District Judge for the Central District of California.
Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.
Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years.
Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.
James W. Wetzler, of New York, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.
Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.
J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development.
Donald Keith Bandler, of Pennsylvania, to be Ambassador to the Republic of Cyprus.
Johnnie Carson, of Illinois, to be Ambassador to the Republic of Kenya.
Thomas J. Miller, of Virginia, to be Ambassador to Bosnia and Herzegovina.
Bismarck Myrick, of Virginia, to be Ambassador to the Republic of Liberia.
M. Osman Siddique, of Virginia, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.
Committee Meetings

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on S. 935, to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, after receiving testimony from Dan Glickman, Secretary of Agriculture; Dan W. Reicher, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; Dean Kleckner, Rudd, Iowa, on behalf of the American Farm Bureau Federation; Bruce E. Dale, Michigan State University Department of Chemical Engineering, East Lansing; Mike Shuter, Frankton, Indiana, on behalf of the American Soybean Association and the National Corn Growers Association; John Sellers, Corydon, Iowa, on behalf of the Charlton Valley RC and D Council; Lee R. Lynd, Dartmouth College Thayer School of Engineering, Hanover, New Hampshire; Jeff Fiedler, Natural Resources Defense Council, Washington, D.C.; Steve Clemmer, Union of Concerned Scientists, Cambridge, Massachusetts; Karl J. Sanford, Genencor International, Inc., Palo Alto, California; and Robert R. Dorsch, DuPont Company, Wilmington, Delaware.

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:
- An original bill making appropriations for fiscal year 2000 for Energy and Water Development programs; and
- An original bill (S. 1143) making appropriations for fiscal year 2000 for the Department of Transportation and related agencies.

MILLENIUM DIGITAL COMMERCE ACT

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, after receiving testimony from Ray A. Campbell, III, Commonwealth of Massachusetts Information Technology Division, Boston; Harris N. Miller, World Information Technology and Services Alliance, Arlington, Virginia, on behalf of the Information Technology Association of America; W. Hardy Callcott, Charles Schwab and Company, Inc., San Francisco, California; and Ira H. Parker, GTE Internetworking, Burlington, Massachusetts.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of David L. Goldwyn, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs), and James B. Lewis, of New Mexico, to be Director of the Office of Minority Economic Impact, Department of Energy, after the nominees testified in their own behalf. Mr. Lewis was introduced by Senator Bingaman.

WATER AND POWER RESOURCE ACTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on the following bills:
- S. 1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, after receiving testimony from Charles Calica, Confederated Tribes of the Warm Springs Reservation, Oregon, on behalf of the Deschutes Basin Resource Conservancy;
- S. 769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the
Dickinson Dam, after receiving testimony from Fred Gengler, Dickinson City Commission, Dickinson, North Dakota;

S. 244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, after receiving testimony from Senators Daschle, Grams, and Grassley; Representative Thune; and Mayor Gary Hanson, and Pamela A. Bonrud, Lewis and Clark Rural Water System, both of Sioux Falls, South Dakota;

S. 623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, after receiving testimony from Senator Conrad; Representative Pomeroy; North Dakota Governor Edward T. Schafer, North Dakota State Representative John Dorso, North Dakota State Senator Aaron Krauter, Mike Dwyer, North Dakota Water Users Association, and William B. Bicknell, North Dakota Chapter of the Wildlife Society, all of Bismarck; Tex G. Hall, Three Affiliated Tribes, Fort Berthold Reservation, North Dakota; Mayor Bruce W. Furness, Fargo, North Dakota; Norman Haak, Garrison Diversion Conservancy District, Carrington, North Dakota; and Daniel P. Beard, National Audubon Society, Washington, D.C.; and

H.R. 459, to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

Testimony was also received on S. 1027, S. 769, S. 244, and S. 623 (listed above) from Patricia J. Beneke, Assistant Secretary for Water and Science, and Steve Richardson, Chief of Staff, Bureau of Reclamation, both of the Department of the Interior.

ENDANGEROSED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water concluded hearings on S. 1100, to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species, after receiving testimony from Senator Domenici; Jamie Rappaport Clark, Director, Fish and Wildlife Service, Department of the Interior; William R. Murray, American Forest and Paper Association, and John F. Kostyack, National Wildlife Federation, both of Washington, D.C.; and Charles T. DuMars, University of New Mexico School of Law, Albuquerque, on behalf of the Middle Rio Grande Conservancy District.

MEDICARE REFORM

Committee on Finance: Committee concluded hearings on Medicare reform issues, focusing on the work of the National Bipartisan Commission on the Future of Medicare, after receiving testimony from Gail R. Wilensky, Project HOPE, Bethesda, Maryland, former Administrator, Health Care Financing Administration, Department of Health and Human Services; Marilyn Moon, Urban Institute, Stuart M. Butler, Heritage Foundation, Raymond C. Scheppach, National Governors' Association, and Martha H. Phillips, Concord Coalition, all of Washington, D.C.; and Esther Canja, Port Charlotte, Florida, on behalf of the American Association of Retired Persons.

CHINESE EMBASSY BOMBING

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine the Chinese Embassy bombing and its effects on United States-China relations, after receiving testimony from Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; and Frank Kramer, Assistant Secretary of Defense for International Security Affairs.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, and Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank, after they testified and answered questions in their own behalf. Mr. Sandalow was introduced by Senator Levin, and Mr. Harrington was introduced by Senator Frist.

BUSINESS MEETING

Committee on the Judiciary: On Wednesday, May 26, Subcommittee on Constitution, Federalism, and Property Rights approved for full committee consideration S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, with an amendment.
NATIONAL ENDOWMENT FOR THE ARTS/HUMANITIES

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on proposed legislation authorizing funds for the National Endowment for the Arts and the National Endowment for the Humanities, after receiving testimony from Bill Ivey, Chairman, National Endowment for the Arts; William R. Ferris, Chairman, Endowment for the Humanities; Alexander L. Aldrich, Vermont Arts Council, and Barbara Floersch, Washington County Youth Service Bureau, both of Montpelier, Vermont; Jacques d’Amboise, National Dance Institute, New York, New York; and Charlene B. Bickford, George Washington University First Federal Congress Project, Washington, D.C.

OLDER AMERICANS ACT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging concluded hearings on proposed legislation authorizing funds for the Older Americans Act, focusing on Title V, the Senior Community Service Employment Program, after receiving testimony from Raymond J. Uhalde, Deputy Assistant Secretary of Labor for Employment and Training; Andrea J. Wooten, Arlington, Virginia, and Sarah K. Sawyer, Toledo, Ohio, both on behalf of the Green Thumb, Inc.; Donald L. Davis, National Council on the Aging, Inc., Washington, D.C.; Herb A. Sanderson, Arkansas Department of Human Services’ Division of Aging and Adult Services, Little Rock; and Gema G. Hernandez, Florida Department of Elder Affairs, Tallahassee.
House of Representatives

Chamber Action


Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. John Putka, S.M., Ph.D. of Dayton, Ohio.

Journal Vote: Agreed to the Speaker's approval of the Journal of Wednesday, May 26, by a yea and nay vote of 309 yeas to 76 nays, Roll No. 166. Pages H3697-98

Defense Authorization Act—Rule Withdrawn: H. Res. 195, providing for consideration of H.R. 1401, to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001 was called up and subsequently withdrawn. Pages H3698-H3707

Recess: The House recessed at 11:38 a.m. and reconvened at 12:23 p.m. Page H3707

Late Report: Committee on Transportation and Infrastructure received permission to have until 6:00 p.m. on Friday, May 28 to file a report on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration. Page H3707

Committee Resignation: Read a letter from Representative Hastings of Florida wherein he requested a leave of absence from the Committee on Science. Without objection, the resignation was accepted. Page H3707

Presidential Message—National Emergency Re Yugoslavia: Read a message from the President wherein he transmitted his notice concerning the emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Kosovo—referred to the Committee on International Relations and ordered printed (H. Doc. 106-75). Pages H3707-08

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 7.

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 9, 1999. Page H3708

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Monday, June 7, 1999, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. Page H3708

Senate Messages: Message received from the Senate appears on page H3698.

Quorum Calls—Votes: One yea and nay vote developed during the proceedings of the House today and appears on pages H3697-98. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and pursuant to the provisions of S. Con. Res. 35, adjourned at 12:27 p.m. until Monday, June 7.

Committee Meetings

TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Transportation approved for full Committee action the Transportation appropriations for fiscal year 2000.

FINANCIAL SERVICES ACT

MEDICAL RECORDS CONFIDENTIALITY
Committee on Commerce Subcommittee on Health and Environment held a hearing on Medical Records Confidentiality in the Modern Delivery of Health Care. Testimony was heard from the following officials of the Department of Health and Human Services: Peggy Hamburg, Assistant Secretary, Planning and Evaluation; John M. Eisenberg, M.D., Administrator, Agency for Health Care Policy and Research; and Lana R. Skirboll, Associate Director, Science
Policy, NIH; Mark O'Keefe, Commissioner of Insurance, Department of Insurance, State of Montana; and public witnesses.

NATIONAL ASSESSMENT OF EDUCATION PROGRAMS—READING RESULTS
Committee on Education and the Workforce Subcommittee on Oversight and Investigations held a hearing to Review and Oversight of the 1998 Reading Results of the National Assessment of Education Programs (NAEP)—The Nation's Report Card. Testimony was heard from the following officials of the Department of Education: Pascal D. Forgione, Jr., Commissioner, National Center for Education Statistics; and Mark D. Musick, Chairman, National Assessment Governing Board.

FDA’S MONITORING OF SUPPLEMENTS
Committee on Government Reform: Held a hearing on “How Accurate is the FDA’s Monitoring of Supplements Like Ephedra?” Testimony was heard from Joseph A. Levitt, M.D., Director, Center for Food Safety and Applied Nutrition, FDA, Department of Health and Humans Services; and public witnesses.

SUDAN—CRISIS AGAINST HUMANITY
Committee on International Relations: Subcommittee on International Operations and Human Rights and the Subcommittee on Africa held a joint hearing on the Crisis Against Humanity in Sudan. Testimony was heard from public witnesses.

ADMINISTRATIVE LAW JUDGES—COST OF LIVING ADJUSTMENT
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 915, to authorize a cost of living adjustment in the pay of administrative law judges.
Prior to this action, the Subcommittee held a hearing on H.R. 915. Testimony was heard from Henry Romero, Associate Director, Workforce Compensation and Performance Service, OPM; and public witnesses.

CHILD CUSTODY PROTECTION ACT
Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 1218, Child Custody Protection Act. Testimony was heard from public witnesses.

OVERSIGHT—ELECTRONIC COMMUNICATION PRIVACY POLICY DISCLOSURE
Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held an oversight hearing on Electronic Communication Privacy Policy Disclosure. Testimony was heard from John Bentivoglio, Chief Privacy Officer, Department of Justice; and public witnesses.

CURRENT GUN LAWS ENFORCEMENT; PENDING FIREARMS PROPOSALS
Committee on the Judiciary: Subcommittee on Crime held a hearing on pending Firearms legislation and the Administration’s Enforcement of Current Gun Laws. Testimony was heard from Eric H. Holder, Jr., Deputy Attorney General, Department of Justice; James E. Johnson, Under Secretary, Enforcement, Department of the Treasury; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: H.R. 535, to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; H.R. 1243, amended, National Marine Sanctuaries Enhancement Act of 1999; and H.R. 1431, amended, Coastal Barrier Resources Reauthorization Act of 1999.

MISCELLANEOUS MEASURE
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans and the Subcommittee on Water and Power held a joint hearing on H. Con. Res. 63, expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes. Testimony was heard from Representatives Hastings of Washington and Nethercutt; Steve Wright, Senior Vice President, Bonneville Power Administration, Department of Energy; Brig. Gen. Robert H. Griffin, USA, Corps of Engineers, Department of the Army; and public witnesses.

SMALL BUSINESS RESEARCH PROGRAM
Committee on Small Business: Subcommittee on Government Programs and Oversight held an oversight and reauthorization hearing on the Small Business Innovation Research (SBIR) Program. Testimony was heard from Daniel Hill, Assistant Administrator, SBA; and public witnesses.
MISCELLANEOUS MEASURES
Committee on Transportation and Infrastructure Ordered reported the following measures: H. Con. Res. 91, authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association; H. Con. Res. 105, authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds; and H.R. 1000, amended, Aviation Investment and Reform Act for the 21st Century.

The Committee also approved the following: resolutions authorizing the GSA’s Fiscal year 2000 Capital Investment Program; and 2 construction resolutions.

WELFARE REFORM EFFECTS
Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the Effects of Welfare Reform. Testimony was heard from Howard Rolston, Director, Office of Planning, Research and Evaluation, Administration for Children and Families, Department of Health and Human Services; Cynthia M. Fagnoni, Director, Education, Workforce, and Income Security Issues, Health, Education, and Human Services Division, GAO; J. Jean Rogers, Administrator, Department of Workforce Development, State of Wisconsin; Richard Larson, Director, Office of Policy, Research, and Systems, Department of Human Resources, State of Maryland; and public witness.

UNILATERAL TRADE SANCTIONS—USE AND EFFECT
Committee on Ways and Means Subcommittee on Trade held a hearing on the use and effect of unilateral trade sanctions. Testimony was held from Representatives Dooley of California, Nethercutt and Blumenauer; Stuart E. Eizenstat, Under Secretary, Economic, Business and Agricultural Affairs, Department of State; Robert Rogowsky, Director of Operations, U.S. International Trade Commission; Richard D. Farmer, Principal Analyst, Natural Resources and Commerce Division; CBO; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, MAY 28, 1999
Senate
No meetings/hearings scheduled.

House
No meetings/hearings scheduled.
Next Meeting of the SENATE
12 Noon, Monday, June 7

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will begin consideration of S. 1122, Department of Defense Appropriations, 2000.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, June 7

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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