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Senate

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

CLOTURE MOTION

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the pending marriage tax penalty legislation. However, a resolution to the issue has not been worked out yet. It looks as if we are not going to be able to get it before the recess.

I call for the regular order with respect to H.R. 6 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 437, H.R. 6, the Marriage Tax Penalty Relief Act of 2000:

Trent Lott, Kay Bailey Hutchison, Tim Hutchinson, Chuck Hagel, Larry E. Craig, Phil Gramm, Jesse Helms, Strom Thurmond, Rod Grams, Sam Brownback, Pat Roberts, Judd Gregg, Wayne Allard, Richard Shelby, Gordon Smith of Oregon, and Bill Frist.

Mr. LOTT. Mr. President, I ask unanimous consent that this cloture vote occur immediately following the vote scheduled at 12:15 on Tuesday, April 25, and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, the vote will occur at approximately 2:25 p.m., or after the 2:15 vote.

On Tuesday, it is my hope that Members will allow me to vitiate the cloture vote and enter into a reasonable agreement that would allow swifter passage of the bill. Of course, I would like to continue to see if we can get agreement on alternatives or relevant amendments.

On yesterday, part of our problem in getting an agreement worked out was we didn't get the chance to even look at the amendments before the end of the day. But I am still hopeful we are going to be able to come up with something that would allow us to get an agreement and vitiate this cloture vote.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate 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.

THE GAS TAX

Mr. REID. Mr. President, before the majority leader leaves, I say respectfully that we appreciate his efforts to try to move legislation along. But I just want to make sure the record is clear. We were generous in offering the majority the opportunity to review our amendments. There is no requirement, of course, that we do so.

I also say to the leader that I think if we had started the marriage penalty legislation Monday or Tuesday of this week, we would be finished with it by now.

There may have been a lot of amendments offered, but the way we used to do things around here, we had lots and lots of amendments. In fact, there were a number of occasions when we had well over 100 amendments without any restriction of who offered them or what the subject matter was. And we completed the legislation.

I believe and predict if we go right to work on the marriage penalty legislation on the Tuesday when we return, we will complete it within 2 or 3 days, at the very most; maybe even in 2 days.

I think the majority leader should allow us—I say this not in a pejorative way; we don't need to be allowed in the true sense of the word—to have the Senate work its will the way we have done it for a couple hundred years. I think he would be surprised at how much legislation we could move.

Mr. LOTT. Mr. President, it is my hope that over the next week or early the next week, I will be able to propose a list of amendments. I suggest that would be kind of in the realm of what we can agree to.

We have been looking at these various amendments. Some of them are clearly not going to be acceptable, and they probably could be easily tabled. Even though they are not relevant, some of them are meritorious. Our concern is, they have not been considered by the appropriate committee, whether it is Finance, or Agriculture. We are hesitant to have a vote on these and try to get Members to vote against them when, in fact, they may eventually want to be for them in a different forum.

I have an idea of how we might be able to work something out on this. I will have a suggestion on that before we come back a week from Tuesday.

Mr. REID. Mr. President, I say to my friend I very much appreciate that. But I remind the Senator that the underlying bill skipped the committee process and came directly to the floor. I believe we should do as much as we can in the committee process. But the bill before us didn't get a vote in committee.

Mr. LOTT. The marriage tax penalty bill was considered by the Finance Committee, and we had amendments, including an alternative that was offered and seriously considered. The Moynihan alternative amendment has a lot of credibility to it.

Mr. REID. I apologize to the Senator. Maybe he didn't understand me. I didn't speak properly. What I should have said is, the legislation we spent a lot of time on this week—namely, the gas tax proposal—avoided the committee process.

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

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Mr. LOTT. You are right on that one, and it didn't pass either.

I yield the floor.

WORST TERRORIST ACT

Mr. HELMS. Mr. President, in December 1988, a few days before Christmas, a terrorist bomb exploded on Pan Am flight #103 over Scotland. 270 people died—murdered is the more fitting word—including 189 Americans. It was one of the worst terrorist attacks in history.

Next month, two Libyan suspects are scheduled to go on trial in the Netherlands for the bombing. These two Libyans are believed to have planted the bomb, but there is widespread belief that the Libyan government ordered the attack.

Though the United Nations has suspended sanctions on Libya since Qadhafi saw fit to turn over the two suspects in the Pan Am 103 bombing, Libya has by no means been restored to the status of a civilized nation. Libya is a rogue nation that has been an avowed enemy of the United States for three decades. (''The time has come for us to deal America a strong slap on it's cool arrogant face,'' Qadhafi said in 1973—at the same time he ''nationalized'' all foreign oil concessions in his country. ''Nationalized'' in this instance is a dressed-up word for outright thievery.)

So it is Qadhafi's regime that stands accused of the deliberate murder of American servicemen in the 1986 La Belle discotheque bombing. The same regime whose top officials have been convicted, in absentia, by French courts for bombing a French jetliner, killing 171 people, including seven Americans. The same regime that ordered the murder of 189 Americans on Pan Am Flight 103—Americans from 22 states: New York, New Jersey, Ohio, Pennsylvania, Connecticut, Vermont, Massachusetts, Michigan, Minnesota, Maryland, North Dakota, California, New Hampshire, Colorado, West Virginia, Texas, Florida, Virginia, Kansas, Arkansas, Rhode Island, and Washington D.C. Nearly half of America's states lost one or more residents to the Libyan terrorists in that 1988 bombing of Pan Am 103 over Scotland.

The mothers and fathers, husbands and wives, and all those children of the Pan Am 103 victims will never forget the horror but, unfortunately, the U.S. foreign policy establishment appears less concerned with that history, hence the recent U.S. decision to ''review'' the ban on American citizens' travel to Libya.

Mr. President, this resolution should remind the Administration of the heinous crimes committed by the Libyan regime. It identifies Libya's continued refusal to accept responsibility for its role in these acts. It calls on President Clinton to consult with Congress on policy toward Libya—consultations that would include disclosing United Nations documents containing assurances to the Qadhafi regime that it would not be destabilized as a result of the trial in The Hague.

Most importantly, this resolution would emphasize the Sense of the Senate that all U.S. restrictions on Libya, including the travel ban, should remain in place until all cases of Libyan terrorism against Americans have been resolved, and until the Libyan government cooperates in bringing the murderers to justice.

A clear signal is needed to Qadhafi, and, apparently, to the Clinton Administration—that the United States will not stand idly by when our citizens are murdered.

If and when Libya apologizes and begins to make amends to all Americans, then perhaps there can be talks. Not before.

THE NEED FOR FUNDAMENTAL TAX REFORM

Mr. GORTON. Every April, Americans are reintroduced to the beauty of Spring by blooming tulips, green lawns, and the 5.5 million word federal income tax code.

As every citizen wrestles with the complexity and incomprehensibility of the mammoth tax code to file his or her return by the April 15th (April 17th this year) annual deadline, there is virtually universal agreement that change is desperately needed. I believe that amending the tax code is not enough. I believe that we must scrap the entire tax code—it is too complicated, too burdensome, too unfair.

How complicated is the tax code? Here are some illustrative facts and figures. The current federal income tax system was born in 1913 as a law under 100 pages in length. The original 1040 form covered two pages, front and back. This included instructions. Today, the 1040 form has 76 pages of instructions alone. The most basic tax form today, the EZ1040, has 33 pages of instructions.

The annotated tax code fills 14 volumes of some 11,700 pages, and it takes an additional 19 volumes totaling another almost 11,750 pages to contain the regulations governing the code. To implement the code, the Internal Revenue Service prints over 400 forms and more than 100 pamphlets with instructions on how to complete these forms.

We need to focus our attention in Congress on developing a new tax system, and we need the President to support changing the current tax code, instead of defending it from reform. Fundamental reform of the tax code is my number one tax priority and I believe a new federal tax system must be based on four principles: fairness, simplicity, uniformity and consistency.

My support for tax reform should not be interpreted as opposition to providing tax relief to American families and working individuals who are sending more of their paycheck to the federal government in taxes than at almost any point in our nation's history. I absolutely support allowing people to keep more of the money they earned, and am pleased that the budget resolution adopted by Congress allows for a responsible reduction in taxes of $150 billion over the next 5 years, rather than the $13 billion tax increase for next year that the Clinton-Gore Administration proposed in their budget. The budget plan will allow Congress to consider several tax relief measures that not only reduce the tax burden on Americans, but also make the tax code simpler and more fair.

Congress has already passed legislation to repeal the Social Security Earnings Limit that penalized working seniors one dollar of Social Security benefits for every $3 they earn over the limit of $17,000. Congress is engaged in a debate to eliminate the marriage tax penalty. Eliminating the estate, or death, tax is not only a priority of mine and many in Congress, it is a priority for small business owners and family farmers whose very existence is threatened by this disgraceful tax.

Americans deserve a tax code they can understand and predict. About the only thing Americans can predict about the current tax code is that every April they will likely be sending a big check off to Uncle Sam, and about the only thing they understand is that the IRS will find them if they do not. This must change and it is why I am working for a new tax system that is fair, simple, uniform and consistent. A new code based on these four principles will free Americans from suffering through the forms and tax tables of April tax season, and allow them to enjoy the blossoms and sunshine of the April Spring season.

SOUTHEASTERN EUROPE: OBSERVATIONS AND OUTLOOK

Mr. VOINOVICH. Mr. President, when the bombing ceased, and Serbian military forces withdrew from the Kosovo province, most Americans believed that the end of the air war meant the end of the United States' involvement in the Balkans. Such a misconception is due primarily to the fact that the political and military situation in the Balkans, as well as U.S. foreign policy towards the region, remains largely unknown to the vast majority of Americans.

Because of my belief that the Balkan region is key to our strategic interests in Europe, earlier this year, I traveled to the Republic of Croatia, the Former Yugoslav Republic of Macedonia, Kosovo and Brussels, Belgium in order to examine the humanitarian, economic, political and security situation in Southeastern Europe. Today, I would like to take this opportunity to share some of my observations with my colleagues and the American people.

Before I proceed further, I would like to publicly thank U.S. Ambassador to Croatia, William Montgomery, U.S. Ambassador to Macedonia, Michael Einik, Chief of the U.S. Mission to

Kosovo, Larry Rossin, U.S. Ambassador to NATO, Sandy Vershbow and U.S. Ambassador to the EU, Richard Morningstar. They are fine representatives of our nation, and they are doing an outstanding job to help bring peace and stability to this sensitive part of the world.

I would also like to thank our U.S. embassy staff in Croatia, Macedonia, the North Atlantic Treaty Organization (NATO) and the European Union (EU). In addition, I would like to thank the personnel who comprise the U.S. Mission in Kosovo, the Department of State, the Department of Defense, and the U.S. Army—especially Colonel Timothy Peterson, who accompanied me on this trip and also provided his valuable insight and expertise on the region.

I would further like to thank Senator FRED THOMPSON, my chairman on the Governmental Affairs Committee, for giving me the opportunity and the Committee authorization to take this trip.

Finally, I would like to thank our men and women in uniform who provided such invaluable assistance during my travels in the region. They have my gratitude, and I believe the gratitude of our nation should go out to our peacekeeping force in Kosovo. We have a tremendous team working on our behalf in the region, and all Americans should be proud of their tireless efforts to help promote peace and protect the interests of the United States in southeastern Europe.

Mr. President, one of the more encouraging developments I observed in my trip to the Balkans was a new positive spirit that seems to be emerging in a number of nations in the region.

In my visit to Croatia, I had the opportunity to meet with the newly-elected president of Croatia, Stipe Mesic.

President Mesic is a bright, engaging, well-spoken gentleman with a tremendous understanding of the varied and complex issues facing his country. More importantly, he has a clear concept—supported by his electorate—of the direction his country should take for the future.

President Mesic is pleased that the region finally seems to have abandoned the two terrible ideas that have caused so much bloodshed over the last decade—the dream of a ''Greater Serbia'' and the dream of a ''Greater Croatia.'' In an indication of his commitment to ending these disastrous notions, he expressed to me his support for sending individuals responsible for war crimes that have taken place over the last decade to the International Criminal Tribunal for prosecution.

He is also committed to fully returning to Croatia those refugees who were displaced after conflict swept the nation in the 1990's. He understands that a functional economy, the establishment of private property rights and the rule of law are key to the return of these refugees.

President Mesic appeared to understand that the future of southeastern Europe is linked to minority rights and that redrawing international boundaries along ethnic lines is fundamentally unworkable—we need only witness the ongoing debacle in Bosnia for such an example. With this realization on the need to consider minority rights, he plans on appealing to the best instincts in his people to put aside ethnic hatred, so that they and their nation may move ahead. He has stated that he looks forward to serving as the President of all of the Croatian people, regardless of their ethnicity. If lines are not going to be redrawn, then a major hurdle to domestic peace in Croatia will have been removed.

It is my understanding that Prime Minister Racan, who I did not have the opportunity to meet since he was out of the country during my visit, seems committed to these principles as well. I'm also encouraged that Parliamentary President Zlatko Tomcic, Deputy Parliamentary President Zdravko Tomac, Serbian Member of Parliament Milan Djukic and Serbian Democratic Forum President Veljko Dzakula—all of whom I met in Croatia—appear to be supportive.

I was also pleased to meet with Macedonia's President Boris Trajkovski, the Macedonian Prime Minister, Ljubco Georgievski, and Arben Xhaferi, the leader of Macedonia's ethnic Albanian community. They seem to have been able to successfully bridge the domestic ethnic problems that have been at the heart of the various conflicts that have decimated southeastern Europe over the last ten years.

As many of my colleagues may recall, Macedonia was seen as another potential flashpoint during the course of the Kosovo bombing campaign as the Macedonian people became polarized either in favor, or against, NATO's actions. This possibility seems to have been successfully averted because Macedonians do not generally possess the same kind of ethnic hatreds towards their minority community that have plagued other nations in the region.

Domestic peace and stability has been achieved in Macedonia by appealing to the best instincts in people, rather than the worst. The elected leadership has made it clear that the ethnic Albanian community, which makes up roughly 25% to 30% of the population, is an integral and respected component of society. Because of this, minority rights are, by and large, protected, and the rule of law is, for the most part, very well respected. The importance of these trends cannot be understated.

I was particularly interested to hear President Trajkovski discuss the amazing recovery of Macedonia's economy. When the nation separated from the FRY in 1991, Macedonia's per capita income immediately started sliding downward, dropping 40 percent. This decline was clearly exacerbated by the Kosovo bombing campaign.

Nevertheless, in recent months, the economy has staged a dramatic turnaround because of stable and progressive leadership, market reforms and economic activity as a result of Macedonia's serving as a staging point for KFOR. Macedonia is beginning the slow process of returning to its pre-independence level of economic activity. More importantly, the EU, as a part of its new focus on the Balkans region, has established a relationship with Macedonia intended to lead to its eventual membership in the European Union, a commitment that had never been made before the Kosovo war. Given my belief that integration of the nations of the region into the broader European community is essential to long-term peace and stability, this is a dramatic development.

At the headquarters of the United Nations Mission in Kosovo (UNMIK) in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci and Dr. Rexhep Qosja. This was an extraordinary meeting given the historical animosity between these leaders.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

In response, I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of revenge in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries. This would be the key to the future of Kosovo.

I traveled to Brussels to make my feelings known to the leadership of the European Union (EU) regarding their lack of leadership and commitment to the problems facing southeastern Europe. I met with U.S. Ambassador to the EU, Richard Morningstar and U.S. Ambassador to NATO, Alexander Vershbow and with other leaders of NATO and the EU. I was pleasantly surprised to learn that the Europeans basically ''get it.'' That is, they understand that unless the Balkan region is fully integrated into the broader European community, the region will ''Balkanize Europe.'' This is the same message I have been saying for months. I was pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

I think it is important to highlight the level of support the Europeans are providing the region. They have budgeted six billion euros (basically $6 billion) over the next six years to help bring Romania and Bulgaria into the EU. They have also prepared to provide

5.5 billion euros (again, roughly $5.5 billion) over the same time period to implement the three initiatives of the Stability Pact—democratization, security, and regional infrastructure development.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the EU has pledged 35.5 percent. The U.S. has pledged 15.4 percent.

Of the total amount pledged for the operations of UNMIK, the EU has pledged 41.4 percent, the U.S. 13.2 percent.

I ask unanimous consent that a document detailing these burden-sharing numbers be printed in the RECORD.

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

(See Exhibit 1.)

Mr. VOINOVICH. We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership. The importance of the United States to provide leadership was underscored by members of NATO and the EU, particularly those countries benefitting from the Stability Pact.

One of the highlights of my trip was the opportunity I had to spend time with our troops in Macedonia and Kosovo. There are few things that make me more proud of being an American than seeing the pride, professionalism, sense of duty and commitment in the faces of our young people in uniform.

I was especially happy to spend time with the 321st Psychological Operations Company, Task Force Falcon, which was deployed from Ohio and stationed at Camp Bondsteel in Kosovo. It gave me the chance to interact with these fine men and women from Ohio and hear their views on their mission in Kosovo. It also gave me the opportunity to visit with my friend, Major Wendell Bugg, whom I've known since my days as Governor. He is with the 321st and is doing a wonderful job. It was great to see him and get reacquainted.

And, Mr. President, I can't forget the unsung heroes of Kosovo—the men and women of the various humanitarian missions. I had the opportunity to meet with representatives from all of the major humanitarian aid organizations involved in Kosovo and Macedonia. I truly admire the service these people provide their fellow man. They are on the front lines daily, helping people, making a difference. To all of them I say, keep up the good work. Their efforts are key to stability in southeastern Europe and in responding to basic human needs.

While I encountered many encouraging prospects for regional peace and prosperity during my trip, I also identified a number of challenges the region and the international community are facing.

While there is ample reason to be optimistic about the future of Croatia under the leadership of President Mesic and Prime Minister Racan, there are also reasons to be concerned. The Croatian economy has been struggling for years. Unemployment and inflation rates are high. The country is deep in debt internationally. Many skilled, well-educated young people have left the country for better job prospects elsewhere. This has effectively created a ''brain drain,'' which, unless it is stemmed, will have a negative impact for decades. For Croatia to continue on its new path, away from its nationalist past, the economy must improve. If a solid market economy cannot take hold, there is a very real possibility that the Croatian people will grow impatient with President Mesic and Prime Minister Racan and seek to replace them; possibly with individuals who would rule the country under nationalist communist ideology.

The other problem facing the Croatian economy is in the area of refugee returns. As my colleagues may know, the majority of the civilians forced out of their homes during the conflicts of the early 1990's still have not returned to their homes. Even as President Mesic works to implement his campaign commitment to create a legal environment where minority rights are protected, people will not return to their homes—if their home still exists—if there is no work for them when they return. Thus, Croatia's struggling economy does impact and will continue to impact the entire region.

Current trends in Macedonia suggest the existence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in order to destabilize the sitting democratically-elected government of Macedonia, and put in its place a government run by Albanians, for Albanians. These extremists are beginning to make their presence felt with the government in Macedonia. It will take a tremendous commitment on the part of the current government to maintain a democratic, multi-ethnic form of government in Macedonia in the face of this threat.

A major impediment to peace and prosperity in southeastern Europe is the rise in organized crime. There have been a number of recent reports indicating that the Balkans region is being used more and more frequently as a transshipment point for illegal narcotics and arms. These reports were echoed by nearly everyone I spoke with on the trip. With this illicit trade comes violence, corruption, a lack of foreign investment and general societal havoc. As the nations of the region work to establish the rule of law, a functional judicial system and prosperous economies, I believe America and European nations must offer their crime-fighting expertise in order to help the Balkan nations shape their own future and steer clear from the menace of organized crime.

A tremendous concern that Dr. Bernard Kouchner, civilian head of the UNMIK operation, brought to the forefront was that the international community must be more active in their dispersal of aid-money pledged to the region, and in particular, the EU needed to be a more active participant in this area. Indeed, the EU has only dispersed 13.3 percent of the money they have pledged to UNMIK thus far. The EU has a number of strong arguments to explain their delay, including the nature of their fiscal cycle, the various mechanisms in place to prevent fraud and abuse, the unwieldy nature of the body, etc. Regardless, the fact is that the money has to be put on the table. As I mentioned before, the U.S. is doing its fair share given the role we played during the course of the bombing campaign. Now is the time for the Europeans to do theirs.

Throughout my trip to the Balkans, all signs pointed to the fact that the Stability Pact was not being implemented to the benefit of the region.

I believe that the Stability Pact represents one of the few good things that resulted from the Kosovo bombing campaign. Under the Stability Pact, the Europeans, with the leadership of the Germans and the French, agreed to work towards the gradual integration of the nations of southeastern Europe into the broader European community. In practice, this means EU and NATO membership. In exchange, the nations of the Balkan region must agree to put aside the ethnic divisions and nationalism that has caused so much death and destruction in recent years. This compact, if implemented, would be a gigantic leap forward.

Unfortunately, so far, not much has happened with the Pact. Meetings and conferences between government bureaucrats have been held. There have been a lot of speeches, studies, conversations, debates, and the like, but nothing has really happened ''on the ground'' in the region. I believe the Pact must move ahead with infrastructure projects that benefit the economies of the region. Start building bridges. Start cleaning the Danube River. Start building ''Corridor Eight,'' which will create an East-West railway/roadway travel corridor to stimulate commerce. Just start doing something!

I am somewhat heartened by the results of the Stability Pact conference in Brussels 2 weeks ago. There, 4 dozen countries and 3 dozen organizations pledged 2.4 billion Euros to fully-finance a 1.8 billion Euro ''Quick Start'' package of regional economic development and infrastructure projects and initiatives in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

Mr. President, I ask unanimous consent to insert into the RECORD at the

end of my remarks a statement that was made by the Honorable Nadezhda Mihailova, Foreign Minister of the Republic of Bulgaria, regarding Bulgaria's perspective on southeastern Europe prior to the Stability Pact Conference.

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

(See Exhibit 2.)

Mr. VOINOVICH. The deeds of the Kosovar Albanians are not matching the rhetoric of the Albanian leadership. As recent press reports have made clear, NATO is facing another potential crisis in Kosovo. Extremist members of the ethnic Albanian community—some have argued under the direction of Hashim Thaci—have refused to put down their arms, put aside their desire for revenge against the Serbs, and work towards peace. Rather, they are intent on pushing the Serbs, with bombings, assassinations, threats, etc. to force a response from Slobodan Milosevic in Belgrade. Today, Kosovo Serbs are being killed, their monasteries are being burned, and they are afraid to leave their homes. This is not KFOR's fault. This is not UNMIK's fault. Radical elements within the Kosovo Albanian community are responsible for continued attacks against the dwindling Serb community in Kosovo. I am concerned that many in the Kosovo Albanian community want to force another confrontation between NATO and Milosevic so Kosovo can finally be rid of the Serb community and establish itself as an independent nation.

Let me be clear. The same group our State Department once called a terrorist organization—the KLA—whom we embraced as our friends and allies when NATO was bombing, are again becoming terrorists. They are working against the healing of Kosovo. Our message must be clear to Thaci, Rugova, Qosja and their Kosovo Albanian followers—stop this violence against the Serb community or the U.S. will pull out our troops. I said this directly to Thaci, Rugova and Qosja when I met them. As much as I want southeast Europe, including Kosovo and Serbia, to be integrated into the European community, I will work against it if the cycle of violence continues. The Kosovo Albanians have a historic opportunity to choose between two very different paths for the future—integration or continued isolation. The choice is theirs to make and the world will be watching.

Let me now turn to the Kosovo Serbs. They have suffered a great deal since the end of the Kosovo bombing campaign at the hands of certain elements within the Albanian community seeking revenge. However, the Kosovo Serbs' continued refusal to participate in UNMIK's Interim Administrative Council is unacceptable. I took the same message I made to the Albanians to the Serbs—stop the cycle of violence and move ahead towards reconciliation.

Decisions are going to be made regarding the future of Kosovo with or without Serbian participation. It is in their best interest to become involved. I am somewhat heartened that Bishop Artemjie's visit to the U.S. has prompted some progress towards getting the Kosovo Serbs to participate in the Interim Administrative Council. I understand that as a result of his visit, discussions are taking place that would allow the development of several media outlets within Kosovo. I am hopeful that this will serve as the impetus to get the Serb community in Kosovo involved in the Interim Administrative Council. It will require diligence and co-operation on a multi-ethnic approach, but I believe it will ultimately serve to draw the whole of Kosovo society together and stop the killing and violence and fear for life, limb and property that permeates the minority community in Kosovo.

Meanwhile, NATO continues to struggle with Milosevic's meddling hands in Kosovo. He has a group of extremist Kosovo Serbs, mainly situated around Mitrovica, agitating the situation in Kosovo whenever possible in an effort to encourage NATO to pack up and go home. He must not succeed. NATO must stand strong and refuse to accept any more provocations. They should seize illegal weapons and jail law-breakers and agitators. NATO forces should take the enemies of peace off the streets and shut-down the extremists of both sides. De-fusing the situation will lower tensions and allow the mainstream people of Kosovo to move forward with their future.

Last month, I introduced S. Res. 272 which I believe effectively addresses this issue, and many more. On Milosevic, the Resolution makes it clear that he continues to be the heart of the problem in the region. In order to encourage democratic change, the Resolution:

Expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

Expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe; and

Calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization.

I ask unanimous consent that the full text of S. Res. 272 be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. VOINOVICH. Mr. President, the NATO KFOR troops are in Kosovo to provide a secure environment for all citizens while civic institutions develop. The UNMIK structure, which I will address momentarily, has been charged with this civic development—this nation building. One of the key elements in this process is the establishment of a functional judicial system, including a functional police force. It is hoped that once properly trained, this police force will eventually take the responsibility for domestic law enforcement from the KFOR troops.

The international community has promised to supply 4,433 police for this UN force in Kosovo. Our European friends have committed the bulk of this total. However, only 2,359 police are in place in Kosovo. This is appalling.

As a rule, our European allies have national police systems rather than state or provincial police forces like we do in the U.S. This matters because it gives the national governments—governments that have promised to put their police in Kosovo to serve in the UN body—the ability to simply direct redeployments to meet their commitments. This lack of will and action is truly appalling. To provide context, I think it is important to note that we have had to recruit the American men and women serving with the UN in Kosovo from our state and local police departments. The best information I have shows that we have put 481 people, out of our total commitment of 550, in place in Kosovo. If we can meet our promises through recruitment, surely our European friends can meet theirs through directives.

This all matters because the sooner the UN police force and a judicial system is operational in Kosovo, the sooner our troops can come home.

One of the issues hardly considered when NATO became involved in Kosovo was the development of an end game. Well, now we know why. We are, in fact, building a nation. I understand no one is willing to say this publicly but we need to be truthful: the international community—using UNMIK as its tool on the ground—is building a new nation in Kosovo. It's all-encompassing. From schools, to roads, to power grids, to taxation, to local elections, to municipal councils, to the judicial system—it is all now our responsibility because we won the war.

In conclusion, I would like to address those cynics who believe we should immediately pull out of Kosovo and the Balkans because they believe we will never successfully bring about peace in the region. These cynics often point to the historical hatred between the ethnic groups in the region as an indication that NATO and the UN are doomed to fail. I disagree. We can make a difference and history supports my view.

Consider the centuries of animosity and hatred between the nations of western Europe. Few would have thought that the bitter adversaries at the heart of two world wars last century could be looking to a new century

where borders are crossed without passports, where there is freedom of labor movement, and where there is no military presence on the borders. It happened because the nations of western Europe were willing to put aside centuries of hatred, revenge and ethnic prejudice and break the cycle of violence. If it could happen there, it can happen in southeast Europe.

One of the Beatitudes states that ''blessed are the peacemakers, for they shall be called the children of God'' (Matthew 5:9). With these words in mind, our efforts must be redoubled so that we may help bring peace, stability and prosperity to southeastern Europe.

EXHIBIT 1

SOUTHEASTERN EUROPE FUNDING

Southeastern Europe (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $4.033 billion in support for southeastern Europe for the year 2000. A complete list of the nations involved in this effort appears below:

[In billions of dollars]

	EU	U.S.	EU + [1]
Amount pledged	$1.398	$0.3764	$1.853.2
Amount pledged as a percentage of the total	34.7%	9.3%	45.9%

[1] EU + Individual European Nations (EU and Non-EU Members).

Kosovo Total (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $1.013 billion in support for Kosovo for the year 2000. Again, a complete list of the nations involved in this effort appears below:

[In millions of dollars]

	EU	US	EU + [1]
Amount pledged	$360	$156.6	651.1
Amount pledged as a percentage of the total	35.5%	15.4%	64.2%

[1]EU + Individual European Nations (EU and Non-EU Members).

UNITED NATIONS MISSION IN KOSOVO (UNMIK) OPERATING EXPENSES

[In millions of dollars]

	EU	US	Total
Pledged	$75	$24	$181.3
Dispersed	10	14	71.8
Amount pledged as a percentage of the total:	41.4%	13.2%	.....
Percentage of pledge dispersed:	13.3%	58.3%	.....

Assessed Contributions for United Nations Staff

The U.S. is assessed 25 percent of the United Nations regular budget. This budget is used to fund the staff involved with the United Nations Mission in Kosovo (UNMIK).

UN POLICE

	Total	US
Pledged	4433	550
Fielded	2359	481

Expense: $93 million (for both FY99 and FY00). The FY00 supplemental includes a request for an additional $12.4 million to increase the number of Americans serving in the UN police force to 685 (from 550).

KFOR Troops

	Peacekeepers
Total	38,000
U.S.	5,800–6,200

The U.S. also has an additional 1,000 troops deployed in countries surrounding Kosovo to provide support for the operation.

Using 6,000 American troops (the average of the estimates), the U.S. has deployed 15.8 percent of the total forces involved in the KFOR operation.

Costs

	In billions
Initial Deployment (FY99)	$1.2
Ongoing Operations (FY00)	$1.9

EXHIBIT 2

STATEMENT OF HON. NADEZHDA MIHAILOVA, FOREIGN MINISTER OF THE REPUBLIC OF BULGARIA

As the United States discusses assistance to Southeastern Europe prior to the Stability Pact financing conference in Brussels on March 29–30, 2000, I believe it is important to provide you with the Bulgarian perspective.

Before I speak to the contributions Bulgaria will make to peace and security in Southeast Europe, let me tell you a little about the distance Bulgaria has traveled since 1989.

In 1989, Bulgaria shared the plight of all the former Warsaw Pact countries. My generation inherited a country without democratic institutions, without the basic mechanisms of a market economy, and without a balance of political power based on trust between the citizens of Bulgaria and their government. Indeed, we had only two assets that proved to be of value: Bulgaria's 1300-year history as a state deeply involved in the history of Europe and a highly self-confident and self-reliant population.

Many of those who were committed to rebuilding a Bulgarian democracy, myself included, spent the early years of the 1990's in Europe and the United States refining our political thinking. I myself benefited from the National Endowment for Democracy (NED) established by Congress to fan the flames of freedom and in 1991–92, I specialized in foreign policy and public relations in the US Congress and Harvard University.

By 1996 Peter Stoyanov was elected President. Bulgaria had begun to turn the corner in its transition to a market economy and the election of Prime Minister Kostov and his Government gave a strong impetus to this process. A new generation of Bulgarians was ready to begin our drive for full integration (actually re-integration) into the institutions of the Euro-Atlantic community.

In the few short years in which I have been fortunate to serve as Foreign Minister, Bulgaria has been identified as one of the most qualified candidates under consideration for NATO membership. We have been invited by the European Union to begin accession negotiations on full membership and we allied ourselves with other democracies in resisting the depredations of Milosevic during the Kosovo War. Today, the values of freedom and democracy and the commitment to Euro-Atlantic cooperation form the foundation of our foreign policy. Our country is firmly dedicated to progressive but prompt integration into the European community.

I can state with considerable pride that Bulgaria has made great progress in the establishment of a robust and permanent pluralistic democracy and in building the structures to support a modern market economy. On the political side, we have reestablished institutions that guarantee democracy, the rule of law, human rights, and ensure respect for and protection of minorities. On the economic side, Bulgaria has concentrated its efforts on the consolidation of market reforms, the acceleration of privatization, and the juridical measures a functioning market economy requires to operate openly and transparently.

These reforms have already produced significant improvement in the macroeconomic situation in Bulgaria. In 1998, we had a remarkably low annual inflation rate of 1%, after a horrible 578.6% in 1997. In 1999, the inflation rate increased to 6.2% mainly due to the obstruction of the Danube River, which damaged our trade relations with Europe. In 1998–99 our budget deficit was almost zero and we achieved a 3% growth in GDP. Additionally, the government maintains a high-level of hard currency reserves accounting for more than 30% of GDP.

We have completed the difficult task of liquidating state enterprises and banks undergoing losses. Privatization of Bulgaria's largest companies is nearly complete. My country has also begun to apply the rules of the European Monetary Union and the use of the Euro-currency. The European Union accession process will provide the Bulgarian economy a further impetus for development. The full introduction of European rules and practices in this rapidly growing emerging market should make Bulgaria very attractive for foreign investment. At the same time, by expanding its borders to include Bulgaria, the EU will come closer to regions, rich in natural resources and of great economic potential, with which Bulgaria has traditional economic ties.

In the foreign policy arena, Bulgaria has clearly and consistently defined its strategic goals. NATO membership, accession to the European Union, and dedication to lasting political stabilization for Southeastern Europe. After years of political legal, social and economic reform, our country began official negotiations with the EU last month. Full membership into the European Union is a strategic goal that enjoys wide support throughout Bulgarian society. The long cherished aspirations of the Bulgarian people for sharing the identity and the political future of a united Europe will be substantially advanced by our accession in the EU. But this step alone is insufficient.

Bulgaria's aspiration to join the European Union and NATO are motivated not only by its own economic interests and security reasons, but also by the desire to help strengthen the Euro-Atlantic community by promoting democracy throughout all the nations of Southeast Europe. Thus, Bulgaria's long-term foreign policy interests can only be served by joining with its neighbors in the effort to consolidate regional stability and security.

We believe that a safe and prosperous home can be built only in a safe and prosperous neighborhood.

Thus, only primary foreign policy goals in Southeast Europe are to:

Develop bilateral relations with all countries of the region based on a shared commitment to democratic values and human rights;

Mobilize and accelerate regional economic development through joint infrastructure projects, trade and investment encouragement, etc.;

Expand the scope of arms control, and support other measures for strengthening confidence and security;

Implement bilateral and multilateral measures for restricting new security risks, including regional programs aimed at combating transborder crime;

Play an active role in implementing the goals of the Stability Pact for Southeastern Europe.

A defining principle of Bulgaria's foreign policy with its neighbors has been to address and resolve contentious issues in pursuit of balanced bilateral relations. This bold approach has recently led to the resolution of some of the region's diplomatic divisions. Successes include re-opening relations between Bulgaria and the Republic of Macedonia (Bulgaria strongly supports Macedonia and as you know, was the first country in the world to recognize Macedonia) and the resolution of all disputed issues and development of equally friendly relations with Greece and Turkey. In addition, just last month, Bulgaria and Romania reached agreement on building a second bridge on the Danube River between Vidin and Kalafat. This agreement, I would argue, highlights the important strategic role Bulgaria can play in the context of regional political and economic stabilization as well as promoting the integration of Southeast Europe into the Euro-Atlantic community.

As an illustration of our efforts to enhance regional cooperation, Prime Minister Ivan Kostov organized a meeting in January with the Prime Ministers of the countries bordering the Former Republic of Yugoslavia. The basic goal of this meeting was to encourage broad discussion on how to pursue joint stabilization efforts. We also sought to send a clear message to the international community reflecting the view of these Southeastern European leaders.

Only a few weeks ago the first trilateral meeting of the foreign ministers of Bulgaria, Turkey and Greece took place that was generally estimated as a new step in building new patterns of relations in the region.

In addition, last month, Bulgaria joined six other nations in signing a 21-point charter to further democratic and economic development in the region. We pledged to support good neighborly relations, stability, security, and cooperation in Southeast Europe.

The United States does not need to be reminded that without Hungary, Romania, Greece, Turkey and Bulgaria working together, the containment of Serbian aggression and the eventual democratization of all of the Balkans will be impossible.

President Clinton's visit to Sofia last year and numerous conversations I have had with Lord Robertson and General Clark, serve to reinforce the role Bulgaria has played in developing and promoting multilateral cooperation in Southeast Europe and in standing firm with NATO during the Kosovo crisis. It is because of our past contributions and the pivotal role we can play in the region that the Bulgarian city of Plovdiv was chosen as the headquarters of the newly established Multinational Peace-keeping Forces in Southeast Europe.

Events in Serbia and Kosovo last year, however, adversely affected the economics of the region. We suffered direct losses in trade as a result of transportation difficulties and foreign investment in Bulgaria declined because the neighborhood was, and still is to some degree, perceived as unsafe and unreliable for foreign investors.

Bulgaria's view for the future of Southeast Europe is for the region to transform into a source of economic growth and an active link between Western Europe and the adjacent area to the northeast and southeast, whose strategic importance will continue to increase in this century. This vision is based, among other things, on the understanding that the region has an important place in the overall geopolitical architecture of Europe.

The present level of interdependence among countries and the status of Southeast Europe's political and economic development directly impacts the entire European continent. In addition, security and stability in the region represents an important element of the European security architecture, and therefore is of strategic importance to the US.

That is precisely the reason why we are strongly encouraged by the growing involvement of the Euro-Atlantic community with the issues expressed in the Stability Pact promotion of security, democracy and economic development in the Balkans. This engagement marks the beginning of an approach that is fundamentally different from the past. It does not mean temporary crisis-management measures, but rather a move beyond this to a comprehensive effort to find a common concept for development of the region and its full integration into the Euro-Atlantic community.

Now is the time—nearly one year after the crisis in Kosovo—to turn the financial commitments made by the European Union into reality. We seek the support and leadership of the international community, and particularly the United States to transform the Stability Pact's long-term vision for ''integrating the Balkans into Europe'' into a concrete policy, with structured benchmarks backed by financial resources. The goal should not only be to neutralize the immediate consequences of the Kosovo crisis, but also to find solutions to the problems of economic development in the region as a whole. Cooperation and full integration of the region with a prospering and democratic Europe can be achieved only through integration on all fronts—political, economic, and financial. However, it is impossible to expect quick developments if no money comes to the region. We believe that funds should be devoted to long-term regional goals like transportation routes, infrastructure development, and improving specific institutions that can facilitate the links between the countries, such as customs operations, drug control and combating corruption.

Our key priorities for Stability Pact assistance include:

1. Construction of the Trans-European Transport Corridor #4. This project will connect Central Europe with Bulgaria and Macedonia and includes construction of a second bridge over the Danube at Vidin-Calafat. The bridge will replace the ferry, decreasing travel time and eliminating the need to load and unload cargo. The project also includes construction of road and railway approaches, as well as border and customs infrastructure. The budget for the bridge is estimated to be US $177 million. Included in this cost are road connections to the bridge from Romania and Bulgaria. The project is expected to take 3½ years.

2. Construction of a regional section of Trans-European Transport Corridor #8. This project, estimated at US$10 million, involves construction of a 2.5-km railway connecting Gyueshevo, Bulgaria with the Macedonian border. This project will greatly improve the capacity of Trans-European Corridor #8. Project coordinators can make use of the partially installed track, and will need to construct a ballast prism, lay additional rails, complete and install electrification of a 500-meter tunnel, and improve border railway station and facilities. US $1.1 million has already been invested to modernize Gyueshevo station, which started in the second quarter of 1998.

Completion of a new railroad between Beliakovitsa, Macedonia and the Bulgarian border is critical for effective functioning of the transportation corridor and requires an additional investment of US $220 million.

Reconstruction of the railway track between Radomir and Gyueshevo in Bulgaria is also necessary. This project includes laying electrical lines on 88 km of railway to increase maximum train speed from 65–75 to 160 km/h. It will cost US $93 million and is expected to take three years.

3. Pipeline for light fuels. US $40 million is needed to construct a 110-km pipeline from Thtiman, Bulgaria to Koumanova, Macedonia. This project also includes construction of petrol depot in Kriva Palanka or Koumanova.

4. Increased electrification of the railway between Karnobat and Sindel, Bulgaria. This project includes reconstruction and expansion of electrification along an existing 123-km railway line in order to increase transmission capacity and allow a maximum speed of 130 km/hr. Estimated cost of this project is US $125 million, of which US $38 million has already been spent. Additional funds would allow the project, part of Transport Corridor #8, to continue immediately.

5. Construction of an Information Center for Democratic Development for Southeastern Europe. The Center will contribute to the development and strengthening of democracy in the region by deepening the process of reform and building an atmosphere of confidence and understanding. It will also help prevent new crises and conflicts in the region. The center will be directly involved in the process of Yugoslavia's democratization, as well as the search for solutions to the lasting political and economic effects of the Kosovo crisis. Active NGO participation from the region will be key to realization of the Center's potential.

I cannot state strongly enough how critical U.S. leadership is at this time to ensure that the Stability Pact goals turn into action. U.S. Congressional commitment, along with a renewed commitment by the Administration, to support and encourage Europe to honor her financial commitments is vital to the success of the Stability Pact. Continued U.S. assistance through OPIC, EXIM and TDA is also crucial for stimulating foreign investment increased trade and implementation of infrastructure projects.

Finally, I would like to express my personal gratitude and that of the Republic of Bulgaria to the United States and particularly the U.S. Congress, for providing essential economic, political, and military assistance to Bulgaria and the other Balkan nations throughout the Kosovo conflict and beyond. The active support of the United states continues to be the indispensable condition for economic recovery of Southeast Europe and the completion of its long journey towards democracy. I cannot tell you how important it is for the United States to remain committed to your allies in this critical and dynamic region of the Euro-Atlantic community.

Thank you.

EXHIBIT 3

S. RES. 272

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community on southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive developments in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic progress and integration into the international community is only possible if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization; and

(11) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

THE JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, I am disappointed that the majority continues to refuse to reconvene the conference on juvenile justice legislation.

This Congress has kept the country waiting far too long for action on juvenile justice legislation and sensible gun safety laws. We are fast approaching the first-year anniversary of the shooting at Columbine High School in Littleton, Colorado. Next Thursday will sadly mark one year since fourteen students and a teacher lost their lives in that tragedy on April 20, 1999.

It has been 11 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73–25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 10 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999. It has been 9 months since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. This week, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the Columbine tragedy. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. I hope we get to work soon and finish what we started in the juvenile justice conference. It is well past the time for Congress to act.

I ask unanimous consent that this Hyde-Conyers letter of April 11, 2000 be printed in the RECORD at the conclusion of my remarks.

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

HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES, COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: We write to request a juvenile justice conference meeting as soon as possible.

As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate ''safety hatch'' exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

HENRY J. HYDE,
Chairman, House Judiciary Committee.

JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee.

SECTION 415 PENSION REFORM NEEDED

Mr. GORTON. Mr. President, during this week prior to the April deadline for filing income tax returns with the Internal Revenue Service, Congress often focuses on the high tax burden shouldered by American families and the need for tax reform. Fundamental reform is my top tax legislative priority. I believe the entire confusing and incomprehensible tax code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform measures that correct unfair aspects of the existing tax code mess.

One section of the code that I believe needs to be changed and changed soon is Section 415. Section 415 of the tax code was enacted in 1974 for the purpose of limiting the pensions of corporate executives. Section 415 no

longer impacts corporate executives, but it does unfairly impact middle income workers who are prevented from collecting the full pensions they earned and deserve from their multi-employer plan. This is as simple as the tax code keeping workers from being able to collect their own money. I believe this injustice should be corrected, and I have cosponsored legislation, Senate bill 1209, that will restore fairness to this section of the tax code.

The Senate version of the 1999 tax relief bill included the fix to Section 415. I am pleased that the Senate joined me in recognizing the absolute need to correct Section 415 and to stop unfairly punishing workers by blocking access to their hard-earned pensions, though I am disappointed that this change did not become law last year. It was, however, an important step towards achieving reform. As the nation focuses on tax season, I reaffirm my dedication to fighting to pass legislation to bring fairness to Section 415 of the tax code and ensure our nation's workers collect what they have rightfully earned.

U.S.S. ''J. WILLIAM DITTER''

Mr. SPECTER. Mr. President, in honor of their reunion to be held this month, I am pleased to call the Senate's attention to honor the crew of U.S.S. *J. William Ditter* who served during World War II.

I commend the dedication and courage of that crew of the minelayer named in honor of former Pennsylvania Congressman J. William Ditter.

Born in Philadelphia, Pennsylvania, on September 5, 1888, J. William Ditter received his law degree from Temple University in 1913 and was admitted to the bar the same year. As a school teacher and baseball coach at Northeast High School from 1912 until 1925, one of Coach Ditter's team members was Jimmy Dykes, who later went on to become Connie Mack's star third baseman during the Philadelphia Athletics' glory years in the nineteen-thirties. Less famous, but equally important were the hundreds of young men and women who studied at Northeast High under ''Doc'' Ditter's tutelage. They constantly sought his advice and retained their affection for him in the years that followed.

In 1925, Mr. Ditter moved to Montgomery County, where he practiced law and became an active member of his church and community. In 1932, Montgomery County was made a separate Congressional district and Mr. Ditter was elected to serve as its first Representative.

As a member of the House of Representatives, he quickly became known for his tireless work, dedication to our country, and consummate skill in debate. Congressman Ditter took a prominent role in defeating President Franklin Roosevelt's efforts to pack the Supreme Court in order to insure that New Deal legislation would not be declared unconstitutional. As the Ranking Member of the House Appropriations Subcommittee on Naval Affairs, he led the fight to establish a two-ocean Navy. The success of the Navy in World War II, including the ship which was named after him, was due in part to the leadership and dedication of Congressman J. William Ditter.

In recognition of his leadership, Bill Ditter was selected to be the Chairman of the Republican Congressional Campaign Committee, a post he held until his death in 1943. While in Congress, Mr. Ditter explained his positions on public affairs by writing a weekly newspaper column, Trend of Events. During his years in Congress, he was much in demand as a public speaker, not only in Montgomery County but throughout the state and nation.

Congressman Ditter's political career was cut short by his untimely death in a Navy plane crash near Columbia, Pennsylvania. He was returning from Boston where he had been on a trip to participate in the commissioning of the Navy's new carrier, U.S.S. *Wasp*. Among the many dignitaries who attended his funeral were former President Herbert C. Hoover, a close, personal friend and my colleague Senator MCCAIN's grandfather Admiral John S. McCain, Sr., Commander of Carrier Task Force 38. Congressman Ditter was buried with military honors at Whitemarsh Memorial Cemetery. In light of his distinguished service to our nation, the Navy named a destroyer-mine layer in his honor, U.S.S. *J. William Ditter* (DM 31).

U.S.S. *J. William Ditter* was a fitting tribute to Congressman Ditter. The Sumner class destroyer, which was converted to a high speed mine layer, was christened by Mrs. J. William Ditter on July 4, 1944. It was commissioned on October 28, 1944, and served as a unit of Division 9, Mine Squadron 3. Congressman Ditter's dedication and service to his country was mirrored by the actions of the men on U.S.S. *J. William Ditter*. The ''Fighting J. Willy'', as the crew called the mine layer, destroyed many Japanese suicide aircraft and boats during its years of service.

The end of April marks the fifty-fifth anniversary of the brave actions of the crew in the early days of the operations in Okinawa. U.S.S. *J. William Ditter* greatly contributed to the success of the first landings on April 1, 1945 by escorting transport ships carrying American invasion forces.

On April 12, U.S.S. *J. William Ditter* joined the radar picket line to protect ships against attacking Japanese aircraft. On April 26, U.S.S. *J. William Ditter* drove off an attacking enemy aircraft, and on April 27, the crew helped to down two enemy aircraft. On April 28, the crew shot down an attacking suicide aircraft and combined its fire with another ship in order to shoot down two other hostile aircraft. On April 29, the crew detected and attacked an enemy submarine.

By May 28, 1945, U.S.S. *J. William Ditter* had shot down eight Japanese aircraft and assisted in destroying three others. On June 6, 1945, in the radar picket line of Task Force 51.5 patrolling southeast of Nakagusukua Wan, U.S.S. *J. William Ditter* shot down four. However, one suicide plane hit U.S.S. *J. William Ditter*, inflicting heavy damage and numerous casualties. Ten men were killed and twenty-seven were wounded on that fateful day.

Although the ship was repaired enough to make it home to the United States, it was decommissioned and struck from the Navy's fleet when the war ended. Despite the short term of service, U.S.S. *J. William Ditter* had a distinguished war record, keeping in honor with the person for whom the ship was named—Congressman J. William Ditter.

The crew deserves special recognition for their service, and I am pleased to be able to commend them on the floor of the United States Senate. I ask unanimous consent to have printed in the RECORD the list of the names of the crew members who served on U.S.S. *J. William Ditter*.

As an addendum, I think it is appropriate to note the distinguished public service of Congressman Ditter's son, J. William Ditter, Jr., who is a judge on the U.S. District Court for the Eastern District of Pennsylvania where I knew him as a practicing attorney in that court.

There being no objections, the list was ordered to be printed in the RECORD, as follows:

CREW OF THE U.S.S. ''J. WILLIAM DITTER''

Anthony R. Amoroso, Robert Amoroso, James D. Anderson, Harold W. Andrews, James Carlton Annis, Bernard Appelbaum, Armin Argullin, Hans Arnbel, Thomas E. Ates, Lester Bailey, Hayden B. Baker, Harold G. Baker, Robert A. Baker, John L. Balog, Archie Y. Barhardt, Jack L. Bates, Lester E. Bausch, Bruce J. Baxter, Jr., George William Baxter, Robert W. Beale, Bertram D. Bekemeyer, Stefan Belajsak, Loyd D. Benton, Harold L. Berger, Frederick Binder, Coy Blair, Jr., Martin Block, Jr., James O. Blow, Ronald Clarence Blucher, Tyrus Augustus Bohler, Joshua G. Bosley, Jr., Oscar S. Bowden, Joseph E. Brackett, Charles F. Bradley, Grady H. Bradley, William I. Bradley, Cameron C. Breedlove, John E. Brennan, Wallace C. Brought, Jr., Robert Joseph Bruckbauer, John M. Bryan, Ranson G. Buff, Chester Durward Bullard, Henry A. Bunch, Jacob L. Burkett, William T. Burns, Charles E. Burriss, Joseph F. Burrows, Lester Earl Busby, Jake L. Bynum, Ralph W. Byrd, John P. Byrne, Carl R. Cagle, Jr., Herman Leonard Cain, George Henry Cambria, John R. Carpenter, Melvin Edward Carpenter, Elijah C. Carter, Joseph S. Caruso, Ronald F. Cashin, John W. Caulk, Jr., John G. Chambers, Howard C. Childers, Kenneth H. Chitty, John C. Church, Luke E. Church, Charles H. Clark, James Franklin Clark, Harvey G. Clendenin, James P. Clouse, Kermit T. Cocherham, Walter Fielden Cochran, Otis Elbert Cochran, Frank W. Collins, John I. Colvin, Jack

L. Connelly, Eugene C. Cook, Garland V. Cook, Aubrey Bernard Cousins, Alfred R. Cox, James H. Craig, Alton V. Cranfield, Jr., Bruce Alvin Crauswell, Russell B. Crawford, James V. Creasman, John William Crown, Howard J. Cummings, Theodore L. Cunard, Jr., Andrew Joseph Cuneo, John R. Curry, Ralph Ray Curtis, Walter Czarnecki, Doyle O. Daniell, Robert A. Darrah, Franklin Armfield Daughton, Cecil C. Davis, Edward T. Davis, Wilbur A. Davis, Charlie A. Deal, Edward J. Derricott, Charles H. Di Francesco, Battaile Stevenson Dickenson, Ed Lawrence Dickerson, Earl W. Dillon, Philip Dinerstein, Edward P. Domme, Kenneth F. Dommel, Kenneth Cedric Dowell, Elwyn T. Drew, Roland A. Du Sault, Marvin Leroy Dukes, Carl G. Dunn, Francis R. Dymck, Lloyd E. Eagleson, Frank S. Echternach, William L. Eckrote, Charles K. Edmonds, John C. Effner, Keith A. Emerson, Frederick J. Ernst, James E. Erwin, John E. Evans, Ludwig M. Eymann, Theodore Fabey, Warren Harding Fanning, Francis R. Farney, Edward C. Faytak, John Fernandez, Joseph F. Ferriols, Nathan Feuerstwin, Harold R. Fisher, James E. Fleenor, Charly L. Flynn, Urben G. Foley, James Gordon Foley, Melvin L. Ford, Otis Leonard Forehand, Ellis Joseph Foster, Vernon Alfred Frederickson, James L. Freeman, Edward J. Freet, Jr., Dudley V. Frye, Loy J. Gammel, Peter Gardner, R. Giachelti, Travis C. Gilchrist, Robert M. Glover, Sherman L. Goggins, George E. Gold, Lawrence J. Gordon, Eugene Franklin Graves, Louis W. Graves, James J. Greenwood, Elbert Gregory, Alderman Lewis Griffis, Stephen Grigos, Norman A. Gross, James Hasil Grubbs, Jr., William Franklin Gurkin, Jr., Anthony M. Gurnari, Harvey E. Hall, Lawrence Ray Hamilton, Kelse J. Hamlin, Vaughn L. Hanson, Lester L. Hardy, Leo C. Harris, Jr., Lester Harris, Thad Harris, Herman D. Hartman, Jr., Arthur H. Hawkins, John B. Hawthorne, Edward J. Haywood, John W. Heafner, Hugh Plonk Heauner, Herbert Kenneth Heim, Donald E. Heiner, Herbert K. Helm, William R. Helms, Sr., Robert A. Herman, Howard L. Herthel, Joe Shafter Higginbotham, Clarence E. Higgs, Richard L. Hinton, Dewey T. Hobgood, Francis J. Hoey, William E. Hoffman, Thomas Alexander Holden, Lester Manford Holladay, Harold Arthur Hollstrom, John L. Holt, Jr., Marvin J. Holtz, Harold G. Holzworth, John Henry Honour, Jr., Clyde E. Hooper, Marvin G. Hoover, Clay T. Houchin, John M. House, Leslie C. Hovis, Jr., James Samuel Hughes, Stanley J. Humphrey, Robert Angelo Iafrate, James Bernard Ingley, James Michael Irwin, Robert Lee Jacobs, Albin Maynard James, James Oscar Jarvis, Lee N. Johnson, Robert R. Johnson, Wilbur N. Johnson, Carl Chesley Johnson, Ralph Ross Johnston, James E. Jones, Walton Hailey Jones, Norman Emmett Jump, Arthur Louis Junker, Henry William Kaiser, James L. Keever, John Y. Keith, Jr., Charles Fenwick Kendall, Raymond F. Kennedy, Galin Kerr, John E. Kirkpatrick, Andrew F. Klacskiewics, Berry L. Knight, James Knowles, Arnold Stuart Knudsen, Arthur J. Koch, Theodore Koch, Hazel L. Kolb, Edward J. Kolenski, George E. Kondas, Joseph G. Krakow, Walter A. Laarser, Kenneth S. Lancaster, Joseph Landers, Charlie M. Langley, William D. Langley, Laurance John Langley, Norman L. Langlois, J. Larney, Nick T. Laudas, Albert F. Lechewicz, Curtis F. Lee, Allan Marley Lee, Sabatino Donato Leo, Albert A. Leuesque, Walter Leuthold, John W. Lewis, Arthur L. Linker, Robert P. Llewellyn, Warren E. Lloyd, Vincent J. Luei, Robert W. Lultrell, Jr., William N. Lynch, William Wallace Lynch, Paul S. Manzone, Elliot G. Mapp, Tony Marcello, Creighton William Marshall, Billy B. Martin, Terrance M. Mason, Russell E. Mattson, Vincent D. McCall, Lloyd A. McCraney, William J. McCrudden, William R. McKay, Jr., George W. McQueen, Joseph A. Mezzanotti, Warren Calvin Milard, Daniel Millard, Joseph A. Minieri, Peter F. Monahan, Martin Mondzak, Richard L. Montgomery, William B. Morgan, Bennie W. Morris, Sr., Henry A. Mueller, John K. Murray, Frank H. Nearing, Norman D. Nipping, Wilbur O. Niven, Lee S. Nordigan, Paul Peace Norris, Donald V. Northrop, Donald W. O'Shaughnessy, Milton P. Orr, Joseph F. Ott, Jr., John Edward Pacheco, Melvin Painter, Paul Gregory Paltakos, Chester Ray Park, Frank A. Patalane, James O'Neal Peatross, Abner Hartfield Perry, Henry R. Peter, Chester G. Polad, Reginald Smith Porter, John G. Porto, Woodrow W. Potter, Albert W. Price, Roy Prince, Nathan Prizer, Theodore F. Profant, Paul C. Raddatz, Jr., Louis H. Rauschenberg, Eugene A. Reese, Albert Reid, Jr., Lucas Reyes, Guy H. Rhodes, Arthur H. Rich, Zerney W. Roberts, Sr., Marvin E. Robinson, Joseph Rus, Claude C. Samples, Anthony Santamaria, Thomas F. Sarafield, Arthur A. Saunders, Elmer G. Schleif, Donald L. Schnurr, William Schoene, Jr., Joseph Schrippe, George Schroeder, Kenneth R. Schwarz, Harry L. Segal, Roland O. Sewing, Earl F. Shank, Earnest L. Shelley, Thomas Wayne Shexhan, James L. Sikes, Paul S. Smith, Hugh Berkley Snyder, Paul Samuel South, Frank A. Spiller, John W. Sprouse, Andrew A. Staske, Brune S. Stee, Alexander A. Steiner, Frank D. Stewart, Randolph T. Stickhouse, Charlie W. Strader, Jacob Straf, Anthon T. Stricklend, Michael J. Strusinski, Joe H. Summerlin, Benar L. Thompson, William Leslie Tiffany, Ben Lyman Titus, Henry Gustav Toepfer, Wykliff N. Tolari, Jack E. Tompkins, James Henry Torian, Warren E. Traak, Clinton A. Trick, Fernando B. Tucker, James L. Turner, Mark C. Turner, William M. Turscanyi, Earl C. Umlsuf, Joseph Valenti, Jess Marnell Van Cleave, George Richard Venerable, William E. Vogel, John P. Walsh, William D. Warner, Helmuth J. Weber, Herbert Roy Weber, Frank William Whitfield, Billy B. Williams, George Willie Wilson, Robert W. Winke, Frederick A. Wirth, Joseph Wozny, James R. Yates, and Carl L. Young.

ELIAN GONZALEZ

Mrs. BOXER. Mr. President, I want to take this occasion to say something about the Elian Gonzalez case. I have not spoken formerly in the Senate about it, but it has been addressed by several of my colleagues on the other side of the aisle. For me, it is simple because it is not about politics; it is about the heart; it is about family.

Some may call me old fashioned. I think kids belong with their parents—I have always believed that—unless there is some reason a child should not be with the parent, if the child has a bad parent. There is no proof of that in any way, or suggestion of that, except at the last minute the relatives who are caring for Elian, now, have made these charges.

It seems as if every time the father comes closer, he becomes a worse person. First, he was wonderful. They said, he is wonderful but he doesn't care about his son; he is not here. Now he is here, and they still will not turn the child over.

I have a little grandson. He is about a year younger than Elian, so I am pretty familiar with kids that age because I have watched him so closely. They are babies; they really are. They are little children. They are babies. They are impressionable. That is why it is so important to treat them well and to not use them for any purpose—let them be children.

I have to say unequivocally as a grandmother, not as a Senator, I believe it is very harmful for a child to be exposed to screaming adults outside of his home, day in and day out, shouting things. There is something wrong with that. It is harmful to a child.

I also want to point out there is room for politics over the Cuba issue. Of course there is. But it is not around this case. It should not be around this case, either by those in this country who want to make it a political issue, or Fidel Castro, who may well want to do that if and when Elian is back. That would be deplorable.

We have to treat this child gently. We have to reunite this child with his living parent. I just would like to make a plea to those who do not want to do that and who have said that to get Elian with his father is going to take people coming to the door, that they will not relinquish this child except if there is force used, that is not the way we do things in this country.

This is a country of peaceful laws. That is why we have courts. That is why people have to obey court orders. We have laws. We cannot, because we disagree with them—God knows, every one of us disagree with jury verdicts; we disagree with laws; we disagree with decisions. The beauty of our Nation is

that we are a country of laws. We must make it clear those laws should be obeyed. We ought to do it in the best interests of this child, which means gently and peacefully.

REMEMBRANCE OF THE KATYN FOREST MASSACRE

Mr. SANTORUM. Mr. President, I rise today to remind my fellow Americans of a horrific tragedy which occurred in Poland six decades ago. April 13 serves as a day of remembrance of this terrible massacre.

On September 1, 1939, Germany invaded Poland to begin World War II. Two weeks later, in accordance with the secret Ribbentrop-Molotov Pact, the Soviet Union invaded Poland from the East and completed the partition of this nation. The Soviet invasion lasted eleven days and resulted in the forced deportation of 1.5 million Poles to Russian labor camps. Of those 1.5 million, approximately 15,000 Polish military officers disappeared under mysterious circumstances. On June 22, 1941, tensions between Germany and the Soviet Union exploded as the German army stormed into Soviet territory. It would take nearly two years before the German army would uncover evidence relating to the 15,000 Polish officers who had disappeared in 1940.

In 1943, German forces near Smolensk, in western Russia, investigated reports they heard from Russian civilians to the effect that a large number of prisoners had been murdered by the Soviet secret police in the area nearly three years earlier. The German investigators were led by local Russians to a series of mounds in a wooded area about 10 miles west of Smolensk. On April 13, 1943, German officials made a gruesome discovery as they uncovered buried corpses. They found numerous victims, each with hands bound behind their backs and a bullet hole in the base of their skulls. Over the course of the next month, the Germans exhumed more than 4500 corpses. Unable to continue to dig through Katyn Forest, Germany requested the assistance of the International Red Cross and representatives of neutral countries to determine the circumstances surrounding the execution and burial of these 4500 Polish officers.

After examining the bodies, these representatives reported to the appropriate authorities their conclusion that the men buried in Katyn Forest were those of Polish military officers, along with a number of civilian cultural leaders, business leaders, and intellectuals—scientists, writers, and poets—who had been in the portion of Poland occupied by the Soviet Union in September 1939. The Soviet Union vehemently denied the allegations of responsibility. Once the Soviet Union had reclaimed Katyn Forest, a pro-Soviet investigation of the Katyn Forest Massacre determined that the Polish officers and leaders had been massacred by the German army. It would take another 45 years before the truth of the massacre would finally be acknowledged by the leaders of the Soviet Union.

Aside from United States congressional hearings held in Britain, Italy, Germany and the United States in the early 1950s, the Katyn Forest Massacre was largely forgotten by the international community. But the truth of Katyn Forest remained vivid for the Polish nation. Polish nationals were determined to discover the truth. These individuals wanted justice for the fallen comrades.

After the publication of an account of the Massacre by a Soviet historian in 1990, Polish President Wojciech Jaruzelski quickly arranged a series of meetings with Soviet President Mikhail Gorbachev and other Soviet officials in an attempt to finally bring a conclusion to the Katyn conspiracy. On April 13, 1990, the day after President Jaruzelski's final meeting with Mikhail Gorbachev, the Soviet news agency published a statement of acknowledgment on behalf of the Soviet government for summary execution of 15,000 Polish officers in the Katyn Forest during late April and early May of 1940. The statement claimed that the NKVD, the Soviet secret police, followed the orders of their chief, Lavrenti P. Beria, and massacred these 15,000 Polish captives.

We must never forget the crime against humanity which was carried out in this rural section of Poland. As our nation looks towards the 21st Century and the promising future, we must always remember the sacrifices of brave and gallant men in the defense of their nation and their heritage which have helping the world achieve greater freedom and democracy. April 13 should always be remembered not as a day in which hope briefly dimmed when these brave men were executed but a day in which freedom triumphed and shown brightly after decades of silence.

FEDERAL COMMITMENT TO EDUCATION

Mr. HATCH. Mr. President, last week the Senate passed the FY 2001 Budget Resolution. I would be remiss if, upon reflection, I did not take this opportunity to talk about the federal commitment to education in my state of Utah.

In my state of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size and paying dedicated teachers a salary commensurate with their efforts and qualifications.

Utah takes its commitment to education funding very seriously. During the 1995–96 school year, education expenditures in Utah amounted to $92 per $1000 of personal income. The national average was $62 per $1000. In other words, Mr. President, Utah's education expenditure relative to total personal income is nearly 50 percent more than the national average. It is the third highest in the nation.

In education expenditures as a percent of total direct state and local government expenditures, Utah ranks 2nd in the nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

Mr. President, no one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the national average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st the nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the nation.

While it is true that these factors contribute to the allocation of federal education funds, most notably the Title I funds, the Clinton administration has done very little to help Utah. Indeed, many of the proposals in the administration budget would be detrimental to education efforts underway in Utah.

Among other things, this administration has consistently cut funding for Impact Aid. Impact Aid is a vital program for Utah because it helps make up for the lost property tax revenue in school districts where there is a significant federal presence. Since half of our state is federally owned or controlled, that means our schools would suffer even greater financial difficulties without Impact Aid. I appreciate that this Budget Resolution rejects the 15 percent cut requested by the Clinton administration.

Indeed, in addition to support for Impact Aid, there is much to applaud in this Budget Resolution relative to education. It assumes an increase of more than $600 million over the administration's request. Over $11 billion will be dedicated to funding the Individuals with Disabilities Education Act. This will greatly assist Utah fund the education of students with special needs.

Moreover, because the federal government will be contributing more toward the costs of special education, fulfilling more of its promise to fund 40 percent of the cost for educating students with disabilities, the state will be able to use its own resources to address state and local priorities such as lowering class size, improve facilities, increasing teachers' pay, upgrading instructional equipment and textbooks, or offering enrichment programs.

Finally, this administration has never recommended funding for the Education Finance Incentive Grant program which, instead of a per-pupil expenditure as a proxy for a state's

commitment to education, uses a combination of a state's effort to fund education and a state's willingness to more equitably distribute resources among a state's economically diverse school districts. As I have noted, Utah allocates a significant amount of state revenue to education, demonstrating our state's effort. Utah also has in place an ''equity program'' for assisting schools with smaller tax bases. Nationally, we ought to be encouraging states to make such effort, and we ought to be rewarding states that do. This is an important program that deserves a consistent funding stream, and I will be addressing this issue in the context of the reauthorization of the Elementary and Secondary Education Act.

In the area of higher education, this Budget Resolution rejects the administration's proposal to require guaranty agencies, which finance guaranteed student loans (GSLs), to pay accelerated and increased funds from their federal reserves. This would be especially devastating to Utah's Higher Education Assistance Authority (UHEAA). Utah has one of the lowest average incomes in the nation; and, therefore, Utah students who are not reliant on their parents for financial assistance rely instead on assistance from UHEAA.

During past assessments, because UHEAA had maintained one of highest guarantee program reserves ratios, Utah had to return one of the highest percentages of current reserves to the federal government. Under the administration's proposal, these cuts would have been deepened, and I am grateful to the Budget committee for rejecting them.

In closing, I would like to commend the tireless hard work of the Chairman of the Budget Committee, Senator DOMENICI. His dedication to sound fiscal policy and appropriate spending priorities are laudable. I also thank the Senate leadership for their efforts on moving this process along. I look forward to the enactment of this Budget Resolution. I thank the chair and yield the floor.

PASSAGE OF S. 376 ''ORBIT''

Ms. MIKULSKI. Mr. President, I rise today to support the conference report on satellite reform. As a co-sponsor of the original bill, I believe this bi-partisan legislation will encourage more competition in the satellite communications market. This will benefit American consumers and workers. It will also make America more competitive in the global satellite market.

The Open-market Reorganization for the Betterment of International Telecommunications Act (ORBIT bill) will benefit our nation in a number of ways. First, the bill allows Lockheed Martin to acquire 100% of COMSAT Corporation by removing a number of old and outdated regulatory barriers. This is great news for these two outstanding Maryland companies and their employees. The merger will encourage growth and economic competition in one of the most dynamic sectors of our economy—the global satellite market. It means jobs today and jobs tomorrow—both in Maryland and throughout our nation. I look forward to Lockheed Martin and COMSAT completing their merger without any further delay.

Second, this legislation encourages the privatization of INTELSAT, an inter-governmental organization, by including the leverage necessary to ensure that INTELSAT's privatization will conclude in a timely and pro-competitive manner.

Third, the conference agreement also reaffirms the ability of carriers to obtain Level III direct access. Level III direct access allows customers to enter into contractual agreements with INTELSAT to order, receive and pay for INTELSAT space segment capacity at the same rate that INTELSAT charges its signatories. This means that users of INTELSAT services will be able to purchase services directly from INTELSAT without going through COMSAT.

Fourth, the bill does not remove the current prohibition on Level IV direct access until after INTELSAT privatizes. Allowing Level IV access before privatization would have unfairly and unjustly permitted COMSAT's competitors to buy all of COMSAT's investment in INTELSAT below market value which would have weakened the value of this international asset. This would have significantly diminished the value of the Lockheed-COMSAT transaction.

I commend my colleagues on both sides of the aisle in the Senate and in the House for passing S. 376 and commend the President for signing this important legislation into law.

ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, April 24 marks the 85th anniversary of the beginning of one of the most tragic events in history, the Armenian Genocide. In 1915, the Ottoman Turkish Government embarked on a brutal policy of ethnic extermination. Over the next eight years, 1.5 million Armenians were killed, and more than half a million were forced from their homeland into exile.

In the years since then, the Armenian diaspora has thrived in the United States and in many other countries, bringing extraordinary vitality and achievement to communities across America and throughout the world. The Armenian Assembly of America, the Armenian National Committee of America, and other distinguished groups deserve great credit for their impressive work in maintaining the proud history and heritage of the Armenian people, and guaranteeing that the Armenian Genocide will never be forgotten.

One of the enduring achievements of the survivors of the Genocide and their descendants has been to keep its tragic memory alive, in spite of continuing efforts by those who refuse to acknowledge the atrocities that took place. In Massachusetts, the curriculum of every public school now includes human rights and genocide, and the Armenian Genocide is part of that curriculum.

As this new century unfolds, it is time for all governments, political leaders and peoples everywhere to recognize the Armenian Genocide. These annual commemorations are an effective way to pay tribute to the courage and suffering and triumph of the Armenian people, and to ensure that such atrocities will never happen again to any people on earth.

Mrs. BOXER. Mr. President, each year on April 24, we pause to remember the tragedy of the Armenian genocide. On that date in 1915, more than two hundred Armenian religious, political, and intellectual leaders were arrested in Constantinople (now Istanbul) and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women, and children.

Thousands of Armenians were subjected to torture, deportation, slavery, and murder. More than five hundred thousand were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in human history.

But Armenians are strong people, and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter, who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either dismissed or denied.

Genocide is the worst of all crimes against humanity. As we try to learn from the recent genocidal conflicts in Kosovo and Rwanda and prevent future atrocities, it is especially important to remember those who lost their lives in the first genocide of the twentieth century. We must never forget the victims of the Armenian genocide.

A MODERN DAY TRAGEDY

Mr. MACK. Mr. President, I come to the floor of the Senate today to tell a story—a modern day tragedy about a mother, Elizabeth, who so loved her son, Elian, that she tried to bring him to the shores of the United States of America from Cuba—to the shores of freedom. Had she succeeded, she would have joined her family members already in the United States: her cousin

who arrived only last year; her son's great uncle and his family who have been in the United States for many years; and another cousin who has been here for over fifteen years. She would have been reunited with many other relatives who must today remain anonymous for fear of retribution by Castro against those still trapped in Cuba. Instead, she met with tragedy in the Florida straits. Elizabeth died. Her five-year-old son survived.

Let me be a little more specific. On November 21, 1999, a group of 14 Cuban citizens boarded a boat bound for the United States and the shores of freedom. The motor failed shortly after departing and the group was forced to return to Cuba. Think of the anxiety at this moment, having to return after risking everything. The anticipation. The disappointment. The fear.

When the boat returned to Cuba, one of the other female passengers, Arianne Horta, placed her young daughter back on the shore of Cuba. She then wanted to make sure that Elizabeth was positive in her decision to take Elian. And despite the fact that Elian had a father in Cuba, Elizabeth brought her son back on the boat to set sail for the second time that night—seeking freedom on the shores of America.

If you are interested in what Elian's mother really wanted, think about the act of choosing to keep her son on the boat, while Arianne took her child off the boat. This is as clear a message as a mother can send that she wanted freedom for her child. She wanted freedom despite the risks involved, despite a failed attempt to flee hours earlier, and despite the fact that the father remained in Cuba.

Think about that moment of choice for Elizabeth—put my son on the beach and he can live with his father, or keep him with me so we could have the hope of freedom. It is clear to me that she valued freedom above everything. Now think—if that was you, and you died, would you want the child returned to Cuba?

Think of yourself in Nazi Germany. A mother successfully smuggles a child out, but dies in the process at the hands of the Nazis. The father, probably under duress, demands the return of his child. Would we contemplate returning him? Would we return a child under the same circumstances to Saddam Hussein's Iraq? If a mother and child were scaling the Berlin wall and the mother was shot, but the child was pushed over—would we send the child back? Absolutely not.

On the night of November 21, this group of Cuban nationals repaired their boat and set sail a second time. On the following night, the boat capsized. The survivors clung to anything that would float and hung on for dear life. After a day struggling for her life, Elizabeth died. But before she passed on, she told a fellow passenger who did survive, Nivaldo Fernandez, to make sure that Elian touches land, to make sure he touches dry land.

As many of my colleagues know well, if a Cuban refugee reaches American soil they will not be sent back to Cuba. Every Cuban knows that reaching ''dry land'' means they will be free from Castro's iron fist. Elizabeth's dying wish was for her Elian to reach dry land. There can be no doubt about what she wanted for her son.

Mr. President, I come to the floor today with great disappointment—disappointment in this Administration and disappointment in the Attorney General. Elian Gonzalez's mother's death will be in vain and this little boy's struggle for freedom, his struggle to live in America, simply is being dismissed if the boy's best interests and the family's legal rights are not considered.

Many will say that this is a simple decision, the INS and the Department of Justice should merely reunite a father with the son he loves. I think all of us recognize the intense and profound bond between parent and child. It is to be respected and cherished. It is a natural instinct to want to reunite parent and child. But these are by no means ordinary circumstances. I ask the American people to look beyond the headlines, to understand the intense pressure this father is under. It is unlike anything you or I will ever experience in a free America. I have no doubt the father loves his little boy. But how many of us have stopped and thought about why this father did not come to his son the day he was found, exhausted and dehydrated having survived a treacherous trip at sea. Consider why he has not come for almost 5 months to support his son, hug his son, comfort his son. Again, I would suspect it is not out of lack of concern for his boy. I would suspect it is because Castro would not let him.

Is it possible the father wants the boy to remain with his family in Miami and live in freedom? My understanding is that the father knew Elian and his mother were coming to this country and even told other family members that he would get to America if he ''had to do so in a bowl.''

I can't imagine anyone disagrees with the notion that Castro controls the father's words and actions through duress—through intimidation. The fact is that none of us knows the true wishes of this father. Castro has used this father and son to manipulate both Cuba and the United States.

Today, the United States is not about to reunite a boy and his father, instead we are about to reunite a child and his dictator. And we are doing so against his mother's wishes. We may be doing so against his father's wishes, as well.

Last week, a spokesman of the Cuban embassy stated ''Elian Gonzalez is a possession of the Cuban Government.'' In Castro's Cuba, the state always has the last word in how a child is raised—it does not matter if a parent disagrees. According to Cuban law, any parent who questions the regime or takes any action deemed to run contrary to the revolution's goals could be imprisoned or executed.

Let me quote a former Cuban Government official from a recent Washington Post op-ed.

> Within Cuba, the return of Elian will not be seen as an act of justice by the U.S. government, but rather as yet another victory for the bully-boy tactics of Fidel Castro. This is why the dictator is trying to recover Elian—to convert him into a different kind of symbol—a symbol of the Revolution—even though for that to happen, Elian would have to renounce his mother, the family in Miami that took care of him and even in fact, his father, Juan Miguel. Because upon returning to Cuba, he will not belong to his family. He will be another son of the Revolution.

If Cuba were a free country, this situation would have been easily resolved. But Cuba is not free, it is a police state. In fact, Article 8 of Cuba's Code for Children and Youth states: ''Society and the State work for the efficient protection of youths against all influences contrary to their communist formation.''

Make no mistake, in Cuba, Elian will not have a normal childhood.

In Cuba, Elian will be allowed to live with his father until he is eleven; thereafter he will be sent to work in a farm-labor camp for 45 to 60 days per year.

In Cuba, Elian will face compulsory military service until he is 27.

In Cuba, Elian will be indoctrinated in the glories of ''the revolution'' and taught to regard any Cubans who reject Castroism—including his dead mother—as counterrevolutionaries and traitors.

In Cuba, Elian will be allowed to attend college only if his ''political attitude and social conduct'' satisfy the regime in Havana.

Returning Elian to Cuba means returning him to Fidel Castro. When I was a child, my parents had the last word in my upbringing. In Cuba, Castro's wishes carry the day—he can override any parent. Be assured Castro will begin his manipulation of Elian from the day of his return. I can see the images now—parades and banners, welcoming home the young defender of the ''Communist Revolution.'' Elian may remain closer to Fidel than any other child may be forced to suffer. The boy may get better treatment as a result, but this will be only on the surface. This innocent child will be captive—a prisoner in his own homeland. The regime cannot afford for this boy to return to Cuba only to renounce Castro's ways. Elian will be treated, not as a child, but as an opportunity to exploit. His home, his education, his father's salary, everything, will be provided as Fidel dictates. The pathetic efforts of a desperate tyrant to legitimize his method of oppression will make Elian a test. My colleagues, he is a child. Instead of Fidel's cruelties, he needs compassion.

There is a reason Elian's mother and countless others have risked everything and have given their lives in the hope that their children will taste freedom. And while Elian's mother's voice

cannot be heard now, her actions were loud and clear.

I would not be so angry if we were truly reuniting a parent and child. But if we return Elian, the United States will be caving to the demands of the last tyrant in the Western Hemisphere and will be sending a six-year-old boy to a place that Human Rights Watch states has a ''highly developed machinery of repression.'' And the United States will be doing this without providing basic civil rights to Elian—without permitting his legal options to play out.

Instead, our Government is short circuiting justice for political expediency and we will have to live with that. The outrage and fury I feel toward the administration, the Department of Justice and the INS for the manner in which they have handled the Elian Gonzalez case is overwhelming.

The United States is a Nation committed to the principles of freedom, justice, democracy and respect for human dignity. We are a nation built upon a rich diversity of heritage. We celebrate the uniqueness of our roots, family traditions and cultural experiences. And while this rich diversity is the strength of our great country, we, as Americans, share a common bond that is even stronger. That common bond is our precious freedom. Freedom to pursue our dreams, freedom to raise our children, freedom to speak our minds, and freedom from a government that dictates what we say, where we should live, and what we will become.

These principles strengthen our democracy, our nation. These principles are what continue to draw people to America's shores. Our democracy is designed to preserve and protect the rights of the weak and the strong. Our judicial system is designed to promote access to justice for all Americans. But what we have seen in the past several weeks from our own Justice Department in its' handling of the Elian Gonzalez case shakes the very foundation of our American principles.

Instead of defending these principles, this Administration has intimidated Elian's American family with the sheer weight, power, and force of the United States Government. This Administration has chosen to grind down this family's emotions and trample on the family's rights. In the process, the best interests of this boy have been undeniably neglected and his mother's wishes ignored. This Administration's treatment of a young child has evolved into an exercise of cruel and unusual punishment to preserve a pre-determined outcome and to placate an old and bitter dictator.

The United States is a free country. We have a Bill or Rights, a code of laws, and a separation of powers which guarantees no administration shall be able to sidestep the law. We are a country in which the judicial system should be permitted to work without presidential influence for political expediency—and certainly without bringing the mighty weight and power of the government down on the weakest of all people—a child.

But, in the last four months, this administration, our United States Government, has overstepped its bounds. Mr. President, I am disillusioned by the present status of this struggle for freedom. Disillusioned that these calls to honor freedom have fallen on deaf ears. But, then I think of the Cuban parents who so loved their children that they sent them unaccompanied to the United States in the 1960's in what became known as ''Operation Pedro Pan.'' Fourteen thousand and eighty-four children were sent away from the clutches of Castro by their loving parents to go to America to live in freedom. These parents willingly sent their children in order to escape Castro—in order to escape oppression. Many, if not most, of these children had no family in the United States. But they were sent to the United States with their parents wish for freedom—freedom at all costs.

We know Elian's mother sought freedom for her son—and she paid the ultimate price. We know many in Elian's family had already come to the United States; some recently, some long ago. But we have taken the sad, sad action of assuming a man whose very life and that of his family, depends upon the goodwill of a tyrant, has the ability to speak freely. What a tragedy that this man cannot speak openly and freely about his true desire. What a sad day in the history of the United States of America.

Our founding principle—our Declaration of Independence—declares, ''we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.'' We, the inheritors of this legacy, must not force people into tyranny.

I appeal to the President and the Attorney General to resolve this in such a manner that Elian's struggle and his mother's tragic death will not have been in vain. Perhaps we, the United States of America, will realize that if we don't, we are making a tragic mistake in the handling of this case. It is not too late, though, to do the right thing for this little boy. I call on the President of the United States and the Attorney General once again, to consider what is in the little boy's best interest.

Mr. DOMENICI. Mr. President, I was listening to Senator MACK. And I really wish all Americans could hear his concerns and message because I don't think the message he is sending today is getting out to people. I really believe most people think this is just a technical issue, it is automatic, it is what ought to happen.

I think what the Senator from Florida shared with us indicates that this is not an ordinary situation. It is very unordinary. Cuba is not an ordinary country. It is a very unordinary country, in the manner and in the ways the Senator from Florida described it, and more.

I thank him for coming here and asking the President and the Attorney General in a senatorial way—he made no threats, and there were no connotations in his voice. He clearly said, I ask that you consider the other side of this coin.

I thank him for that.

Mr. LAUTENBERG. Mr. President, I listened carefully to the Senator from Florida. But I am reminded, it is a pathetic thing. It is pathetic to see this child twisted and turned and seduced, if I may say—something that goes far beyond the capacity of a 6-year-old child to analyze and describe in appropriate terms.

But I say this: My sympathy goes out to the family in Miami that has been attached. But I also know this is a place where we often preach family values, family control, no interference by government, to remind everyone that this is a country of laws. If we subvert the law simply because there is pressure coming from one corner or another, what kind of message does it send to the millions of people who would crowd our shores and want to be here? It would say, well, we discriminate because we have louder voices in one place than we have in another.

Again, I think we have to remember that this country is founded on the principle of being a nation of laws, and one can challenge and go to court.

But to say, no, we are not going to obey the law, I don't think, frankly, does the cause of our country or the cause of this little boy, in the final analysis, any value.

Mr. MACK. Mr. President, there was an interest here, certainly. There are some who have discriminated against one group or another, who have not spoken out for one group and have spoken out for another.

In my career representing the State of Florida and the Senate, I have spoken out for every group looking for honest and fair treatment, whether they be Cuban, whether they be Nicaraguan, or whether they be Haitian. I have done that. I am proud that I have done that. Some of those positions have not been particularly popular in my State. But I have always taken that position.

Again, I think the right thing to do is to ask a very simple question: What is in the boy's best interest?

Mr. LAUTENBERG. In all due respect, I say this to my friend from Florida for whom I have a great deal of respect and admiration. Reunification of families is something we wrestle with here all the time—people pleading to allow a relative to join a family that has been here for years. And we say: No, the law doesn't permit it, the rules don't permit it. So we say: Sorry, we can't do that.

I get lots of pleas in my office—I am sure every Senator does—saying: Let

my mother come from country X, Y, or Z, or otherwise, and let us join together.

I say once again, if we forget we are a nation of laws, then all of us—the people in this room and the people throughout the country—ought to be bound by the same rules and the same laws. We cannot make the kind of exception that looks as if it is responding to particular pressure in a particular moment.

RESOLUTION ON METHAMPHETAMINE CLEAN UP FUNDS

Mr. THOMAS. Mr. President, today I rise in support of Senator GRASSLEY's Sense of the Senate Resolution urging President Clinton to see to it that the Department of Justice reprogramms $10,000,000 in recovery funds within the Community Oriented Policing Service (COPS) so the Drug Enforcement Administration (DEA) can continue to reimburse state and local law enforcement officials in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories.

Mr. President, Wyoming is one of a number of states that has experienced an astronomic increase in methamphetamine production, trafficking and use. In fact, during fiscal year 1998, of all cases prosecuted by the U.S. Attorney's office in Wyoming, 45% were drug cases and of that nearly 75% were methamphetamine related.

When law enforcement officials bust a methamphetamine laboratory not only do they have to prosecute the individuals involved but they must also dispose of the highly toxic chemicals that were used to produce this illegal drug. It is estimated that it costs between $3,000 and $100,000 for the safe clean up of methamphetamine labs. It is very important to see to it that methamphetamine labs are properly handled because six pounds of toxic waste are produced for every pound of methamphetamine manufactured.

Wyoming's law enforcement officials rely exclusively on the funds that the DEA provides to state and local law enforcement officials for the clean up of methamphetamine labs. Because of this growing problem, the allocated funds the DEA uses to reimburse state and local law enforcement officials ran out last month. As a result, numerous towns and communities across the country are no longer able to rely on the DEA for much needed funding.

Mr. President, it is my hope that President Clinton will see to it that the Justice Department approves this reprogramming of funds so law enforcement officials across the country can continue to fight the growing problem of methamphetamine production.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DURBIN. Mr. President, I rise today to draw attention to the critical issue of organ and tissue donation, particularly with the upcoming National Organ and Tissue Donor Awareness Week (April 16th-22nd) upon us. Although many of us will be back in our home states next week, we must remember to spread the word about the need for donation whenever we have the chance.

National Organ and Tissue Donor Awareness Week was first designated by Congress in 1983 and proclaimed by the President annually since then to raise awareness of the significant need for organ and tissue donation and to encourage all Americans to share their decision to donate with their families so their wishes can be honored. Last year, for example, the Transplant Recipients International Organization's Chicago chapter reached thousands of people through its donation displays at City Hall and other public buildings. In addition, many groups sponsored donor recognition ceremonies, remembrance services, and other events to honor the generous and caring individuals and families who have given the gift of life.

Today, nearly 70,000 men, women, and children are waiting for an organ transplant and the list is growing longer. Each day about 57 people are given the gift of life through the generosity of organ and tissue donations, but another 16 people on the waiting list die because the need for donations greatly exceeds the supply available. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow in the coming years. All anyone needs to do is this: say yes to organ and tissue donation on a donor card or driver's license and discuss your decision with your family members so they know your wishes. Transplantation does save lives, but only if all of us help as we strive toward a fair, equitable and accountable system of organ and tissue donation and transplantation.

Last session, the Give Thanks, Give Life resolution that I sponsored with my distinguished colleagues, Senator FRIST, Senator DEWINE, Senator KENNEDY and Senator LEVIN and others was passed in the Senate. This legislation, which has the support of numerous national organ and tissue donation organizations, designates Thanksgiving of 2000 as a day for families to discuss organ and tissue donation with each other since the final decision to share the gift of life is almost always made by a loved one's family. This week, I also introduced the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, which sets up a new policy stating that all Medicare beneficiaries who have received a transplant and need immunosuppressive drugs to prevent rejection of their transplant will be covered for as long as anti-rejection drugs are needed.

There are many stories that touch the heart on this compelling issue, but I'll share just one. Kelly Therese Nachreiner was a bright, artistic teenager in the class of 2002. At 16, she went with her mother, Mary, to get her temporary driver's license. At that time, Mary pointed out the donation question on the form for her license to Kelly, having no idea how her daughter would respond to this serious issue. Kelly quickly responded, ''Well, of course, Mom, I mean if somebody can live after me . . . if I'm dead why does it matter? Why do I want to keep those organs? If I can save somebody else's life, why wouldn't I?'' Just one month later, her unselfish decision would save the lives of three people after she died as the result of an automobile accident. Kelly not only saved those three lives, she also brought a spotlight to the issue of organ and tissue donation awareness, which can potentially save thousands more.

Mr. President, all of us would want to save somebody else's life if we could. Let us continue to work together throughout National Organ and Tissue Donor Awareness Week and beyond, to promote organ and tissue donation wherever we can.

ANNIVERSARY OF THE COLUMBINE HIGH SCHOOL TRAGEDY

Mr. CAMPBELL. Mr. President, next Thursday, April 20th, marks an important date in the hearts of the families of those killed inside Columbine High School, and for those who survived the horrible events on that infamous day one year ago. Indeed, this day is important for everyone whose lives were touched by those tragic events.

I can think of no greater burden for a parent than to have to bury one of his or her children. That burden is only magnified when a loved one is taken with such unimaginable and unspeakable violence.

A year is not enough time to heal the scars created on that day; not for the families of those taken, not for the children who were spared, not for the community of Littleton, Colorado, and not for our nation.

While the events of that fateful day shall always be with us, so too is the memory of those slain and the strength of spirit they and their families have given to all of us. Like the Columbine flower which returns every Spring from under the darkness of winter, so too has a sense of community blossomed in Littleton and throughout the State of Colorado in response to the horror of that day.

As a step toward healing, many groups, individuals, and entities from both Colorado and our nation have worked to honor those who have died and to memorialize their passing in an appropriate and meaningful manner.

In seems especially fitting that today I recognize with honor the parents and the families of those killed and wounded in the school that day who are working to raise money to replace the library at Columbine High School, the scene of much of the violence that occurred last April 20.

They have, to date, received pledges for nearly all of the estimated $3 million it will take to replace the library at Columbine High School. Other pending pledges could bring them close to the full amount they need to replace this scene of horror with one of hope. This is just one outstanding example of a community pulling together in a grassroots effort to lift itself up free of governmental intervention and regulation. I would encourage every American capable of sharing to help all of the families whose lives were abruptly and forever changed by the events at Columbine in whatever way they can.

Mr. President, there is good and evil present among us in human nature. We never know when we will be faced with either. I pray no family has ever to face the sadness and grief visited on the victims and the families of those in Columbine High School one year ago today. I also pray that peace comes to all of our families through the gentle spirit of all the victims taken from us in Columbine High School, and those who will live with the pain caused that day. That spirit lives on in all of us and has been best described by the students and community of Littleton who proudly proclaim: ''We are Columbine.''

CARHART V. STENBERG

Mr. KERREY. Mr. President, on April 25, 2000 the United States Supreme Court will hear arguments in the Carhart v. Stenberg case. As a lifelong Nebraskan, I have received several requests to take a prominent public position with regard to this case, including a request that I file an amicus brief, also known as a ''friend of the court'' brief in this case. I am honored by these requests, but remain determined not to become officially involved in this case before the Supreme Court. I have come to believe that active involvement in matters before the courts, particularly the U.S. Supreme Court, would be an ineffective use of the power of the Senate office which I hold in trust for all Nebraskans.

However, I do not want my silence and absence from these amicus briefs to be mistaken for something that it is not. Because I have had several opportunities as a Nebraska Senator to debate this issue, and because this landmark case before the Supreme Court affects Nebraskans directly, I feel compelled to explain to Nebraskans my thoughts on this important issue.

On September 24, 1999, the Eighth Circuit Court of Appeals upheld a Nebraska district court decision that a Nebraska statute banning a medical procedure commonly known as ''partial-birth abortion'' is unconstitutional. The appellate court sustained the decision on the grounds that the Nebraska law creates an undue burden on women seeking abortions.

It is my sincere belief that the Eight Circuit's decision should be sustained. In sum, the law adopted by the State of Nebraska (LB 23, June 9, 1997) is too vague to be enforced without placing an undue burden on a woman making this difficult choice. The Supreme Court should uphold the Eighth Circuit's decision because this law bans procedures commonly used for second trimester abortions and will affect any Nebraska doctor who performs either the D&E (dilation and evacuation) or D&X (dilation and extraction) procedure. This statute makes the act of performing legal medical procedures a Class III felony (up to 20 years in jail) and subjects a participating physician to the loss of his or her license.

Each year, five thousand women in Nebraska, with the help and counsel of their loved ones, their doctors and their clergy, face the very difficult decision to end a pregnancy. None of us believe that they make their decision lightly. They are guided by their moral beliefs and by the previous decisions of the Supreme Court giving elected State and Federal officials a legal foundation upon which to effectuate, and in some cases limit, the scope of their choices.

The central problem with the Nebraska law is that legislators made no attempt to abide by previous Court decisions. Called the ''Partial Birth Abortion Ban'' by its sponsors, the bill has been inaccurately characterized as ''banning certain late term abortions.'' In reality, the bill does not concern itself with late term abortions—neither curbing them nor banning them—which the Court gives lawmakers the capacity to do. Instead the bill seeks to ban a medical procedure used to end a pregnancy without reference to when that procedure is used. Moreover, it bans a medical intervention that is very difficult to define with the precision needed under law to give both doctors and those who enforce the law the guidance they need.

Given this uncertainty, the Eighth Circuit Court of Appeals found that LB 23 was unconstitutional. Writing for the majority, former Chief Judge Richard Arnold explained that it created an undue burden on women because, in many instances, it would ban the most common and safest procedure for second-trimester abortions. The Court pointed out that the term ''partial birth abortion'' has ''no fixed medical or legal content'' and that the Nebraska statute is too broad.

Most second and third-term abortions occur in situations where a woman would have preferred, indeed desperately wanted, to carry the baby full term. The doctor made a recommendation based upon a threat to the life and health of the mother if the pregnancy were to continue. A law like Nebraska's would make doctors who perform this procedure liable for prosecution, with penalties that include loss of their license to practice medicine and time in jail. The threat of these penalties could result in physicians choosing not to treat women with a history of high-risk pregnancies.

We are wrong to presume that women no longer die during child birth or abortion. Medical science has reduced but not eliminated the risk associated with either. We must not deny women their ability to freely choose to undergo an abortion, or the access to physician care necessary to ensure their safety.

Freedom of choice in reproductive decision-making is a constitutional guarantee established by this Court with limitations. Nebraska's law fundamentally ignores the limitations allowed and not allowed by the Court's previous decisions. If it is sustained, it will imperil the safety and well-being of women throughout our state. We cannot allow misinformation to obscure the broad consensus in America that women must decide for themselves how best to live their lives. Moreover, it is equally important that no one be denied the safe and appropriate medical treatment necessary to make a reproductive decision which this law would do.

It is my hope that this statement will help Nebraskans better understand my position on this very important matter.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I would like to share with my colleagues some recent developments on the pipeline safety legislation I introduced two months ago. I'm pleased to report that in the past week, we've made a lot of progress.

About 10 months have passed since a gasoline pipeline in Bellingham, Washington ruptured—spilling more than 275,000 gallons of gasoline. That pipeline disaster killed three young people, and left thousands of people in my state wondering about the safety of the pipelines near their homes.

We can't undo what happened in Bellingham—it will never be the same. But we can make sure that what happened in Bellingham doesn't happen anywhere else.

There are 2.2 million miles of pipelines running across the country—bringing us the energy we need to fuel our cars and heat our homes. They run near our schools, houses and communities. We have a responsibility to make sure these pipelines are safe. And it is clear that the current laws are not sufficient.

That's why I introduced my pipeline safety bill back in January. Since that time, I have been meeting with the Administration, with Senators, safety officials, citizen groups, and industry representatives.

This week, I spoke at a national conference on pipeline safety here in Washington, D.C. It was hosted by the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance.

I can tell you that people all across the country are following this issue closely, they understand the problem, and they are calling for action.

I want to be clear. We cannot wait any longer—and we can certainly not let this year pass without improving our nation's inadequate pipeline safety laws.

The danger posed by aging, corroded pipelines is not going away. In fact, it's getting worse.

Since 1986, there have been more than 5,700 pipeline accidents, 325 deaths, 1,500 injuries. More than $850 million in environmental damage. On average there is 1 pipeline accident every day, and 6 million hazardous gallons are spilled every year.

In the two months since I introduced my pipeline safety bill, at least 20 states—almost half of the country—have experienced pipeline accidents. Let me repeat that. In just two months, 20 more states have had pipeline accidents.

Just last week there was a major pipeline spill in Maryland. The clock is ticking, and the list of affected communities is growing.

Back home in Washington state, there is a great deal of impatience that Congress has not acted on pipeline safety measures. This editorial by the Bellingham Herald—from April 5th—gives you a good sense of how many of my constituents feel.

It's titled, Wake Up, Pipeline Bill Is On The Way. It's addressed to Congress, and it says, in part:

> Don't know if you had a chance to look at our pipeline bill, but we're sending you a message. We want you to hear us loud and clear.

And later it says:

> * * * even though what happened in Bellingham could happen in any one of your home states, we feel you aren't giving this issue much attention.

As this editorial says—these accidents can happen in any of our states. I don't want another community to go through what the people of Bellingham, Washington have gone through. We can make pipelines safer today.

My bill addresses five key areas of pipeline safety: My bill will expand state authority over pipeline safety. My bill will improve inspection and prevention practices. My bill will invest in new safety technology. My bill will expand the public's right to know about problems with pipelines. Finally, my bill will increase funding to improve pipeline safety by providing funds for new state and federal pipeline safety programs.

I'm proud to say that we are making progress. And I want to share with you some recent developments.

Yesterday, Senator McCAIN announced that he has scheduled a hearing on pipeline safety for May 11, and he has committed to marking up a pipeline safety bill by the end of May. He also introduced his own pipeline safety bill.

As you may recall, in February, I sent a letter to Senator McCAIN asking for a hearing. Last week, I spoke with him in person about it, and he pledged to work with me on this issue. As he told me, ''this is the right thing to do.''

I would like to commend Senator McCAIN for moving the process forward. I would also like to share with the Senate the important work done by the parents of the young people who were killed in the Bellingham explosion, especially Mr. Frank King. On Tuesday, Mr. King met with Senator McCAIN's staff, and in bringing his own personal story to the Senate—he has helped move this legislation forward.

I'm pleased today to become the Democratic sponsor of Senator McCAIN's bill. This bill contains many of the elements of the legislation I introduced back in January. The bill also includes some of the good elements of the Administration's proposal, which was introduced this week.

Senator McCAIN, as chairman of the Commerce Committee, has done a service to our nation and the state of Washington by providing his leadership on this important topic.

During the committee process, I hope we can all work together in a bipartisan manner to make the McCain-Murray bill even more effective at improving pipeline safety. There is still a long way to go, and I look forward to working with Senator McCAIN on this important issue.

Another step forward took place this week, when the Clinton/Gore Administration sent its pipeline safety proposal to Congress. Working with us, the Administration has crafted a proposal which includes many of my priorities: It places a clear value on the importance of safety. It strengthens community ''right to know'' provisions. It improves inspection standards. It invests in research and development for inspection devices. And it increases penalties for safety violations.

This proposal is a good first step, and now we will work to improve it. Clearly, there are some differences on the partnership with states provisions and other areas, and I will be working to strengthen them within the legislative process. I should add that the Administration's bill has been introduced in the Senate by Senators HOLLINGS and SARBANES, and in the House by Representatives SHUSTER, OBERSTAR, FRANKS, and WISE.

I want to commend the Vice President, who learned about this issue when he was in Washington state. He recognized the importance of pipeline safety, and he has been working to prompt the Administration to act quickly. I also appreciate the work Transportation Secretary Rodney Slater has done. Shortly after the explosion, he stationed a pipeline inspector in Washington state.

So clearly we are making some progress, but there is still much more to do. Unfortunately, the Senate leadership has not expressed a lot of interest in pipeline safety.

I recently received a note from the majority leader's office—listing almost 50 bills that he has deemed ''Legislative Calendar Items'' which he hopes to consider prior to the August recess. Pipeline safety was not on his list. Now, I know priority lists are flexible, and I hope we can get a pipeline safety bill through the committee and onto the Senate floor for consideration before August.

We need to pass a pipeline safety bill, and we need to do it now. I again ask my colleagues to stand with the thousands of people who have been adversely affected by pipeline disasters and pass a bill that will make sure no other community has to suffer from another pipeline disaster.

We have a strong pipeline safety bill. We have Administration support. And we have a commitment from the Commerce Committee leadership to pass legislation this year.

This is our chance for safer pipelines, for safer communities, and for peace of mind. We have a bill. It's up to this Congress, this year to make sure this opportunity doesn't pass us by.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 12, 2000, the Federal debt stood at $5,764,655,944,486.86 (Five trillion, seven hundred sixty-four billion, six hundred fifty-five million, nine hundred forty-four thousand, four hundred eighty-six dollars and eighty-six cents).

One year ago, April 12, 1999, the Federal debt stood at $5,663,867,000,000 (Five trillion, six hundred sixty-three billion, eight hundred sixty-seven million).

Five years ago, April 12, 1995, the Federal debt stood at $4,874,101,000,000 (Four trillion, eight hundred seventy-four billion, one hundred one million).

Ten years ago, April 12, 1990, the Federal debt stood at $3,087,071,000,000 (Three trillion, eighty-seven billion, seventy-one million).

Fifteen years ago, April 12, 1985, the Federal debt stood at $1,729,937,000,000 (One trillion, seven hundred twenty-nine billion, nine hundred thirty-seven million) which reflects a debt increase of more than $4 trillion—$4,034,718,944,486.86 (Four trillion, thirty-four billion, seven hundred eighteen million, nine hundred forty-four thousand, four hundred eighty-six dollars and eighty-six cents) during the past 15 years.

THE OCCASION OF THE BICENTENNIAL OF THE LIBRARY OF CONGRESS

Mr. STEVENS. Mr. President, as Chairman of the Joint Committee on the Library, it is my great pleasure to congratulate the Library of Congress, and Dr. Billington, the Librarian on the occasion of the Library's Bicentennial. The Library is America's oldest Federal cultural institution, and was established on April 24, 1800. It houses the largest and most extensive collection in history, and is one of the nation's assets. Congress is very proud of

the Library, and the role it plays in ensuring free public access to information. As we move forward into the new millennium, efforts are underway to enhance public access to the collections of the Library through the National Digital Library.

The Library has planned a wonderful day of activities on Monday, April 24, in honor of Thomas Jefferson's birthday. It was Thomas Jefferson's collection of 6,487 books that first began the Library's collections. The events include the issuance of the first bimetallic commemorative coin, and a postage stamp featuring a color photograph of the interior dome and several of the arched windows in the Jefferson building. At noon there will be a birthday party and concert outside on the East Lawn of the Capitol.

I ask unanimous consent that the following message from the Librarian of Congress, and press announcements of the exhibits and events associated with the Bicentennial of the Library be printed in the RECORD.

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

LIBRARY OF CONGRESS BICENTENNIAL CELEBRATION—A MESSAGE FROM THE LIBRARIAN OF CONGRESS, MARCH 2000

The Library of Congress—America's national library and oldest federal cultural institution—will celebrate its Bicentennial in the year 2000. We want to make our 200th birthday a national celebration of the important role that libraries play in our democratic society. Our goal is to inspire creativity in the century ahead by stimulating greater use of the Library of Congress and libraries across the country.

The centerpiece of this effort is an unprecedented project called ''Local Legacies,'' an attempt to celebrate and share with the nation the grassroots creativity of every part of America. The Library of Congress will ask each Member of Congress to lead an effort to find or create documentation for at least one significant cultural event or tradition that has been important to or representative of your district or state as we reach the end of this century. Selections from each documentation project will be forwarded to the Library and added to the rich collections of our American Folklife Center's Archive of Folk Culture to provide a rich cross section of the grassroots creativity of America that will be preserved and shared with future generations.

We also plan to digitize selections and share them electronically, free of charge over the Internet, through our National Digital Library Program. All participants and each Member of Congress will be credited with helping locate a distinctive contribution from his or her district or state. This is an especially exciting and historic initiative because we hope to receive and celebrate the widest possible range of contributions, including video, sound, print, manuscript and electronic formats.

Several other bicentennial activities embrace the broadest participation of all Americans and encourage an understanding of the creative roles that libraries play in modern society and in social scholarly discourse. Included among them are symposia such as ''Frontiers of the Mind in the 21st Century,'' which brought together distinguished scholars who examined the exciting horizons for knowledge in the century ahead in a symposium held in June and now available on the Library's Web site (www.loc.gov). Poet Laureate Robert Pinsky's ''Favorite Poem'' program will create audio and video archives of Americans of all ages and backgrounds reading their favorite poems. Two commemorative coins and a stamp will be issued in honor of the Library's 200th birthday, April 24, 2000. Also on that day, the Library will launch a new education Web site for families that will complement our widely acclaimed American Memory site for students and teachers. Another special initiative, ''Gifts to the Nation,'' will encourage benefactors to bring rare and important acquisitions to the national collection in the Library of Congress.

I invite you to learn more about our Bicentennial, and I encourage you to participate in the programs and activities marking our 200th birthday. As you reflect on our nation's accomplishments as we near the end of the century, you may recall the Jeffersonian principle upon which the Library of Congress was built—that free access to information and knowledge is one of the cornerstones of democracy.

JAMES H. BILLINGTON,
The Librarian of Congress.

BICENTENNIAL CELEBRATION ANNOUNCED

LIBRARY OF CONGRESS TO OFFER NEW WEB SITE, STAMP, COINS, EXHIBITS AND CONCERT

General Colin Powell, Katharine Graham, Isaac Stern, William Styron, David Copperfield, John Kenneth Galbraith, Jeanne Kirkpatrick, Maurice Sendak, Bobby Short, and Big Bird are among those who will be honored as ''Living Legends'' during a daylong National Bicentennial Birthday Party and Concert celebrating the 200th anniversary of the founding of the Library of Congress on Monday, April 24, beginning at 9:30 a.m. The Library of Congress is America's oldest federal cultural institution and the largest library in the world.

Other events on April 24 include:

First-day ceremonies for a new Library of Congress postage stamp and commemorative coins

Launch of a new Web site for young people and their families

Unveiling of a national public service advertising campaign in partnership with the Ad Council

Free performances and concert celebrating American music, history and culture and recognizing the contribution of the ''Living Legends''

Opening of a major exhibition on Thomas Jefferson and another on ''The Wizard of Oz''

Key press dates prior to April are:

Press Briefing, 10 a.m., Friday, April 14, National Press Club, 529 14th Street NW

Bicentennial press briefing with Librarian of Congress James H. Billington on the Library's efforts to address the digital divide. He will also announce the final details of the April 24 celebration, the new books just published on the Library of Congress, and the full list of the ''Living Legends'' whose creativity the Library is honoring in its Bicentennial year.

Exhibits Preview and Light Lunch, 11 a.m.–1:30 p.m., Thursday, April 20, LJ 119, Thomas Jefferson Building

Members of the press are invited to preview two new exhibitions created for the Library's Bicentennial: ''Thomas Jefferson'' and ''The Wizard of Oz: An American Fairy Tale.''

The Jefferson exhibition includes the display of Jefferson's library. It marks the first time since 1815 that the public will be able to view Jefferson's library, the seed from which the collections of the Library of Congress grew, in his original order. The books have been reassembled after a worldwide search to locate matching volumes, identical to those that were destroyed in a fire in 1851. Numerous additional personal items will be displayed exploring the contradictions and complexities of Jefferson the man, the myth, and the model, including materials relating to the Hemings family, the founding of the United States and the earliest known draft of the Declaration of Independence in Jefferson's own hand.

''The Wizard of Oz: An American Fairy Tale'' brings together approximately 100 items relating to this children's classic, including play scripts, rare books, photographs, costumes, drawings, film clips, dolls, games and toys. A pair of the ruby slippers (size 5B) worn by Judy Garland in the 1939 film will be displayed, along with the scarecrow costume worn by Ray Bolger, the mane and beard worn by Bert Lahr as the Cowardly Lion, a full Munchkin costume and an Emerald City townsman's coat.

Curators will provide press tours of the two exhibitions.

Celebration, All day, Monday, April 24, Thomas Jefferson Building

9:30 a.m.–10:30 a.m.—Great Hall: First day of issue stamp and coin ceremonies. Stamps and coins on sale.

11 a.m.–11:45 a.m.—Visitors' Center: Press Preview. Launch of americaslibrary.gov, a new entertaining Web site for children and their families. New public service advertising campaign unveiled for television, radio and Web.

Noon–2 p.m.—Jefferson Building grounds: Free performances and concert honoring American Voice and Song, featuring:

The Saturday Night live Band
Kevin Locke and Reuben Fasthorse
Ralph Stanley and The Clinch Mountain Boys
Dianne Reeves
Mickey Hart and Bob Weir
Kan Kouran Dancers
Pete Seeger and Tao Rodriguez
Kathy Mattea
Tito Puente
Giovanni Hidalgo
The Army Blues

12:30 p.m.—Photo op, Main stage outside of the Thomas Jefferson Building: Librarian of Congress James Billington will be joined by ''Living Legends'' and Big Bird and Maria of ''Sesame Street'' in blowing out the candles on a large birthday cake in the shape of the Thomas Jefferson Building.

6:30 p.m.—Great Hall: Remarks by David McCullough and Librarian of Congress James H. Billington and opening reception for ''Thomas Jefferson'' exhibition. By invitation only; open to press to cover.

LIBRARY OF CONGRESS CELEBRATES BICENTENNIAL WITH MAJOR EXHIBITION ON THOMAS JEFFERSON

JEFFERSON'S LIBRARY REASSEMBLED FOR FIRST TIME SINCE 1815

The keystone for the Bicentennial celebrations of the Library of Congress is an exhibition about the Library's very own ''founding father,'' Thomas Jefferson, whose personal library of 6,487 books was the seed from which the nation's library grew. Congress purchased Jefferson's library after its own collections, housed in the U.S. Capitol, were burned by the British in 1814.

That library—the original volumes that came to Washington in carts from Monticello—will be a major feature of the ''Thomas Jefferson'' exhibition. Because of an 1851 fire in the Library, many of those original books had been lost. Spurred by a very generous donation of Jerry and Gene Jones, as a

Bicentennial ''Gift to the Nation,'' the Library has been reassembling copies of the same editions of the works that Jefferson held. The reconstituted Jefferson's library should be more than 90 percent complete by April 24.

The display of Jefferson's library as part of this exhibition will be the first time ever that the public will be able to view Jefferson's library. It is also the first time that the volumes have been assembled in one place in the original order that Jefferson himself devised since the collection came to Washington in 1815. Visitors to the exhibition will be able to tell which volumes were owned by Jefferson and sold to Congress in 1815, which were recently identified and pulled from the Library's general collections, which have been recently purchased, and which are still missing.

''Thomas Jefferson'' will be on view in the Northwest Gallery and Pavilion of the Thomas Jefferson Building, 10 First Street S.E., from April 24 through October 31. Hours for the exhibition are 10 a.m. to 5 p.m. Monday–Saturday.

Items from the exhibition are available on the Library's Web site at www.loc.gov, and by April 24 the Library's entire collection of Jefferson Papers (more than 25,000 items) will be accessible on-line.

Thomas Jefferson—founding father, farmer, architect, inventor, slaveholder, book collector, scholar, diplomat and third president of the United States—was a complex figure who contributed immeasurably to the creation of the new republicanism in America. Wherever Anglo-American culture has shaped political and intellectual developments, Jefferson is almost inevitably part of the mix. Drawing on the extraordinary written legacy of Thomas Jefferson that is held in the Library's collections, the exhibition traces Jefferson's development from his earliest days in Virginia to an ever-expanding realm of influence in republican Virginia, the American Revolutionary government, the creation of the American nation, the revolution in individual rights in America and the world, the revolution in France, and the burgeoning republican revolutionary movement throughout the world. Items borrowed from other institutions contribute to the exhibition's attempt to offer viewers a fully rounded portrait of the nation's third president.

The exhibition focuses on the complexities and contradictions of Thomas Jefferson, the man, the myth, the model. He was simultaneously an unquenchable idealist and a third-headed realist. He deplored inequality among men, but owned slaves, supported servitude, and relegated women to a secondary role. He supported freedom of the press until his own foibles and politics became the focus. He was a firm believer in the separation of church and state, but he was often accused of being anti-Christian. He expounded the virtues of public education, ensured that his own daughters were well educated, and founded a public university at Charlottesville, but he assumed that access to higher education would be strictly limited. His life embodies the public and private struggles of life in a democratic republic.

Some 150 items in the eight sections will illustrate and provide a context for the life and character of Thomas Jefferson. The final and ninth section will be the reassembled ''Jefferson Library.'' Visitors to the exhibition will see such items as the only surviving fragment of the earliest known draft of the Declaration of Independence as well as the desk on which he composed the Declaration; Martha Jefferson's thread case; Jefferson's instructions to Lewis and Clark; political cartoons of the day lampooning Jefferson; and the last letter that Thomas Jefferson wrote to the mayor of the city of Washington just 10 days before he died, espousing his vision of the Declaration of Independence and the American nation as signals of the blessings of self-government to an ever-evolving world.

''Life and Labor at Monticello'' examines how Jefferson's family, his era, education, role as plantation master and slaveholder, and his love and use of books influenced his character and the formation of his ideas on individual and institutional rights and limits. Items include:

Thomas Jefferson's Memorandum Book, 1773, where he kept detailed records on his expenditures including the purchase of slaves;

Plantation account books kept by Jefferson's wife and then his granddaughter, recording purchases made from Monticello slaves, especially the Hemings family, for vegetables and fowl from the slave families' own flocks and gardens;

The 1873 memoir by Madison Hemings published in the Pike County (Ohio) Republican, who testified that his mother, Sally Hemings, gave birth to five children ''and Jefferson was the father of them all.'' Historical evidence, both circumstantial and direct, documentary and oral, along with DNA testing in 1998, substantiates Hemings' assertion;

Letters Jefferson exchanged in 1791 with Benjamin Banneker, a free black living in Maryland, in which Jefferson praised Banneker's mathematical accomplishment (''no body wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the other colors of men * * *'') as well as with Abbé Henri Gregoire in 1809 trying to explain why he asserted the inferiority of African Americans in his Notes on the State of Virginia published in 1785; and

Letter written by Thomas Jefferson to John Adams in 1815 in which he says, ''I cannot live without books, but fewer will suffice where amusement, and not use, is the only future object.''

The exhibition continues by demonstrating the expanding influence of Jefferson on American life and his interest in creating a culture based on republican principles—first in his own state of Virginia, then on the federal scene with his drafting of the Declaration of Independence and his election to the presidency in 1800. On view are:

One of the nation's greatest treasures—Jefferson's ''original Rough draught'' of the Declaration of Independence. The ''Rough draught'' is the final draft presented by Jefferson to his fellow committee members and indicates changes made by John Adams and Benjamin Franklin;

Fragment of the earliest known draft of the Declaration of Independence in Jefferson's hand;

An 1806 document in President Jefferson's hand calling upon Congress to end the practice of importing slaves as soon as permitted by the U.S. Constitution in 1808; and

Notes on the State of Virginia, 1785, the only book ever published by Thomas Jefferson.

''The West'' explores Thomas Jefferson's persistent fascination with the vast part of the continent that lay beyond Virginia—an area he never saw—and his conviction that the new nation had to expand westward in order to survive. A highlight is Jefferson's instructions to the explorers Meriwether Lewis and William Clark before they set out to map and explore the Western territories with their Corps of Discovery in 1803. Visitors can also see a Nicholas King manuscript map documenting the Lewis and Clark expedition that is annotated by Lewis with information from fur traders and Native Americans.

The influence of Jefferson's republican ideas were felt far beyond America, especially in France, his first experience on the world stage beyond America. He became an ardent supporter of the French revolution and often consulted with Lafayette during the drafting of the French Declaration of the Rights of Man. In a July 9, 1789, letter to Jefferson, Lafayette asked him for his ''observations'' on ''my bill of rights'' before presenting it to the National Assembly. On view in the exhibition is a manuscript copy of the French Declaration written in a clerical hand, with emendations in the hand of Thomas Jefferson. Also in the exhibition is the 1789 passport that Thomas Jefferson used upon his return from France, signed by King Louis XVI.

The exhibition concludes with ''Epitaph: Take Care of Me,'' which reviews Jefferson's own evaluation of the meaning of his life and his thoughts about how he would be viewed by history. Key items here are: A sketch and wording for Jefferson's tombstone, in his own hand; A letter explaining his position on slavery, written just six weeks before his death; A letter to Jefferson from his granddaughter, Ellen Randolph Coolidge, despairing of the ''canker of slavery'' that oppresses the Southern states; and A newspaper account of the sale of Jefferson's slaves by his heirs in order to pay off estate debts.

A volume accompanying the exhibition, Thomas Jefferson: Genius of Liberty, includes an introduction by Garry Wills and essays by Jefferson scholars Pauline Maier, Charles A. Miller, Annette Gordon-Reed, Peter S. Onuf and Joseph J. Ellis. Published by Viking Studio, the hardcover volume is highly illustrated with mostly color images and sells for $35. It is available in major bookstores and from the Library's Sales Shops; order with major credit card by calling (202) 707–0204.

COMMEMORATIVE COINS AND STAMP ISSUES FOR THE NATION

The Bicentennial of the Library of Congress presents a unique opportunity for commemorative items. Commemorative coins and a commemorative stamp for the Library's Bicentennial will be issued on April 24, the Library's 200th birthday.

The Citizens Commemorative Coin Advisory Committee recommended enactment of legislation to mint a commemorative coin to honor the Library of Congress's Bicentennial. As one of only two commemorative coins to be issued in 2000, this is an extraordinary honor for the Library. The Library's coin will be the nation's first bimetallic coin (gold and platinum) and the first commemorative with the new millennium date.

The minting of commemorative coins requires passage of legislation by both chambers of the U.S. Congress. The coin bill (H.R. 3790) was passed by the House of Representatives on August 4, 1998, and by the Senate on October 6. President Clinton signed the bill into law as P.L. 105–268 on October 19, 1998. The design of the commemorative coins by sculptors and engravers at the Philadelphia Mint is under way.

The Citizens' Stamp Advisory Committee, a group of independent citizens appointed by the Postmaster General to review the more than 40,000 suggestions for stamp subjects received by the U.S. Postal Service annually, recommended a commemorative stamp for issuance in honor of the Library's birthday. Ethel Kessler, the designer of the breast cancer stamp, designed the Library's Bicentennial commemorative stamp, which features a photograph by Michael Freeman of the interior dome and several of the arched windows in the main Reading Room in the 1897 Thomas Jefferson Building.

The stamp will be issued on April 24, 2000, during a ceremony to be held in the Jefferson Building in Washington. From April 25 through May 31, state and local libraries across the country will hold issuance ceremonies to celebrate the Library's birthday and to applaud the important role of libraries throughout the United States.

How You Can Participate: If your library or other institution would like to sponsor a second-day-issue event, contact Kathy Woodrell in the Bicentennial Program Office at (800) 707–7145 or kwoo@loc.gov.

THE LOCAL LEGACIES

The Local Legacies project is an opportunity for citizens to participate in the Library of Congress's Bicentennial Program. Working through their U.S. senator or representative and with hometown libraries, folklife organizations and other local cultural institutions, Americans everywhere have been participating in an unprecedented effort to document the cultural heritage of communities throughout the nation.

What is a local legacy?

It is a traditional activity or event that merits being documented for future generations. A Local Legacy might include the music, crafts or food customs that represent traditional life. Examples of defining or signature events include a rodeo, powwow, auction, market-day celebration, parade, procession or festival. Local Legacies might also include the artistry of individuals performing traditional music or dance, or working at crafts or trades. From zydeco music to decoy carving, rodeos to dogsled races, parades to food festivals, the Local Legacies project is reaching into every corner of the nation to document America's folk heritage.

More than 1,000 Local Legacies projects, which were selected by members of Congress in every state and the District of Columbia, celebrate the nation's diversity as a source of its strength and vitality. As a whole, the projects will serve as a snapshot of everyday life in America at the turn of the 21st century and will be preserved in the Library's Folklife Center and made available for study by others.

On May 23, the Library of Congress will celebrate these cultural and historical contributions to the Bicentennial with participants and their Congressional representatives. Selections from the Local Legacies projects will be digitized and shared electronically over the Internet at www.loc.gov, where Americans for generations to come will be able to learn about their cultural heritage.

A NEW COLLECTION OF AMERICA'S FAVORITE POEMS

Poet Laureate of the United States Robert Pinsky launched the Favorite Poem Project with poetry readings in New York, Washington, Boston, St. Louis and Los Angeles in April 1998, during National Poetry Month. A part of the Library of Congress Bicentennial celebration, the Project has created audio and video archives of Americans of all ages, backgrounds and walks of life reciting their favorite poems. At the heart of this initiative is Mr. Pinsky's belief that poetry is meant to be read aloud.

''The archives will be a record at the end of the millennium of what we choose and what we do with our voices and faces, when asked to say aloud a poem that we love,'' said Mr. Pinsky, appointed Poet Laureate in 1997 by Librarian of Congress James H. Billington. Mr. Pinsky is serving an unprecedented third term as Poet Laureate.

The two long-term goals of the Favorite Poem Project are to promote the reading and appreciation of poetry and encourage the teaching of poetry in schools nationwide. Collaborating with Mr. Pinsky are the New England Foundation for the Arts, which administers the program, the Library of Congress, which is the home of the Poet Laureate, and Boston University.

The Project aims to record up to 1,000 Americans saying poems that they love. Mr. Pinsky will deliver the first 50 audio and video segments to the Library of Congress as part of a Library-sponsored poetry symposium scheduled for April 3–4, 2000. The audio and video tapes will become a permanent part of the Library's Archive of Recorded Poetry and Literature. ''This will be a gift to the nation's future: an archive that may come to represent, in a form both individual and public, the collective cultural consciousness of the American people at the turn of the century,'' said Mr. Pinsky, a professor of English and creative writing at Boston University.

For information on the Favorite Poem Project, visit the Project's Web site at www.bu.edu/favoritepoem/.

NEW RADIO SERIES TO AIR FOR LIBRARY OF CONGRESS BICENTENNIAL

''Favorite Poets.'' a series of four one-hour programs of American poets interviewed by Grace Cavalieri, will air on public radio during National Poetry Month, April 2000, In Washington, D.C., the series will be heard on WPFW–FM on Sundays at 9 p.m. on April 16 and 23. (Check listings for local dates and times.)

Guests on the series are U.S. Poet Laureate Robert Pinsky, former Poet Laureate Rita Dove, and Pulitzer Prize winners Louise Glück and W.S. Merwin. The poets, recorded at the Library of Congress, honor the Library's Bicentennial celebration on April 24, as well as National Poetry Month.

Each program presents the poets reading their work, a discussion of the writing process, and a portrait of the poet through conversation and interview, with an entertaining look at the personal and poetic lives of each of these literary figures. The poetry archives at the Library are among the largest and most comprehensive in the world.

Grace Cavalieri, host of the series, is a familiar voice on public radio, having presented more than 2,000 poets through her program ''The Poet and the Poem'' on WPFW–FM from 1977 to 1997. She has had 11 books of poetry published, and a number of her plays have been produced throughout the country and Off-Broadway. She has received the Allen Ginsberg Award for Poetry, the Pen Syndicated Prize for Fiction, and the Silver Medal from the Corporation for Public Broadcasting for ''entertainment and innovation in radio.''

''Favorite Poets'' will be distributed nationally via NPR satellite, Interested listeners should contact their local public radio stations for times and dates of airing. The program is a Bicentennial project of the Library of Congress with funding provided by the Madison Council, the Library's private sector advisory group.

For more information on the 200th birthday celebrations of the Library of Congress, call (202) 707–2000 or visit the Library's Web site at www.loc.gov.

NEW BOOK CELEBRATES 200-YEAR HISTORY OF THE LIBRARY OF CONGRESS

America's Library: The Story of the Library of Congress, 1800–2000 by James Conaway will be published in April by the Library of Congress in cooperation with Yale University Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

The Library was founded in 1800 with the primary mission of serving the research needs of the United States Congress. During the past two centuries the collections have evolved into the largest repository of knowledge in the world and are accessible to all Americans. The Library maintains a collection of nearly 119 million books, maps, manuscripts, photographs, motion pictures, sound recordings and digital materials in some 460 languages.

''In America's Library, James Conaway invites you to learn the story of this great and complex institution, during its two centuries of development, as the men and women within its walls collect, preserve, and make useful the heritage it holds,'' said Librarian of Congress James H. Billington. ''Its collections represent and celebrate the many and varied ways that one generation has informed another.''

This lively account of the Library of Congress is filled with an immense cast of characters ranging from presidents, poets, journalists, and members of Congress to collectors, artists, curators, and eccentrics. The author focuses the Library's 200 year history on the 13 men who have been appointed by presidents to lead the Library of Congress. He investigates how the Librarians' experiences and contributions, as well as the Library's collections, have reflected political and intellectual developments in the United States. Each Librarian confronted great challenges: the entire Library collection was lost when the British burned the Capitol in 1814, and rebuilt a year later with Thomas Jefferson's personal library; in the 1940s, a backlog of 1.5 million objects waited to be cataloged; the gigantic task of replacing the card catalog with a computerized system was undertaken in the 1980s. In the 1990s, the current Librarian, Dr. Billington, has expanded the reach of the institution nationwide through the National Digital Library Program (www.loc.gov). The Library's widely acclaimed Web site is one of the most heavily used in the federal government.

Yet each Librarian also enjoyed the excitement of acquiring unique treasures—from Walt Whitman's walking stick to the papers of the Wright brothers, from the Civil War photographs of Mathew Brady to the archives of Leonard Bernstein. The thrill of using these collections in the Library's Thomas Jefferson building is conveyed in the book's introduction, ''One Writer's Library,'' by biographer Edmund Morris:

''Those lights, those glowing rectangles and portholes, are windows into the central repository of our nation's cultural intelligence: a cerebellum, a sanctum of free thought forever energized by the spirit of Thomas Jefferson.''

Conaway is the author of eight books, including The Smithsonian: 150 Years of Adventure, Discovery and Wonder, copublished by Smithsonian Books and Alfred A. Knopf in connection with the Smithsonian's 150th anniversary celebration in 1996. He is the former Washington editor of Harper's and has written for many publications: Civilization, The Atlantic Monthly, The New York Times Magazine, National Geographic, and Preservation.

America's Library—a 256-page, hardbound book—is available for $39.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

THE WIZARD OF OZ IS SALUTED IN LIBRARY OF CONGRESS BICENTENNIAL EXHIBITION

The ''yellow brick road'' leads to the Library of Congress on April 21 with the opening of an exhibition marking the 100th anniversary of one of America's most beloved stories, The Wonderful Wizard of Oz. The Library's Copyright Office registered this work by L. Frank Baum in 1900, and it has gone on

to become one of the most profitable and well-known copyright ever issued.

Since its publication, the book has outsold all other children's books in numerous editions. It has also inspired a long series of sequels, stage plays and musicals, movies and television shows, biographics of Baum, scholarly studies of the significance of the book and film, advertisements, toys, games and all sorts of Oz-related products.

Drawing on the Library's unparalleled collection of books, posters, films, sheet music, manuscripts and sound recordings, ''The Wizard of Oz: An American Fairy Tale'' examines the creation of this timeless American classic and traces its rapid and enduring success and its impact on American popular culture. It can be seen in the South Gallery of the Great Hall of the Thomas Jefferson Building from April 21 through September 23. Hours for the exhibition are 10 a.m. to 5:30 p.m. Monday-Saturday.

Approximately 100 items in a variety of formats will be on view from the Library's collections, including play scripts, rare books, photographs, posters, drawings, manuscripts, maps, sheet music and film, as well as three-dimensional objects such as figurines, dolls, games and toys. The Library will supplement its own large holdings with items borrowed from other museums, libraries and private collectors.

Of particular interest to visitors of the exhibition will be items related to the classic 1939 film ''The Wizard of Oz,'' including a pair of the ruby slippers (size 5B) worn by Judy Garland as Dorothy; the sacrecrow costume worn by Ray Bolger; the mane and beard worn by Bert Lahr as the Cowardly Lion; a Munchkin costume; and an Emerald City townsman's coat. These are supplemented with publicity shots and photographs taken on the set of the film, related sheet music, recordings, magazine advertisements, posters and lobby cards, from the Library's own collections. Clips from other Oz films—from early silents to ''The Wiz''—will be shown on a video kiosk.

L. Frank Baum's ability to make fantastic circumstances seem plausble, combined with illustrator W.W. Denslow's striking color plates and line drawings, produced a volume that was innovative both in style and presentation. The first edition of the book, along with the original copyright application handwritten by Baum, will be on display along with six of the black-and-white Denslow illustrations for the book. Some of Baum's pre-Oz books will be shown, along with a selection of other books set in the ''Land of Oz'' authored by Baum.

Children especially will be fascinated with the selection of Oz-related souvenirs and novelties including plates, figurines, games, greeting cards, Christmas ornaments, music boxes, paper dolls and coloring books.

For nearly 130 years, the Copyright Office in the Library of Congress has served as America's ''national registry for creative works.'' The 1870 law that centralized the copyright function in the Library of Congress—and set up the copyright deposit system that systematically brings two copies of every item registered for copyright to the Library—helped to create the unequaled national collections that form the core of today's Library of Congress.

Through the copyright records, one can trace the career of Frank Baum, America's great fantasist, who lived from 1856 to 1919, beginning with the 1882 copyright registration for Baum's first theatrical venture, Maid of Arran, to the publication of the last book in his Oz series, Glinda of Oz, published in 1920.

NEW BOOK FEATURES THE ARCHITECTURE OF THE LIBRARY'S THOMAS JEFFERSON BUILDING

The Library of Congress: An Architectural Alphabet will be published in April by the Library of Congress in cooperation with Pomegranate Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

Across the street from the United States Capitol in Washington, D.C., stands the first of the three Library of Congress buildings. The Thomas Jefferson Building, completed in 1897 and named for the president in 1980, is a landmark in the nation's capital as well as one of the country's great architectural treasures.

''At the heart of all our efforts stands the Jefferson Building, a heroic structure that is at once celebratory, inspirational, and educational,'' said Librarian of Congress James H. Billington. ''Few places represent human aspiration in such dramatic fashion.''

The Library of Congress: An Architectural Alphabet opens doors into many of the extraordinary spaces and features that rest within the 600,000 square feet enclosed by the building's historic walls. The book offers an illustrated tour of the Library's art, architecture, and sculpture, created by some 50 artists and artisans. From A (for arch) to Z (for zigzag), it explores the Jefferson Building's unusual architectural details—egg-and-dart molding, helixes, jambs, pilasters, quoins, spandrels, tripods, vaults, and even an X-motif printer's mark. Illustrations and descriptions are joined by a colorful alphabet drawn from the Library's collection of rare books and manuscripts.

Visitors must allot many hours to see all of this landmark's 409,000 cubic feet of granite, 22 million red bricks, 500,000 enameled bricks, 2,165 windows, 15 varieties of marble, untold numbers of classical columns, and millions of items. Compact in a 9-by-9-inch format, the Architectural Alphabet is a wonderful place to start.

The Library of Congress: An Architectural Alphabet—a 64-page, hardbound book, with 29 color photographs—will be available for $17.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

GIFTS TO THE NATION

NATIONAL COLLECTIONS, ENDOWED CHAIRS, ENDOWED CURATORSHIPS AND NATIONAL FOCAL POINTS OF SCHOLARSHIP

The Library of Congress occupies a unique place in American civilization. For nearly 200 years, the Library has collected and preserved our national cultural heritage. The collection of nearly 119 million items housed in the Library represents America's ''creative legacy,'' and ranges from books, maps and manuscripts to photographs, motion pictures and music. Copyright deposits have been a major source for the Library's collections, yet the Library has also received a significant portion of its unparalleled collections as special gifts from donors, collectors and Americans who aspire to preserve our national heritage for generations to come.

Without the generosity of such benefactors, the Library would not have the diaries of Orville and Wilbur Wright, the music of George and Ira Gershwin and Leonard Bernstein, the outstanding Stern Collection of Abraham Lincoln materials, the Rosenwald Collection of rare illustrated books from as far back as the 15th century, or its largest manuscript collection—from the NAACP.

The Library has identified additional materials that, because of their significance to American life and learning, belong in the national library, where they will be preserved and made available for future generations of Americans. Gifts to the Nation is an opportunity to support the acquisition of these important cultural legacies.

A very special undertaking is the effort to rebuild the original core of the Library—Thomas Jefferson's vast and diverse personal collection—which he sold to Congress after the British burned the U.S. Capitol, including the Library of Congress, in 1814. Tragically, in 1851, nearly two-thirds of Jefferson's library was destroyed in another Capitol fire. Jefferson believed that there was ''no subject to which a member of Congress may not have the occasion to refer,'' and reconstructing his wide-ranging collection, the scope of which is reflected in the current Library of Congress holdings, will provide new insights into the mind of one of our nation's greatest thinkers and reinforce the Jeffersonian principle upon which the Library of Congress was built—that free access of information and knowledge is one of the cornerstones of democracy.

To enhance the research opportunities at the Library, the Bicentennial celebration also includes giving opportunities for Endowed Chairs, Endowed Curatorships and National Focal Points of Scholarship. Support of these programs will ensure that experts from diverse fields of study use and write about the Library's collections as well as provide advice on collection policies for future acquisitions.

How You Can Participate: If you would like to support Gifts to the Nation, contact Winston Tabb, Associate Librarian for Library Services, at (202) 707–6240 (wtab@loc.gov), or Norma Baker, Director of the Development Office, at (202) 707–2777.

ADDITIONAL STATEMENTS

HONORING GEORGIA'S VIETNAM VETERANS

• Mr. COVERDELL. Mr. President, as we approach the 25th Anniversary of the end of the Vietnam War, I rise today to pay tribute to those in my home state who answered the call of duty and were part of this great conflict.

The Vietnam War took place over the course of seventeen years, from the first formal American involvement in 1958 to the fall of the South Vietnamese government in 1975. Perhaps no other conflict in American history presented greater challenges to those who fought. A forbidding climate, combined with a tenacious opponent and attempts by some back home to undermine our effort, conspired to present our troops with near-impossible challenges.

My home state has a fine military tradition forged over the last 225 years. This legacy was upheld with honor throughout the Vietnam conflict. All told, Georgia sent 228,000 of its finest men and women to serve during the war. 1,584 were killed in action, and 8,534 were wounded. Twenty-one were held as prisoners of war, and to this day, thirty-nine remain missing in action. Youth from places like Snellville and Americus were thrown into an environment that was both unknown and very deadly. To say they did their duty well and with honor would be an understatement.

To honor its Vietnam veterans, my state dedicated a three-figure statue on Veterans' Day, 1988. In 1997 the Georgia Vietnam Wall was dedicated, listing the names of the 1,584 Georgians who died in the war.

Earlier this year the Georgia General Assembly passed a resolution commending Vietnam veterans and their families for their outstanding service to Georgia, America, southeast Asia, and the world. In addition, the General Assembly recognized that these brave troops did not lose the war, but rather that they simply were not allowed to win, and that their duty was just and honorable. I could not agree more.

Georgians have long recognized that freedom is not free and that we must always honor those who were willing to give their lives for it. As this era in our nation's history fades ever farther into the past, it is our duty to ensure that the people of all ages recognize and honor those who fought for the freedom they enjoy today. More so than winning or losing, the soldiers of the Vietnam war proved through their sweat and blood that we are willing to fight to defend the freedom we cherish and enjoy, no matter what the circumstances.

Mr. President, my state will observe the 25th Anniversary of the end of the Vietnam War on May 5–7, 2000. I encourage all Americans to take time during these dates to honor and remember those who served in Vietnam and the name of freedom.●

INVITING THE NATION TO SAIL BOSTON 2000

● Mr. KERRY. Mr. President, I rise today to extend an invitation to the nation to join Massachusetts and the City of Boston in celebrating the gathering of tall ships for Sail Boston 2000.

The tall ships represent a nautical history that stretches across the globe. The International Sail Training Association, jointly with the American Sail Training Association, is organizing the Tall Ships 2000 Race. I am proud to say that Boston Harbor has been granted the opportunity to be the only official United States Race Port.

Beginning in April 2000, two races will start from Southampton and Genoa, finishing in Cadiz. The second leg will be a transatlantic race to Bermuda, and from there, the fleet heads north to Boston. This journey will replicate the routes taken by mariners and explorers over the last five centuries.

On July 11th, 2000, the Tall Ships will parade into Boston Harbor, and they will be led by the oldest ship in the U.S. Navy; America's Old Ironsides; the U.S.S. *Constitution*. This national treasure was originally built in Boston between 1794 and 1797, and was charged with the task of defending a young American nation. This ship, the oldest commissioned warship in the world, set to sea in 1798, and in July 1999, the U.S.S. *Constitution* operated under her own sail for the first time in 116 years.

This international fleet will be one of the finest gatherings of tall ships. Among the Sail Boston 2000 fleet are historic ships such as: *Mir* of Russia; *Concordia* of Canada; *Juan Sebastian De Elcano* of Spain; *Pogoria* of Poland; and the *Amerigo Vespucci* of Italy.

Massachusetts and the historic Boston Harbor, which offers the perfect setting for this occasion, will open itself up to visitors from around the world, and over six million spectators are expected to visit us and enjoy the festivities. The history that the Tall Ships represent belongs to all of us, and it is my hope that visitors from every state in the nation will take the opportunity to visit Massachusetts and participate in this historic celebration.●

NATIONAL PARK WEEK

● Mr. GRAMS. Mr. President, I come to the floor today to speak for a few minutes about National Park Week and the value of National Parks to our nation's citizens.

As families and individuals throughout our nation know, America's national parks are the envy of the world and considered by many to be our national treasures. In our nation's parks, wildlife flourish, scenic beauty remains abundant, and families escape the pressures of everyday life. Our parks are truly one of our nation's best investments—an investment that will provide generations of Americans with the same recreational and educational opportunities we now enjoy.

President Clinton has designated April 17–23, 2000, as National Park Week. The National Park Service now estimates that over 285 million Americans visit our 378 national parks every year. At each site, visitors find themselves confronted with important moments in our nation's history, wonderful natural scenic sites, and cultural treasures which remind us of our distinguished, and sometimes difficult, past. Our parks, in many ways, are a microcosm of our nation and of ourselves, and they continue to document for future generations those qualities about America which must be preserved for eternity.

In the 105th Congress, I was proud that Congress took a significant step forward in updating the management of our Nation's parks and improving visitor services by passing the ''Vision 2020 National Park System Restoration Act,'' a bill I cosponsored. The Vision 2020 Bill, authored by Senator CRAIG THOMAS of Wyoming, is a commonsense approach to improving both the management and facilities of national parks by bringing everyone to the table and seeking consensus. The passage of the Vision 2020 bill was an important first step toward bringing accountability to park management, addressing the tremendous backlog of park projects, and improving visitor services.

I was also proud to obtain $2 million in last year's appropriations bills for the National Park Service's portion of the Mississippi River National Center in Minnesota's new Science Museum. The exhibit will include information on the importance of the Mississippi River to Minnesota's array of interests. This is a partnership between the Park Service and the Science Museum that will give Minnesotans a greater appreciation for all aspects of recreation and commerce on the Mississippi River.

My home state of Minnesota is home to five units of the National Park Service. They are Voyageurs National Park, which on April 8 celebrated its 25th anniversary, Pipestone National Monument, Grand Portage National Monument, the Mississippi National River and Recreation Area, and the Saint Croix National Riverway. I've urged Minnesotans to visit these sites during this week and to gain a greater appreciation for opportunities they offer.

Mr. President, our parks remain one of America's most important legacies for future generations and a constant reminder of the progress, splendor, and triumphs of our past.●

PROFESSOR ROBERT KERN

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Robert Kern, a longtime professor at the University of New Mexico where he is head of the European section of the history department. With a Ph.D. from the University of Chicago, Dr. Kern's studies, teachings, and writings are centered on Iberian history, and the history of labor in various societies. In nearly 35 years of teaching at UNM, he has earned a well-deserved reputation as a thoughtful professor and a distinguished writer.

Believing that teaching is just about the noblest profession anyone can undertake, and coming from a family of teachers myself, I admire more than I can say what Professor Kern has done in this career. As a father, I admire more than I can say the fine job he did raising his sons, one of whom, Josh, worked on my staff for several years. The love, care, and attention Robert Kern gave his boys is reflected in their own lives and I suspect that of all of his achievements in a life well-lived, they are his pride and joy.●

COMMEMORATING THE 20TH ANNIVERSARY OF VIETNAM VETERANS OF AMERICA'S FIRST CHAPTER IN RUTLAND, VERMONT

● Mr. JEFFORDS. Mr. President. Two years ago, I stood before you as the proud sponsor of a resolution commemorating the 20th anniversary of the Vietnam Veterans of America (VVA). Today I am here to honor the 20th anniversary of VVA's first chapter—born and raised in my home town of Rutland, Vermont.

Twenty years ago, Vietnam Veterans were suffering under the wave of anti-

Vietnam sentiment that had swept the nation. Little recognition was given to their sacrifices during the war. And in fact, there was even a great deal of official denial about the extent of the price that had been paid by these veterans, both physical and emotional. It would be years before Post-Traumatic Stress Disorder would be a recognized condition for many veterans and years before the Federal Government would admit that use of Agent Orange had left a terrible legacy of continued suffering for our veterans. The founders of the VVA felt that they must have an organization to speak directly to those needs. The outpouring of enthusiasm from the veterans themselves demonstrated the depth of these feelings.

In 1979, during a trip to Vermont, VVA founder Bobby Muller met Don Bodette. Don supported the notion of an organization of and for Vietnam era veterans, but felt that it would only be truly successful if they mobilized locally and established chapters. The power of Don's logic and commitment persuaded Bobby Muller to adopt his model. On April 13, 1980, VVA Chapter One was established in Rutland, Vermont. Taking up the challenge, Don was joined by Jake Jacobsen, Albert and Mary Trombley, Mike Dodge, Dennis Ross and Mark Truhan, to name a few. Today, April 13, 2000, VVA Chapter One has 120 members hailing from 19 states and 3 other countries.

I would like to add my voice to the multitudes both in and outside of Vermont who are celebrating this auspicious anniversary. I join in recognizing the tremendous work done by the VVA, both in Vermont and nationally. As a Vietnam era veteran myself, we all owe a debt of gratitude to VVA Chapter One's farsighted founders and the committed members who have followed their lead. Happy 20th Birthday, Chapter One! May you have many more!●

THE 30TH ANNIVERSARY OF GREEN UP DAY

● Mr. LEAHY. Mr. President, nearly 30 years ago, my predecessor, the late Senator George D. Aiken, rose to report to the Senate on a new Vermont initiative called ''Green Up Day.'' He described an effort, then in its second year, in which thousands of Vermont citizen volunteers of all ages combed the streets, highways, back roads, and village greens to pick up litter and beautify their state.

Another distinguished colleague of mine, Senator Robert Stafford, kept these same Vermonters' thoughts in mind when he courageously led this Senate in the fight to build strong national environmental policies—including Superfund—to protect public health, air, water, and land.

The very first Green Up Day was a simple initiative born on April 18 of 1970—a few days before the first Earth Day. Today it is an annual Vermont tradition. On May 6, 2000, thousands of Vermonters will celebrate the official 30th anniversary of ''Green Up Day'' just as they have for so many years—by picking up trash bags and devoting their day to the beautification and clean up of our Green Mountain State.

Over the years, one organization, Vermont Green Up, has diligently coordinated volunteers and spread the ideas of Green Up Day. Vermont Green Up has sponsored annual poster contests for students, cleaned up several illegal dumps, and helped other states—and even other countries—organize their own ''Green Up'' efforts.

In fact, my own daughter, Alicia, thought so much of Vermont Green Up that she served as their Executive Director for a few years. Alicia had the pleasure of serving in that position with Bob Stafford on the board. She also made sure her father was out picking up trash with her on Green Up Day!

I congratulate Vermont Green Up, the financial sponsors supporting Green Up Day, and the thousands of Green Up Day volunteers. These are the people who continue to make the first Saturday in May an extraordinary day for Vermont's environment. The fact that we are now celebrating the 30th anniversary of Green Up Day is a testament to these Vermonters untiring dedication to the environment of our Green Mountain State.●

CALHOUN COUNTY CELEBRATES CHARACTER EDUCATION AWARENESS WEEK

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very special event taking place next week in the State of Michigan. The city of Battle Creek and the greater Calhoun County are officially recognizing April 17–21, 2000, as Character Education Awareness Week. Character Unlimited, a group which works to raise awareness of the importance of good character and to train others to integrate character development in their organizations and areas of influence, and the Battle Creek Chamber of Commerce are cosponsors of the event.

Four goals have been set for the week: first, to inform the public about character education initiatives throughout Calhoun County; second, to raise awareness and interest in the importance of mentoring and role modeling; third, to address youth about the importance of character based decision making and non-violent conflict resolution; and, finally, to raise community awareness of Character Unlimited and the work of the organization.

Increasingly, the notion of character has found a place in the national dialogue, particularly in this, an election year. What is getting lost in the debate, I feel, is a look at where character comes from, how it is developed within children and adults alike, and the role communities can play in developing character within their youth. Good character is not innate, Mr. President, it requires conscientious education, effort and role-modeling.

While it goes without saying that parents hold the most important role in this process, they are not the only cog in the wheel. Schools, youth organizations, churches, synagogues, temples, civic organizations, even governmental organizations, all of these groups have the opportunity to set positive examples for children, and in doing so provide them with a clear-cut example of what is right and what is wrong. More than this, though, for they also have the ability to teach them how to appropriately fight for what is right and against what is wrong. This is positive character development, and it is within all of our grasps.

Mr. President, good character in an individual is not automatic, but it is always attainable. What it requires is hard work by many people. The more positive influences our communities are able to have available to children, the more children we will see developing a strong sense of character. Continuing to use basic common sense as a guide, I think it is easy to imagine what kind of a positive effect this will have on our communities.

Mr. President, I am truly excited about what is happening in Calhoun County April 17–21, 2000. I thank Character Unlimited and the Battle Creek Chamber of Commerce for sponsoring Character Education Awareness Week. Also, I would like to recognize Mr. Erv Brinker, Chairman of Character Unlimited, and Ms. Pat Maliszewski, Program Director, whose hard work have been essential in making this event possible. On behalf of the entire United States Senate, I hope that Character Education Awareness Week is a huge success.●

CELEBRATION OF CHOL CHNAM, CAMBODIAN NEW YEAR

● Mr. REED. Mr. President, I rise today to join Cambodian-Americans in celebration of the Cambodian New Year, Chol Chnam, one of the major celebrations of the Cambodian culture. Over the next three days there will be gatherings across the United States to celebrate the beginning of the Year of the Dragon. I take this opportunity to wish all of these people a very happy New Year.

The Cambodian New Year represents more than just a renewal of the calendar and traditional end of the harvest, it is also a celebration of faith. Entry into the New Year, or Maha Sangkrant, is marked by the sounding of a bell. With the sounding, it is believed that the New Angel arrives. Throughout the day people participate in ceremonies and bring food to the Buddhist monks and religious leaders. The second day of celebration, or Vana Bat, is a time to show consideration for others. Gifts are given to parents, grandparents and teachers as a show of respect and charity is offered to the less fortunate. The third day, or Loeng

Sak, includes more religious ceremonies and rituals to bring good luck and happiness to families.

In my home state of Rhode Island there are numerous businesses owned by Cambodian-American families, most of them in the capital city Providence. These establishments contribute much to the local economy.

The Cambodian New Year is an appropriate time to remind all Americans why we must support the political and economic stabilization of Cambodia. As the nation continues to recover from three decades of civil conflict, including the atrocities committed by the Khmer Rouge, it is critical that the United States and international community aid the Cambodian people in their efforts to build a lasting democracy.

Therefore, on this day marking the beginning of Chol Chnam, I encourage all U.S. citizens to join in the spirit of this special holiday.●

COMMENDATION FOR DR. JAMES BROWNFOX JONES, ESQ.

● Mr. CAMPBELL. Mr. President, I take this opportunity today to call my colleagues' attention to the extraordinary efforts of Dr. James Brownfox Jones who has made countless contributions to his profession and to the community at large. Recently, Dr. Jones was selected as an inductee in the Washington D.C. Hall of Fame in the area of education. Dr. Jones' selection to the Hall of Fame is a testament to his dependable and consistent standard of excellence as an educator and participant in his community. His career reflects his respect and affection for the young people who are our future leaders. And, his record reflects his predominate concern for the more vulnerable youth in this city.

Dr. Jones has distinguished himself in the District of Columbia as an educator and community activist with the mission of helping young people reach their full potential At the Washington School of Psychiatry, Dr. Jones developed and operated an experimental educational program designed to address the educational needs of ''hard core'' juvenile delinquents. And, as a public school teacher, he developed a unique program for special education students.

With a distinguished career spanning more than 30 years, Dr. Jones assisted the mayor in initiating a wide range of innovative programs for the children and youth of the city. These included a mobile recreation wagon, a hot lunch program, a neighborhood youth corps, and the building of go-kart tracks on lots left vacant by the 1968 riots.

Since 1983, Dr. Jones has designed and operated an Independent Living Program for abused and neglected youth in foster care in the District of Columbia. As part of this program, he has sent over 250 young people to college.

Education is a top priority for this Congress, and for me personally. I have served as a tutor and my wife Linda has dedicated her career to teaching in public schools. Both of us have always been strong supporters of public education. It is with that background that I want to express my support for the work of Dr. Jones and to congratulate him on his selection for the Washington, DC Hall of Fame.

Thank you, Mr. President.●

RECOGNIZING THE HERMANN MONUMENT

● Mr. WELLSTONE. Mr. President, I come to the Senate floor today to recognize the numerous contributions that millions German-Americans have made to the United States, and introduce a resolution to designate the Hermann Monument in New Ulm, Minnesota, a national monument.

German-Americans have been an integral part of American history, shaping our artistic, cultural, military and political foundations. Friedrich Muhlenbert, the first Speaker of the House of Representatives, baseball great Babe Ruth, and artist Oscar Hammerstein are just three out of millions of German-Americans who have contributed to the creation of a diverse American culture. Today, German-Americans compose nearly 25% of the American population, making them the largest ethnic group in the United States. Despite this vast number of German-Americans and the significant impact they have had on all facets of American life, unfortunately there is no nationally recognized symbol honoring German-Americans.

The Hermann Monument provides us with an opportunity as a nation to recognize the contributions of German-Americans, past and present. The monument is a unique copper statue of Hermann the Cheruscan, created in 1889 as a tribute to the struggle and triumph of German immigrants who came to the United States. The Hermann monument has become a symbol of unity and endurance to all American-Germans. It appropriately stands tall over New Ulm, Minnesota, a city where nearly 75 percent of the population is of German heritage.

Designating the Hermann Monument as a National German American Monument will re-enforce the important contributions that millions of German-Americans have made to our nation. It is with this goal that I introduce this resolution, and urge my colleagues to support it.●

EXCELLENCE IN EDUCATION AWARDS PROGRAM

● Mr. ABRAHAM. Mr. President, I rise today to recognize the exceptional work of seventeen students who are being honored on April 18, 2000, at the ''Excellence in Education'' Awards Program. Each year, the Auburn Hills Chamber of Commerce recognizes a group of students whose ability and enthusiasm have not only proved to be outstanding, but also, I am told, has managed to please their teachers on a daily basis.

The purpose of the event is to provide these students with a job-shadowing experience in the field of their interest. For one day, the students work with local professionals in their chosen field, providing them with an unforgettable, and also inspirational, experience. Over the years, the chosen fields have ranged from medical specialties, to creative and performing arts, to business, to technology, and many more.

Mr. President, I applaud the following seventeen students for their outstanding efforts, and thank the Auburn Hills Chamber of Commerce for not only recognizing them, but encouraging them to continue their enthusiastic approach to education: Jeff Austin, Letrice Hudson, Elias Numan, Bryan Phillips, Heather Zygmontowicz, Tenealle Tenwolde, Collin Lasko, Lyndsay McGarry, Kyle Morrison, Brandon See, Jamiecee Baker, Deitra Officer, Ty Bleuenstein, Monique Bramlett, Cristal Moore, Pakou Ly, and Kenneth Venable. On behalf of the entire United States Senate, I congratulate them on their participation in the ''Excellence in Education'' Awards Program.●

A TRIBUTE TO THE UNIVERSITY OF MINNESOTA WOMEN'S HOCKEY TEAM

● Mr. GRAMS. Mr. President, I proudly rise today to pay tribute to the University of Minnesota women's hockey team on their recent national championship victory. This is truly an accomplishment of which all Minnesotans can be proud.

In only its third season, the Golden Gopher program has become a national powerhouse. In 1998, the Gopher's inaugural year, the team finished fourth in the nation. Last year, they crept closer to the national title with a third-place finish. This season's 32–6–1 record was the best in the nation.

Under the leadership of coach Laura Halldorson, the Gopher women defeated instate rival University of Minnesota-Duluth in the semifinals, 3–2, after being down 2–0. This come-from-behind victory gave the Golden Gophers a berth in the American Women's College Hockey Alliance National Championship game versus top-seeded Brown University.

The March 25 championship game at Boston's Matthews Arena proved to be a tough-fought contest. The Gopher women fell behind by a score of 1–0 in the first period, but once again made a strong comeback. Led by goalie Erica Killewald's 34 stopped shots, in the Gophers held off Brown for a 4–2 victory.

While this incredible season was clearly the result of phenomenal teamwork, there are individual efforts that should be recognized. Gopher goalie Erica Killewald's spectacular performance earned her the tournament MVP

honors. Also awarded all-tournament honors were Nadine Muzerall, Winny Brodt and Courtney Kennedy.

As the popularity of women's hockey spreads throughout the nation, Minnesotans have embraced the sport—and their Golden Gophers. Now the program is poised to lead the charge towards greater advancements in women's athletics. I commend the women's dedication and relentless hard work. With only one graduating senior on this year's Gopher squad, I am hopeful for many more national championships.●

WITTMAN FAMILY WINS MILLENNIUM FARM/RANCH FAMILY AWARD

● Mr. CRAPO. Mr. President, I rise today to bring your attention to the recent accomplishment of the Wittman family from my home state of Idaho. Today, they will be receiving the Millennium Farm/Ranch Family Award for agricultural and forestry stewardship. I know you join Idaho and myself in extending to the Wittman family congratulations on this achievement.

The Wittman family has worked their land near Lapwai, Idaho since the early 1920's. They have used that knowledge to give us an on the ground perspective when we have written farm policy. Most recently, their views helped shape the reforms made to the crop insurance program.

Wittman Farms is a fourth-generation family farm operation using sound conservation and stewardship practices. In 1988, the family joined forces with the nearby Valley Boys and Girls Clubs to build ''Camp Wittman,'' a totally solar-powered destination where students and educators can share in a hands-on environmental experience to learn farming practices in the mountain meadow environment of the Palouse.

The Wittman Family has given to our youth, our educators, our local and national governments, and broken ground for more than just the purposes of next year's crop.

In these tough times for farmers, agriculture needs leaders who indeed look to the future while learning from the past. I am proud to honor the Wittman family as a Millennium Farm/Ranch Family Award winners and proud to call them fellow Idahoans.

It is indeed my pleasure as an Idaho Senator to honor the Wittman family as agriculture pioneers for Idaho—and to thank them for contributing so much to our next millennium in Agriculture. I know you and my colleagues in the Senate join me in offering our congratulations to the Wittman family.

Thank you, Mr. President.●

TRIBUTE TO DOVEY J. ROUNDTREE

● Mr. WARNER. Mr. President, the American Bar Association Commission on Women in the Profession announced in February the winners of the 2000 Margaret Brent Women Lawyers of Achievement Awards.

Among those worthy recipients was Dovey J. Roundtree, General Counsel for the National Council of Negro Women, whom I have been privileged to know for many years.

As a former law clerk to Federal Circuit Judge Prettyman, then as an Assistant United States Attorney, followed by private practice in the greater metropolitan area of Washington, DC, I came to know and admire the professional achievements of Attorney Roundtree.

She is most deserving of this recognition for her tireless efforts to help others.

The award Mrs. Roundtree has earned is named for the first woman lawyer in America, Margaret Brent. She arrived in the Colonies in 1638, and was involved in 124 court cases over the course of eight years, winning every case. In 1648, she formally demanded the right to vote in the Maryland Assembly, but her petition was denied by the Governor.

These awards were established in 1991 to honor outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively worked to help other women lawyers.

Attorney Roundtree and her work have been admired for more than three decades. She has been a leading civil rights lawyer, an Army veteran, an ordained minister and a resident of Spotsylvania.

She is a founding partner of the Washington, DC, law firm of Roundtree, Knox, Hunter and Parker, and she served for 35 years as General Counsel to the National Council of Negro Women and as special consultant for legal affairs to the African Methodist Episcopal Church.

Mrs. Roundtree attend Howard University Law School on the GI Bill and went on to break legal ground in both civil and criminal law. Her 1955 bus desegregation victory before the Interstate Commerce Commission, Sarah Keys versus Carolina Coach Company, was critically important in the legal battle for civil rights.

She was the first black woman admitted to the Bar Association of the District of Columbia and actively recruited other black women attorneys.

Dovey J. Roundtree is most deserving of this award.●

NATIONAL D.O. DAY

● Ms. COLLINS. Mr. President, today, Thursday, April 13, is National D.O. Day. I therefore want to take this opportunity to recognize the 45,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. For more than a century, D.O.s have made a difference in the lives and health of Americans everywhere. They have treated presidents and Olympic athletes. They have helped to keep children well and have contributed to the fight against AIDS. Today, members of the osteopathic medical profession serve as U.S. Assistant Secretary of Defense for Health Affairs, the chief medical officer for the U.S. Coast Guard, and the Surgeon General of the U.S. Army.

As fully licensed physicians able to prescribe medication and perform surgery, D.O.s are committed to serving the health needs of rural and underserved communities. They make up 15 percent of the total physician population in towns of 10,000 or less. In addition, 64 percent of D.O.s practice in the primary care areas of medicine, fulfilling a need for more primary care physicians in an era marked by the growth of managed care. Their contributions have been particularly important in rural states like Maine.

More than 100 million patient visits are made each year to D.O.s. D.O.s approach their patients as ''whole people.'' They don't just treat a specific illness or injury. D.O.s take into account home and work environments, as well as lifestyle, when assessing overall health. This approach provides Americans with high quality healthcare—patients seen as people, not just an illness or injury.

From the state-of-the-art healthcare facility in a major city to a clinic in a rural Maine community, D.O.s continue to practice the kind of medicine that Andrew Taylor Still envisioned over 100 years ago when he founded the profession.

It was my pleasure to meet today with two representatives of the osteopathic medical profession visiting our Capitol from Maine. The University of New England, College of Osteopathic Medicine (UNECOM), in Biddeford, is the only medical school in my home state. To the more than 400 osteopathic physicians in Maine, the approximately 1,100 graduates of UNECOM, and the 45,000 D.O.s represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of improving our nation's health care.●

MR. AND MRS. ROBERT VANMETER'S 50TH WEDDING ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today in honor of Mr. and Mrs. Robert VanMeter, who on April 22, 2000, will celebrate their 50th wedding anniversary. The couple was married at a simple ceremony on a Friday evening by a clergyman named Grover W. Cleveland. Since that evening, the two have shared the highs and lows of life together, lending support and comfort to the other whenever there has been need.

Mr. Robert VanMeter served in the 82d Airborne in Italy. He loved his job, and was particularly fond of taking

pictures of his jumps. Mrs. JoAnn VanMeter stayed at home, raising their four children. She baked everything from hamburger buns to apple pie. The children never knew what ''store-bought'' bread and pastries were until they were teenagers and Mrs. VanMeter returned to work.

Thirty-nine years ago, Mr. VanMeter completed the house that the couple lives in to this day. It took him two years to build, in part because of his refusal to allow anyone to help him with any part of the process, including the electrical and plumbing.

Mr. and Mrs. VanMeter have five grandchildren, ages 12–25. As they did their own children, they continue to show a patience and loyalty to them. They instill into their grandchildren the same principles they passed to their children: hard work, patience, and a willingness to try new things.

Mr. President, on this special occasion, I congratulate Mr. and Mrs. VanMeter. On behalf of the entire United States Senate, I wish them a happy 50th wedding anniversary, and best of luck in the future.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION AND BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution and bill:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The enrolled joint resolution bill was signed subsequently by the President Pro Tempore (Mr. THURMOND).

At 1:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal Year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

MEASURE REFERRED

The following bill was read the first and second time by unanimous consent, and referred as indicated:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

The following bills were read the first and second times, and placed on the calendar:

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 13, 2000, he had presented to the President of the United States, that the following enrolled joint resolution:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8471. A communication from the Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision to Implement Economic Development Reform Act of 1998–Grant Rate Eligibility; Disaster Assistance Based on High Unemployment; Final Rule''; to the Committee on Environment and Public Works.

EC–8472. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation amending the Toxic Substances Control Act; to the Committee on Environment and Public Works.

EC–8473. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL # 6577–7), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8474. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Connecticut; Plan for Controlling MWC Emissions from Existing MWC Plants'' (FRL # 6577–3), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8475. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska'' (FRL # 6577–1), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8476. A communication from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation amending the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8477. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fiscal year 2001 Performance Plan and the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8478. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV)1 Requirements for Operators of Small Passenger-Carrying CMVs'' (RIN2126–AA51(Formerly RIN2125–AE22)), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8479. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications'' (RIN0648–AM49), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8480. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive

Economic Zone Off Alaska—Modification of a Closure (Opens Pollock Fishing in the West Yakutat District in the Gulf of Alaska)'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8481. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8482. A communication from the 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. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8483. A communication from the 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. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8484. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes; Docket No. 99–NM–125 (11–26/4–10)'' (RIN2120–AA64) (2000–0193), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8485. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, −200C, −300, and −400 Series Airplanes; Docket No. 99–NM–84 (4–4/4–10)'' (RIN2120–AA64) (2000–0189), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8486. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc. J–2 Series Airplanes that are Equipped with Wing Lift Struts; Docket No. 99–CE–13 (12/28/99–4/10/00)'' (RIN2120–AA64) (2000–0195), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8487. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Docket No. 99–NM–317 (12–13–99/4–10–00)'' (RIN2120–AA64) (2000–0194), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8488. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226–T and SA226–TB, SA226–AT, and SA226–TC Airplanes; Docket No. 99–CE–15 (10–7/4–10)'' (RIN2120–AA64) (2000–0191), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8489. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica; Model EMB–145 Series Airplanes; Docket No. 99–NM–203 (4–4/4–10)'' (RIN2120–AA64) (2000–0190), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8490. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines; Docket No. 97–ANE–55 (7–16/4–10)'' (RIN2120–AA64) (2000–0192), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8491. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Roinson Helicopter Company Model R44 Helicopters; Docket No. 99–SW–08 (4–6/4–10)'' (RIN2120–AA64) (2000–0186), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8492. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from Cape Falcon to Humbug Mountain, Oregon'', received April 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8493. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Delaware, OH; Docket No. 99–AGL–37 (9–8–99/4–10–00)'' (RIN2120–AA66) (2000–0082), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8494. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (57); Amdt. No. 1984 (4–6/4–10)'' (RIN2120–AA65) (2000–0021), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8495. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (48); Amdt. No. 1985 (4–6/4–10)'' (RIN2120–AA65) (2000–0022), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8496. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Colored Federal Airways; AK; Docket No. 98–AAL–15 (4–4/4–10)'' (RIN2120–AA65) (2000–0083), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8497. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Jet Routes; AK; Docket No. 98–AAL–13 (4–4/4–10)'' (RIN2120–AA65) (2000–0084), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8498. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report of Selected Acquisition Reports (SARs) for the quarter ended December 31, 1999; to the Committee on Armed Services.

EC–8499. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Program Acquisition Unit Cost and Average Procurement Unit Cost thresholds which have been exceeded for the Advanced Threat Infrared Countermeasure/Common Missile Warning System program; to the Committee on Armed Services.

EC–8500. A communication from the Secretary of Defense, transmitting, pursuant to law, a report of the determination of the necessity to order the transportation of chemical warfare material from Washington, DC to Pine Bluff Arsenal, AR and Aberdeen Proving Ground, MD; to the Committee on Armed Services.

EC–8501. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, the report of an award of a contract for depot level repair and maintenance availabilities of surface combatants homeported in Everett, WA; to the Committee on Armed Services.

EC–8502. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report entitled ''The DoD Health Care Benefit: How Does It Compare to FEHBP and Other Plans?'' and a report entitled ''TRICARE/CHAMPUS Behavorial Health Benefit Review''; to the Committee on Armed Services.

EC–8503. A communication from the Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Liquidation of Collateral, Sale of Disaster Assistance Loans'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8504. A communication from the Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Microloan Loan Loss Reserve Fund'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8505. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Information Processing Procedures; Obtaining, Submitting, Executing, and Filing of Forms: Change of Address'' (Docket No. 00N–0784), received April 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8506. A communication from the Acting Associate Attorney General transmitting, pursuant to law, the 1999 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC–8507. A communication from the Inter-American Foundation, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8508. A communication from the Federal Communications Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8509. A communication from the Office of Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Designation of Electric Rate Schedule Sheets'', received April 12, 2000; to the Committee on Energy and Natural Resources.

EC–8510. A communication from the Energy Information Administration, Department of Energy, transmitting a report entitled ''International Energy Outlook 2000''; to the Committee on Energy and Natural Resources.

EC–8511. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and

Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried Seedless and Zante Currant Raisins)'' (Docket Number FV00–989–4 IFR), received April 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8512. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Ports Designated for Exportation of Horses; Dayton, OH'' (Docket #99–102–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8513. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Johne's Disease in Domestic Animals; Interstate Movement'' (Docket #98–037–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8514. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC Sources'' (FRL #6572–8), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8515. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York: Approval of Carbon Monoxide State Implementation Plan Revision; Removal of the Oxygenated Gasoline Program Final-Region 2'' (FRL #6572–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8516. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL #6573–1), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8517. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by Reference; Approval of Recodification of the Virginia Administrative Code'' (FRL #6562–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8518. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Public Notification Rule'' (FRL #6580–2), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8519. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District'' (FRL #6578–6), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8520. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''1999 PCB Questions and Answers Manual-Additions''; to the Committee on Environment and Public Works.

EC–8521. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Incentives foe Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations''; to the Committee on Environment and Public Works.

EC–8522. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Notice of Storage Tank Emission Reduction Partnership Program''; to the Committee on Environment and Public Works.

EC–8523. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Small Business Compliance Policy''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1778: A bill to provide for equal exchanges of land around the Cascade Reservoir (Rept. No. 106–271).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 1946: A bill to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act'', to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes (Rept. No. 106–272).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 311: A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes (Rept. No. 106–273).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1452: A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes (Rept. No. 106–274).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 2412: A bill to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse''.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 287: A resolution expressing the sense of the Senate regarding U.S. policy toward Libya.

S. Res. 289: A resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2058: A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2366: A bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2367: A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 2370: A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 81: A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Ernest R. Riutta, 2216

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Thomas H. Collins, 9096

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years. (New Position)

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years. (New Position)

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2005. (Reappointment)

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003. (Reappointment)

Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2004.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nominations beginning Jay F. Dell and ending Denis J. Fassero, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 19, 1999.

Coast Guard nominations beginning Michael H. Graner and ending Michael R. Seward, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Douglas N. Eames and ending Timothy A. Aines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Jennifer L. Adams and ending Gregory D. Zike, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

By Mr. SMITH for the Committee on Environment and Public Works.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2005. (Reappointment)

By Mr. WARNER for the Committee on Armed Services.

Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. (New Position)

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

By Mr. HELMS for the Committee on Foreign Relations.

Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Thomas G. Weston, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Carey Cavanaugh, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts.

Christopher Robert Hill, of Rhode Island, 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 Poland.

Nominee: Christopher R. Hill.

Post: Warsaw.

Contributions, amount, date, donee:

1. Self: zero.
2. Spouse: zero.
3. Children and Spouses: zero.
4. Parents: Mother, Constance Hill, $50, June 1999, Al Gore.
5. Grandparents: deceased.
6. Brothers and Spouses: zero.
7. Sisters and spouses: zero.

Donald Arthur Mahley, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues.

Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Mattie R. Sharpless and ending Howard R. Wetzel , which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2000.

Foreign Service nominations beginning Nancy M. McKay and ending Nancy Morgan Serpa , which nominations were received by the Senate and appeared in the Congressional Record on February 24, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, and Mr. KENNEDY):

S. 2421. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX:

S. 2424. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2425. A bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON:

S. 2426. A bill to suspend temporarily the duty on n-Heptanoic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2427. A bill to suspend temporarily the duty on Undecylenic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2428. A bill to suspend temporarily the duty on n-Heptaldehyde; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel HAZEL LORRAINE to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. L. Chafee (for himself, Mr. BRYAN, Mr. THOMPSON, Mr. SARBANES, and Mr. BURNS):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS) (by request):

S. 2437. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. McCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2448. A bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. HUTCHINSON (for himself and Mr. BROWNBACK):

S. 2450. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2451. A bill to increase criminal penalties for computer crimes, establish a National Commission on Cybersecurity, and for other purposes; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. McCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH OF NEW HAMPSHIRE, Mr. SMITH OF OREGON, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; 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. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON):

S. Res. 291. A resolution expressing the sense of the Senate regarding the reprogramming of funds for the Drug Enforcement Administration for fiscal year 2000 in order to assist State and local efforts to clean up methamphetamine laboratories; to the Committee on Appropriations.

By Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN):

S. Res. 292. A resolution recognizing the 20th century as the ''Century of Women in the United States''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER):

S. Res. 293. A resolution encouraging all residents of the United States to complete their census forms to ensure the most accurate enumeration of the population possible; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. Con. Res. 104. A concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on Foreign Relations.

By Mr. ABRAHAM:

S. Con. Res. 105. A concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. Con. Res. 106. A concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to

the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN):

S. Con. Res. 107. A concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

LEGISLATION TO RENAME THE STATE DEPARTMENT AFTER PRESIDENT HARRY S. TRUMAN

Mr. ASHCROFT. Mr. President, it is my great privilege to introduce a bill today, along with Senators BOND, WARNER, DEWINE, and MOYNIHAN, that will name the State Department's Headquarters in Washington, D.C., the ''Harry S. Truman Federal Building.'' I truly appreciate the support of these distinguished colleagues and Secretary Albright to see this idea become a reality.

Born in Lamar, Missouri, Harry S. Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these experiences, he gained the courage, honesty, and dedication to freedom required of a greater leader. Truman went on to become one of the most influential Presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world.

He established the Marshall Plan—creating a politically and economically stable Western Europe. President Truman was instrumental in creating the North Atlantic Treaty Organization which kept Soviet aggression at bay in Western Europe. He worked to contain the further spread of communism in Berlin, Greece, Turkey, and Korea. Clearly, President Truman was the architect of the strategy that won the Cold War and is a prime reason the United States is currently the world's sole superpower.

Mr. President, the State Department should be named after a true leader in foreign policy—and President Harry S. Truman is the clear choice. And through this choice, I hope the United States will continue President Truman's principled foreign policy as seen in his 1949 Presidential Inaugural Address:

> Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty. But I say to all men, what we have achieved in liberty, we will surpass in greater liberty. Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure. To that end we will devote our strength, our resources, and our firmness of resolve. With God's help, the future of mankind will be assured in a world of justice, harmony, and peace.

● Mr. MOYNIHAN. Mr. President, it gives me great pleasure to join my colleagues—Senators ASHCROFT, WARNER, BOND, and DEWINE—in this effort to name the State Department building after our 33rd President, Harry S. Truman. It could be named for none other.

Harry S. Truman was, perhaps, the most unlikely of the Presidents. A failed haberdasher, as he would say, without a college degree. It seems somewhat paradoxical that this common man, who modeled himself along the lines of the fabled Cincinnatus—returning to the field after rising to meet his country's needs—would leave so much behind.

Put simply, President Truman's foreign affairs accomplishments saved the world from the chaos that followed the destruction of Europe in the Second World War, and enabled the ultimate defeat of totalitarianism. To list a few: the Berlin Airlift, the Marshall Plan, aid to Greece and Turkey, NATO, and the establishment of the United Nations—the vision of his only rival President Woodrow Wilson.

His greatness was not readily accepted while he served, or shortly thereafter. But over time, Harry S. Truman has been reevaluated through such scholarly biographies as those by David McCullough and Alonzo L. Hamby. This son of Independence, Missouri, would surely have rejected the high praise that his name now generates, but he would certainly concur in the appreciation of the enduring success of the policies and institutions he created. McCullough's ''Truman'' contains this reflection:

> I suppose that history will remember my term in office as the years when the Cold War began to overshadow our lives.
>
> I have had hardly a day in office that has not been dominated by this all-embracing struggle. . . . And always in the background there has been the atomic bomb. But when history says that my term of office saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it. . . .

Mr. President, few could dispute those sentiments.●

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

Mr. CRAPO. I am pleased to introduce today, with my colleague Senator SMITH of New Hampshire and Senator GORDON SMITH of Oregon, the ''Water Pollution Program Enhancements Act of 2000'' in response to a fast track rulemaking process undertaken by the Environmental Protection Agency with respect to the total maximum daily load, or TMDL, and National Pollutant Discharge Elimination System, NPDES, permit programs under the Clean Water Act. The concerns over this rule are far too great and EPA is moving far too quickly for Congress to stand aside and allow this regulation to move ahead. My disagreement with the proposed rule is not its basic objective, which is aimed at cleaning up our Nation's waters—but the hurried approach EPA has elected to take, and their refusal to address the very numerous, very real concerns of states, cities, and stakeholders.

Huge strides have been made in cleaning up our nation's waters since the Clean Water Act was passed in 1972, particularly in the area of point source pollutants. But clearly, our work is not finished in trying to make our lakes, rivers and streams ''fishable and swimmable.'' More must be done to improve water quality, and more must especially be done to provide additional resources to address nonpoint source pollution, which, so far, has not received anywhere near the kind of funding that has been focused on discharges from point sources.

In the past month and a half, we have held two hearings on the Environmental Protection Agency's proposed rule with respect to total maximum daily loads and the NPDES permit programs. The same subject has been examined in four other Congressional hearings by three separate committees. What we have collectively learned in these hearings about EPA's proposed rule is nothing short of alarming. States have responded with universal concern to this proposed rule that saddles them with enormous regulatory burdens and exorbitant costs in carrying out their water quality management programs. Not only is this proposed onerous and costly to implement, but States have testified that it is not likely to improve water quality, and, in fact, may have a detrimental effect on States with existing programs that have proven to be successful.

We would prefer not to be introducing this bill today. We have been holding hearings. I have been communicating with EPA—as have dozens of other Members of Congress expressing their grave concern with the proposed rule. We would prefer that Congress be working through these very important and challenging issues in collaboration with EPA. But holding hearings and attempting to work with EPA to resolve issues of concern, or urging them to take a more thoughtful, even-handed approach is no longer a reasonable course of action when the EPA steadfastly continues to insist on fast tracking a rule that has been the subject of such widespread concern and criticism.

When EPA issued this proposed regulation last August, we were all surprised at the boldness of the agency to publish the rule:

During the Congressional recess; and

Provide only a 60-day comment period on such as massive and complex rulemaking.

Not only did the Chairman and Ranking Member of the Environment and Public Works Committee request an extension of the comment period, but Congress was actually forced to enact legislation to compel EPA to listen. The EPA was forced to extend its comment period. EPA received more than 30,000 public comments on the proposed rule, and, as I said earlier, this rule has been the subject of six Congressional hearings.

To date, I do not see any evidence that EPA is listening. As recently as last week, EPA communicated that it had negotiated a 60-day OMB review—what is usually at least a 90-day review on major rulemaking efforts—and that it intends to finalize the rule by June 30.

The intransigence of the EPA is both unexplainable and unacceptable. If EPA is serious about ramming this regulation through by June 30, it is our intention to send them a loud message—Congress insists instead that they take a deep breath with respect to this rule.

The bill Senator SMITH and I are introducing today—the Water Pollution Program Enhancements Act—takes important steps toward achieving additional reductions in water pollution now, and providing the science necessary for better implementation of the TMDL program in the future.

In the hearings I held, witnesses raised three main concerns with respect to the proposed rule. They cited:

States' lack of reliable data for developing their 303(d) list of impaired waters;

The scarce public resources available for addressing nonpoint pollution in particular; and

EPA's overreach of its statutory authority under the Clean Water Act in controlling water quality management programs administered by States.

This bill addresses those three issues without amending current law or regulation.

The Water Pollution Program Enhancement Act authorizes significantly increased funding for sections 106 and 319 under the Clean Water Act. Funding under section 106 would be made available to the States and specifically directed to:

Collect reliable monitoring data;

Improve their lists of impaired waters;

Prepare TMDLs; and

Develop watershed management strategies.

Of the $500 million available for implementation of section 319, $200 million is required to be made available by the States for grants to private landowners to carry out projects that will improve water quality. These funds are specifically being made available to farmers, ranches, family forestland managers and others, to conduct activities on their lands that contribute to cleaning up rivers, lakes and streams.

These significant increases in funding will achieve on-the-ground results and have a very real effect in improving our nation's water quality.

Second, the bill directs the Environmental Protection Agency to contract with the National Academy of Sciences to prepare a report on:

The quality of the science used to develop and implement TMDLs;

The costs associated with implementing TMDLs; and

The availability of alternative programs or mechanisms to reduce the discharge of pollutants from point sources and nonpoint source pollution.

If there is one message I have heard loud and clear, it is that we lack basic and necessary data about TMDLs and how to implement the TMDL program that achieves the goal of improving water quality, provides States flexibility in administering their programs, and is cost effective. It is irresponsible of EPA to push ahead in finalizing this regulation when we do not have the answers to such basic questions about this program.

Third, the bill provides for innovation and collaboration by establishing a pilot program in which five states are selected to implement a three-year program that examines alternative strategies and incentives to reduce the discharge of pollutants and TMDLs. This pilot program will provide us with valuable information about how we might think outside the box to solve our water quality problems.

Finally, this legislation requires EPA to postpone its rulemaking and review the National Academy of Sciences study before publishing its final rule on the TMDL program. Despite EPA's assertions to the contrary, we know that the proposed rule would have enormous implications for States, cities and stakeholders. It is absolutely critical that we know more about the science of TMDLs before finalizing this rule, and EPA has given Congress no other choice but to compel them to do so. Congress has an obligation to intercede and resolve these issues crucial to the health of our people and our environment.

I urge my colleagues to join me in cleaning up our nation's waters through the reasonable and balanced provisions included in the Water Pollution Program Enhancements Act of 2000.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator MIKE CRAPO, the ''Water Pollution Program Enhancements Act of 2000.'' I believe this bill will significantly improve water quality and, over the long term, reform the way the Environmental Protection Agency and the States implement the Total Maximum Daily Load, TMDL, program for impaired waters.

I emphasize at the outset that I strongly support the goals of the Clean Water Act. I believe all Americans should be able to enjoy clean water to drink, and that our rivers and lakes should be ''fishable'' and ''swimmable.'' And we have made substantial progress over the past 25 years since the Clean Water Act was enacted in cleaning up our nations rivers, lakes and streams. According to EPA, 60–70 percent of our nation's waters are now safe for fishing and swimming. Certainly, there's more work to be done. How we control runoff from agricultural and urban areas, and forests—so-called nonpoint source pollution—is our challenge for the future.

I also support the original concept underlying the TMDL program of helping ensure that water quality standards are met on all of our nation's rivers and streams and lakes. However, I believe that there may be other tools to help us achieve those laudable goals; TMDLs are not the only answer. We should be looking to the States for alternative, innovative solutions, particularly in the area of controlling nonpoint source pollution. And I believe that if we look, we will find that the States have better, more cost effective solutions to improving water quality. Is there a role for the Federal Government in addressing nonpoint source pollution? Absolutely. The Federal Government—EPA—should work in partnership with States and the private sector to achieve our shared goal of fishable and swimmable water.

EPA's approach to solving the nation's remaining water quality issues, however, continues to be based on more ''top-down'' regulations from Washington, D.C.; more confrontration, instead of collaboration; and more interference with State programs. We are taking the step of introducing this legislation today because EPA has made it clear that it plans to expedite the process for finalizing two controversial rules that it proposed last August that would make a number of significant changes to the existing programs to control the discharge of pollutants and to improve water quality. The first rule would significantly expand the requirements for establishing the total amount of pollutants that can be discharged to a waterbody—so-called ''total maximum daily loads.'' The second rule would expand EPA's authority to revoke or reissue state-issued permits under the Clean Water Act to implement the new TMDL requirements. The combined effect of these rules would be to dramatically expand EPA's authority over issues that have traditionally been within the jurisdiction of the States, such as farming, ranching and logging operations, and additionally to give EPA a potential new role in local land management use decisions.

I have serious concerns about the substance of these rules. But I am also

deeply troubled by the process that EPA has adopted here. It began last summer when EPA initially proposed the rules. At that time, it stated that it would only accept public comments on the proposed rules for 60 days. Such a short period of time for public review was obviously inadequate given the length of the proposed rules and their complexity. Congress intervened and EPA was ultimately compelled to extend the comment deadline for an additional 90 days.

Even before the comment period had closed, however, EPA indicated that nothing would stop it from pushing the proposed rules through the process as quickly as possible. Over the past month, EPA has announced its plans to issue final rules before the end of June in spite of the fact that it received over 30,000 comments in February, at least 27,000 of which were critical of the rule, and can hardly have had an opportunity to give these comments serious consideration. There have been at least six hearings on the proposed rules in both the House and Senate in which serious concerns were raised about: the legality and practicality of the rules; the lack of reliable science underlying the existing TMDL program, not to mention any proposed expansion; the potential impact on successful State programs; the burdens that an expanded TMDL program would impose on individual landowners and small businesses; and the lack of a completed cost assessment of the proposed rules.

Senator CRAPO has held two hearings so far on EPA's proposed TMDL rules. Through that process, and in many meetings with stakeholders, I have heard about all of the problems with EPA's proposed rules—the lack of science, the overly broad scope, practical problems in implementing the rule, trampling of state programs, and the cost. Let me detail just a few of the comments that I heard.

On the question of the science underlying the TMDL program, GAO recently issued a report, and provided testimony on the basis of the report, that States do not have the data they need to accurately assess the pollution problems in their waters and further, do not have the data they need to develop TMDLs. In his statement to Senator CRAPO's subcommittee, Peter Guerrero noted specifically that the ''ability [of the States] to develop TMDLs is limited by a number of factors. . . . [S]hortages in funding and staff [were cited] as the major limitation to carrying out [the States'] responsibilities, including developing TMDLs. In addition, states reported that they need additional analytical methods and technical assistance to develop TMDLs for the more complex, nonpoint sources of pollution.'' He went on to state that only three states have the data they need to identify nonpoint sources of pollution, and only three States have the majority of the data they need to develop TMDLs for nonpoint sources. To me, this information from GAO sends a clear signal that TMDLs are not the answer for nonpoint source pollution. The science just isn't there.

We also heard from a variety of businesses and landowners who told us of other substantive problems with EPA's proposed rules. For example, Tom Thomson, a certified Tree Farmer from my home State of New Hampshire and the owner of the Outstanding Northeastern Tree Farm of 1997, testified that EPA's proposal to regulate tree farming as a point source and impose TMDLs would just make it harder to do the job of improving water quality. He explained that through aggressive, private and voluntary stewardship, private woodlot owners all over the country are doing a good job to address water quality issues related to forestry. Compliance rates now approach 90 percent in many of the States where forestry best management practices, BMPs, are in place. Total river and stream miles impaired due to silviculture declined 20 percent just between 1994 and 1996. The number of miles deemed to have ''major impairment'' from silviculture fell 83 percent. In 1996, EPA dropped silviculture from its list of 7 leading sources of river and stream impairment. That same year, silviculture contributed only 7 percent of total stream impairment. In Tom's word's this seems to be a classic case of ''if it ain't broke, don't fix it.'' In this case, it would seem clear that water quality issues related to forestry are being addressed and progress is being made through State BMP programs and other voluntary, non-regulatory measures undertaken by landowners.

To his credit, EPA Assistant Administrator for the Office of Water, Chuck Fox, has recognized that the proposed rule caused confusion and does have many problems. I met with Mr. Fox last week and was pleased to learn from him that EPA has heard at least some of the concerns that were raised and is ready to make some changes to their rule. He indicated that in any final rule, EPA would ''drop threatened waters; allow more flexibility in setting priorities; drop the offset requirements for new pollution; and revise the approach for forest pollution.''

Some of the changes may be significant and that's good news, but as always, ''the devil is in the details.'' I am still concerned that many of the major problems have not been addressed. I also wonder why, if EPA is willing to acknowledge that many of the concepts included in the proposed rule were indeed flawed, it hasn't been willing to withdraw the August draft and reissue a new proposed rule that reflects its current thoughts. Surely doing that and seeking public comment on a revised rule would result in a better, more informed end product. It would almost certainly enhance public confidence in EPA's process. However, EPA has consistently declined to consider this approach.

In my opinion, EPA simply hasn't done the work that must be done to justify and explain the rule to the public. States and the regulated community deserve to have their comments and concerns considered seriously by EPA, as well as to have an opportunity to review and provide comment on the cost assessment in the context of the proposed rule. Now apparently, EPA may be making significant changes that will never have been subject to public comment. In its desire to rush to judgment on a final rule, EPA is effectively neutering the role of public participation in the rulemaking process.

Therefore, Senator CRAPO and I have drafted legislation that will address several of the key problems with EPA's proposed rules and, in addition, defer any further EPA action on the rules until the National Academy of Sciences has conducted a study of the scientific issues underlying the development and implementation of the TMDL program.

Senator CRAPO and I are taking the first step to not only address some of the problems raised by EPA's proposed rules, but also to improve water quality on the ground right now.

Our bill will do three fundamental things. First, it significantly increases federal funding to $750 million for States to implement programs to address nonpoint source pollution, to assess the quality of their rivers and streams, and to collect the data they need to develop better TMDLs. This will represent a significant increase from current funding levels for Fiscal Year 2000 of $155 million for nonpoint source programs under section 106 and section 319 of the Clean Water Act. More money now will enable landowners, businesses, and States to do things now on the ground to improve water quality—things like putting in buffer strips and water retention ponds. With this approach, we won't have to wait 10 or 15 years for EPA to impose new regulatory requirements on landowners after a lengthy and onerous TMDL process.

Second, the bill directs the National Academy of Sciences to conduct a study on the science used to develop TMDLs and make recommendations about how to improve it. The NAS will also evaluate existing State programs to look at what works, particularly for nonpoint sources. Better science will make for better TMDLs.

Third, it includes a pilot program for EPA to compare different State approaches to improving water quality. TMDLs should not be the only tool that we rely on to meet our water quality goals; they may be appropriate and effective for a chemical company, but not for a farmer or woodlot owner. There are better solutions out there, particularly to deal with the problems associated with nonpoint source pollution. For example, States are using their own authority and incentive-based programs under the Safe Drinking Water Act and the farm bill to work together with farmers, ranchers,

loggers and their cities to substantially reduce runoff.

The bottom line is that States, public utilities, landowners, and businesses now are spending billions of dollars to improve water quality. If we are going to ask them to spend billions more—and we are—Congress and EPA have a responsibility to make sure that the programs we create are based on good, reliable science, and make the best use of limited resources.

Again, it's not a question of challenging the goals of the Clean Water Act; it's a question of seeking the best way to achieve them.

The bill also includes a provision to defer the finalization of EPA's proposed TMDL and related permit rules. We're serious when we say that we want EPA to base its regulations on good science. And we're serious when we say that we want EPA to respect the role of the States in solving the problem of nonpoint source pollution. That's why the bill provides for the National Academy of Sciences to look into those issues. We believe that EPA also should welcome the NAS Study and look forward to the opportunity to use that Study to improve its rule. Therefore, the bill directs EPA to review the NAS Study and take into consideration the recommendations of the National Academy of Sciences before it finalizes any new TMDL rule. We believe that in the long run, waiting 18 months for the NAS analysis will only improve the rule and increase public confidence in it.

Mr. President, I know our critics will charge that we are undermining the Clean Water Act. They could not be more wrong. This legislation will enhance the Clean Water Act. By seeking better science and increasing needed Federal funding, this bill will strengthen programs on the ground that work—programs that improve water quality and help us achieve the fundamental goals of fishable and swimmable waters.

I commend Senator CRAPO for his leadership on this issue. I believe that in crafting this legislation, he is taking an important step in the right direction. I urge my colleagues to support this bill.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

BLACK CANYON OF THE GUNNISON NATIONAL PARK COMMERCIAL OVERFLIGHTS BAN ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would prohibit commercial tour overflight operators from flying in and over the Black Canyon of the Gunnison National Park. The Black Canyon of the Gunnison National Park, our nation's 55th and newest national park is a breathtaking canyon of diverse magnitude, which is why I worked for over 13 years to get it dedicated as a national park.

I cannot imagine having the many visitors who tour my home state to view Colorado's newest national park enjoying the sound of airplanes or helicopters buzzing overhead while they are trying to listen to the flowing river at the bottom of the canyon. Because of the deep, narrow nature of the canyon, rescue and recovery operations for aircraft that experience problems would be extremely difficult, dangerous and costly.

My bill would amend the FAA reauthorization act of 2000 and would only restrict overflights on the Black Canyon of the Gunnison National Park. I worked with my friend and colleague Senator ALLARD for over five years in support of his effort to get commercial overflights banned over the Rocky Mountain National Park. Similar action by Congress is now necessary for the Black Canyon of the Gunnison.

I believe National Park visitors seek peacefulness when they visit a national park and my legislation would help provide that. We contacted the Superintendent of the Black Canyon of the Gunnison National Park and he informed us that currently no commercial overflights are taking place, but there may have been flights in the past.

My bill would amend already existing law and would not negatively affect the operation of emergency, military and commercial high-level airlines or private planes.

The Denver Post recently published an editorial supporting Congressional action on the issue of aircraft noise, citing how such operations would create noise which would echo terribly off the walls of the Canyon. As a member of the National Park and Historic Preservation Subcommittee, I have confronted these types of issues in the past and know how important it is for the visitors to our national parks to have everlasting and fond memories when they take the time and effort to visit the natural wonders we are blessed with in this country.

I ask unanimous consent that the Denver Post editorial and the bill be printed in the RECORD. And, I ask my colleagues to support this needed legislation.

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

S. 2418

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

SECTION 1. PROHIBITION ON CERTAIN COMMERCIAL AIR TOUR OPERATIONS.

Section 806 of the National Parks Air Tour Management Act of 2000 is amended by inserting ''or the Black Canyon of the Gunnison National Park'' after ''Rocky Mountain National Park''.

KEEP PLANES OUT OF PARKS

April 10—It took five years, but the wonderful quiet over Rocky Mountain National Park has been permanently preserved. However, the state's congressional delegation should take steps to protect other national parks in Colorado from being pestered by the constant drone of low-flying planes and the thunderous whapping of helicopter blades. Of particular concern is the Black Canyon of the Gunnison.

Aircraft noise has become a huge problem in some national parks, such as the Grand Canyon.

So, when a helicopter tour company wanted to start scenic flights over Rocky Mountain National Park in the mid-1990s, Estes Park residents became alarmed.

A temporary ban on commercial flights over the park was put in place, thanks to efforts by then-U.S. Rep. Wayne Allard, a Republican who at the time represented the district that includes Estes Park; then-U.S. Rep. David Skaggs, a Democrat who at the time represented the district that includes Boulder County, where part of the park is located; and then-U.S. Transportation Secretary Federico Peña, a former Denver mayor.

But the ban wasn't really a done deal until this week. Allard, now a U.S. senator, amended the Federal Aviation Administration's authorization bill to include a permanent ban on aircraft tours over Rocky Mountain National Park. U.S. Rep. Bob Schaffer, another Republican who now represents Colorado's Fourth Congressional District, co-sponsored a similar amendment on the House side.

Unfortunately, their work may not yet be finished. In the last several months, some outdoor recreation groups have raised worries that commercial flights could become a problem over the Black Canyon of the Gunnison National Park. That prospect could make it impossible for visitors to enjoy standing on the rim and listening to the Gunnison River roar thousands of feet below. Aircraft noise would echo terribly off the rock walls, and the narrow canyon could present safety problems.

The use of commercial aircraft is justifiable in a few national parks. In Alaska, for example, airplanes are needed to reach parts of Denali National Park, including the main climbing route on Mount McKinley.

But in the national parks in Colorado, commercial tour flights simply aren't appropriate. The state's congressional delegation should continue to work on the issue.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HIGHER EDUCATION OPPORTUNITIES ACT

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Higher Education Opportunities Act. I am pleased to be joined by the distinguished Senator COLLINS of Maine in bringing this important issue to the Senate floor today.

The 1944 GI Bill of Rights is one of the most important pieces of legislation ever passed by Congress. No program has been more successful in increasing educational opportunities for our country's veterans while also providing a valuable incentive for the best and brightest to make a career out of military service. This bill has allowed eight million veterans to finish high school and 2.3 million service members to attend college.

Unfortunately, without this update the current GI Bill can no longer deliver these results and fails in its promise to recruits and service members. The legislation that Senator COLLINS and I are introducing today will take an important first step in modernizing the GI Bill.

Over 96% of recruits currently sign up for the Montgomery GI Bill and pay $1,200 out of their first year's pay to guarantee eligibility. But only one-half of these military personnel use any of the current Montgomery GI Bill benefits. This is evidence that the current GI Bill simply does not meet their needs.

GI Bill benefits have not kept pace with increased costs of education. During the 1995–96 school year, the basic benefit paid under the Montgomery GI Bill offset only 36% of average total education costs.

There is wide consensus among national higher education and veterans associations that at a minimum, the GI Bill should pay the costs of attending the average four-year public institution as a commuter student. The current Montgomery GI Bill benefit pays only 55% of that cost.

My legislation creates that benchmark by indexing the GI Bill to the costs of attending the average four-year public institution as a commuter student. For example, those costs for the 1999–2000 academic year were $8,774. The Veterans Higher Education Opportunities Act would thereby require 36 monthly stipends of $975 for a total GI Bill benefit of $35,100. This benchmark cost will be updated annually by the College Board in order for the GI Bill to keep pace.

I am pleased that my legislation has the bipartisan support of Senator COLLINS and the overwhelming support of the Partnership for Veterans' Education. This organization includes over 45 veterans groups and higher education organizations including the VFW, the American Council on Education, the Non Commissioned Officers Association, the National Association of State Universities and Land Grant Colleges, and The Retired Enlisted Association.

Several proposals have been introduced in the House that would address the shortfalls of the current GI Bill, and I look forward to working with members of the House and my colleagues in the Senate on this important issue.

As the parent of a son who served as a peacekeeper in Bosnia and who is currently deployed in Kosovo, these military "quality of life" challenges are particularly apparent to me. Making the GI Bill pay for viable educational opportunity makes as much sense today as it did following World War II. The very modest cost of improving the GI Bill will result in net gains to our military and our society.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2419

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' Higher Education Opportunities Act of 2000".

SEC. 2. ANNUAL DETERMINATION OF BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) BASIC BENEFIT.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "of $528 (as increased from time to time under subsection (g))" and inserting "equal to the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))"; and

(2) in subsection (b)(1) by striking "of $429 (as increased from time to time under subsection (g))" and inserting "equal to 75 percent of the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))".

(b) DETERMINATION OF AVERAGE MONTHLY COSTS.—Subsection (g) of that section is amended to read as follows:

"(g)(1) Not later than September 30 each year, the Secretary shall determine the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees for purposes of subsections (a)(1) and (b)(1) for the succeeding fiscal year. The Secretary shall determine such costs utilizing information obtained from the College Board or information provided annually by the College Board in its annual survey of institutions of higher education.

"(2) In determining the costs of tuition and expenses under paragraph (1), the Secretary shall take into account the following:

"(A) Tuition and fees.

"(B) The cost of books and supplies.

"(C) The cost of board.

"(D) Transportation costs.

"(E) Other nonfixed educational expenses.

"(3) A determination made under paragraph (1) in a year shall take effect on October 1 of that year and apply with respect to basic educational assistance allowances payable under this section for the fiscal year beginning in that year.

"(4) Not later than September 30 each year, the Secretary shall publish in the Federal Register the average monthly costs of tuition and expenses as determined under paragraph (1) in that year.

"(5) For purposes of this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(c) STYLISTIC AMENDMENT.—Subsection (b) of that section is further amended in the matter preceding paragraph (1) by striking "as provided in the succeeding subsections of this section" and inserting "as otherwise provided in this section".

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2000.

(2) The Secretary of Veterans Affairs shall make the determination required by subsection (g) of section 3015 of title 38, United States Code (as amended by subsection (b) of this section), and such determination shall go into effect, for fiscal year 2001.

Ms. COLLINS. Mr. President, I am delighted to join with my friend and colleague, Senator JOHNSON, in introducing the Veterans' Higher Education Opportunities Act of 2000. This legislation will provide our veterans with expanded educational opportunities at a reasonable cost. Endorsed by the 47-member Partnership for Veterans Education, our legislation provides a new model for today's GI bill that is logical, fair, and worthy of a nation that values both higher education and our veterans.

The original GI bill was enacted in 1944. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of postservice education and training opportunities, including more than 2 million veterans who went on to college. My own father was among those veterans who served bravely in World War II and then came back home to resume his education with assistance from the GI bill.

Since that time, various incarnations of the G.I. Bill have continued to assist millions of veterans in taking advantage of the educational opportunities they put on hold in order to serve their country. New laws were enacted to provide educational assistance to those who served in Korea and Vietnam, as well as to those who served during the period in-between. Since the change to an all-volunteer service, additional adjustments to these programs were made, leading up to the enactment of the Montgomery G.I. Bill in 1985.

The value of the educational benefit assistance provided by the Montgomery G.I. Bill, however, has greatly eroded over time due to inflation and the escalating cost of higher education. Military recruiters indicate that the program's benefits no longer serve as a strong incentive to join the military; nor do they serve as a retention tool valuable enough to persuade men and women to stay in the military and defer the full or part-time pursuit of their higher education until a later date. Perhaps most important, the program is losing its value as an instrument for readjustment into civilian life after military service.

This point really hit home for me when I recently met with representatives of the Maine State Approving Agency (SAA) for Veterans Education Programs. They told me of the ever increasing difficulties that service members are having in using the G.I. Bill's benefits for education and training.

For example, the Maine representatives told me that the majority of today's veterans are married and have children. Yet, the Montgomery G.I. Bill often does not cover the cost of tuition to attend a public institution, let alone the other costs associated with the pursuit of higher education and those required to help support a family.

In fact, in constant dollars, with one exception, the current G.I. Bill provides the lowest level of assistance ever to those who served in the defense

of our country. The basic benefit program of the Vietnam Era G.I. Bill provided $493 per month in 1981 to a veteran with a spouse and two children. Twenty years later, a veteran in identical circumstances receives only $43 more, a mere 8% increase over a time period when inflation has nearly doubled, and a dollar buys only half of what it once purchased.

To address these problems, we are offering a modern version of the Montgomery G. I. Bill. This new model establishes a sensible, easily understood benchmark for G.I. Bill benefits. The benchmark sets G.I. Bill benefits at ''the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees.'' This commonsense provision would serve as the foundation upon which future education stipends for all veterans would be based and would set benefits at a level sufficient to provide veterans the education promised to them at recruitment.

The current G.I. Bill now provides nine monthly $536 stipends per year for four years. The total benefit is $19,296. Under the new benchmark established by this legislation, the monthly stipend for the this academic year would be $975, producing a new total benefit of $35,100 for the four academic years.

Mr. President, today's G.I. Bill is woefully under-funded and does not provide the financial support necessary for our veterans to meet their educational goals. The legislation that we are proposing would fulfill the promise made to our nation's veterans, help with recruiting and retention of men and women in our military, and reflect current costs of higher education. Now is the time to enact these modest improvements to the basic benefit program of the Montgomery G.I. Bill.

I urge all members of the Senate to join Senator JOHNSON and myself in support of the Veterans' Higher Education Opportunities Act.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

LONG-TERM CARE SECURITY ACT

Mr. GRASSLEY. 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. 2420

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 ''Long-Term Care Security Act''.

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90—LONG-TERM CARE INSURANCE

''Sec.
''9001. Definitions.
''9002. Availability of insurance.
''9003. Contracting authority.
''9004. Financing.
''9005. Preemption.
''9006. Studies, reports, and audits.
''9007. Jurisdiction of courts.
''9008. Administrative functions.
''9009. Cost accounting standards.

''§ 9001. Definitions

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''§ 9002. Availability of insurance

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

''§ 9003. Contracting authority

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master

contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

''§ 9004. Financing

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the basic pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

''§ 9005. Preemption

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

''§ 9006. Studies, reports, and audits

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with

such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

''§ 9007. Jurisdiction of courts

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 9008. Administrative functions

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

''§ 9009. Cost accounting standards

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ... 9001.''.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

FARM RELIEF AND ECONOMIC DEVELOPMENT ACT OF 2000

Mr. CONRAD. Mr. President, I rise today to introduce the Farm Relief and Economic Development Act of 2000. We have farmers who are in the deepest trouble they have been in in 50 years: the lowest prices in 50 years, a series of natural disasters in many parts of the country, and an economic environment in which our major competitors are outgunning us 60 to 1 in agricultural export support, by 10 to 1 in internal support. The result is tens of thousands of farm families are faced with failure unless we respond.

The Department of Agriculture has told us that farm income will drop $8 billion if we fail to act. As part of an overall response, today I am introducing legislation that I term the ''Farm Relief and Economic Development Act of 2000.'' There is no question in my mind that the best action Congress could take on farm policy would be to rewrite the farm bill. But that is unlikely to happen this year.

There are parts of the Internal Revenue Code that create unnecessary problems for farmers that we can address. The essential elements of this bill are provisions to address farm and ranch risk management accounts. This proposal would allow farmers to make contributions to tax-deferred accounts, which would be known as farm and ranch risk management accounts. Those accounts would provide farmers with a valuable new tool for managing money in a way that best benefits each farmer's own operations.

The second key element of this legislation is clarifying the self-employment tax that applies to farm lease income. A farm landlord should be treated no differently than small business operators and other commercial landlords when it comes to cash rent income.

As a result of a 1996 Tax Court decision, the IRS has now expanded the reach of the self-employment tax to include all farm landlords, whether or not they are active participants in the farming activity. My proposal would restore the pre-1996 status quo, turning back this unilateral action by the IRS. My proposal also includes language to clarify the Conservation Reserve Program payments are not subject to the self-employment tax. Again, we have an interpretation by the Internal Revenue Service that we think is badly flawed and ought to be reversed.

This legislation provides capital gains relief on the sale of farm residences and farmland. Farm families frequently cannot take full advantage of the $500,000 capital gains tax exemption that we provide nonfarm residents. That is because the IRS separates the value of a farmer's house from the contiguous land. The value of the home often turns out to be negligible because the IRS often judges homes located far out in the country to have very little value. In fact, it is often the case it has very little in the way of market value when it is detached from the land that surrounds that farmstead. My proposal would allow the exclusion of $500,000 that we currently allow homeowners to be applied to the sale of a farmer's home and up to 160 acres of surrounding farmland.

The next element of my legislation is Aggie bonds. Finding ways to encourage people to start farming is not easy. Aggie bonds are helping by reducing the cost of credit and stimulating investment in agriculture. This proposal would exclude Aggie bonds from the State volume cap. It would not change the loan limit, nor would it affect any additional limitations or qualifications imposed by the 16 States which participate in the program.

My proposal provides capital gains tax relief for farmers leaving farming. The farmer who decides to leave under enormous financial pressure today often finds the IRS waiting with its hand out. When property is sold at auction in order to satisfy debt, the farmers will often realize a very significant capital gain, even though they really have losses because the value of the property has gone up while the debt may have gone up even more dramatically. This proposal would provide a once-in-a-lifetime capital gains exclusion for farmers who decide or are pressured to leave agriculture.

Next, this proposal addresses net operating losses of farmers. My proposal would lengthen the carryback period for net operating losses for farmers to 10 years. Because of the volatility in the income of farmers, we believe it makes sense to allow them a net operating loss over an extended period.

Next, this proposal I am offering today deals with estate valuation. We

have the special use valuation, in order to help farmers keep their farms intact. The definitions that trigger the recapture, unfortunately, are too rigid. If the farm can remain a going concern by renting some portion of it to other family members, I believe the family should be able to still enjoy the benefits of special use valuation. My proposal would provide that an heir could rent the family farm to family members for the purpose of farming without triggering the recapture provisions.

Next, my proposal deals with farmer cooperatives. This proposal would provide cooperatives with the same declaratory relief procedures available to other tax-exempt entities when their tax-exempt status is denied.

Finally, my proposal deals with income averaging for farmers and the alternative minimum tax. Because of interaction between the income averaging provisions of the code and the alternative minimum tax, some farmers who elect to take advantage of income averaging are finding themselves subject to alternative minimum tax. That was never intended. This outcome should be changed so farmers receive the full benefit of income averaging. This proposal would provide that a farmer who elects income averaging would not then face an increase in AMT liability.

With that, Mr. President, I send the bill to the desk and ask for its referral. I hope colleagues will support this legislation.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS

• Mr. DURBIN. Mr. President, today I am introducing legislation with Senators FEINSTEIN, DODD, WELLSTONE, and BINGAMAN to include full-time public defense attorneys in the Federal Perkins Loan forgiveness program for law enforcement officers. This amendment will provide parity to public defense attorneys and uphold the goals set forth by the Supreme Court to equalize access to legal resources. Representative TOM CAMPBELL of California will be introducing a similar bill in the House.

Under section 465(a)(2)(F) of the Higher Education Act of 1965, a borrower with a loan made under the Federal Perkins Loan Program is eligible to have the loan canceled for serving full-time as a law enforcement officer or corrections officer in a local, State, or Federal law enforcement or corrections agency. While the rules governing borrower eligibility for law enforcement cancellation have been interpreted by the Department of Education to include prosecuting attorneys, public defenders have been excluded from the loan forgiveness program. This policy must be amended.

Like prosecutors, public defense attorneys play an integral role in our adversarial process. This judicial process is the most effective means of getting at truth and rendering justice. The United States Supreme Court in a series of cases has recognized the importance of the right to counsel in implementing the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's due process clause requiring counsel to be appointed for all persons accused of offenses in which there is a possibility of a jail term being imposed.

Absent adequate counsel for all parties, there is a danger that the outcome may be determined not by who has the most convincing case but by who has the most resources. The Court rightly addressed this possible miscarriage of justice by requiring counsel to be appointed for the accused. Public defenders fill this Court mandated role by representing the interests of criminally accused indigent persons. They give indigent defendants sufficient resources to present an adequate defense, so that the public goal of truth and justice will govern the outcome.

The Department of Education's interpretation of the statue to exclude public defenders from the loan forgiveness program undermines the goals set forth by the Supreme Court to equalize access to legal resources. It creates an obvious disparity of resources between public defenders and prosecutors by encouraging talented individuals to pursue public service as prosecutors but not as defenders. The criminal justice system works best when both sides are adequately represented. The public interest is served when indigent defendants have access to talented defenders. One of the ways to facilitate this goal is by granting loan cancellation benefits to defense attorneys.

Moreover, public defense attorneys meet all the eligibility requirements of the loan forgiveness program as set forth in current federal regulations. They belong to publicly funded public defender agencies and they are sworn officers of the court whose principal responsibilities are unique to the criminal justice system and are essential in the performance of the agencies' primary mission. In addition, like prosecuting attorneys, public defenders are law enforcement officers dedicated to upholding, protecting, and enforcing our laws. Without public defense attorneys, the adversarial process of our criminal justice system could not operate.

I urge my colleagues to join me, Senator FEINSTEIN, Senator DODD, Senator WELLSTONE, Senator BINGAMAN, and Representative CAMPBELL in supporting the goal of equalized access to legal resources, as set forth in the Constitution and elucidated by the Supreme Court, by providing parity to public defenders and allowing them to join prosecutors in receiving loan cancellation benefits.

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. 2423

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

SECTION 1. FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Education has issued clarifications that prosecuting attorneys are among the class of law enforcement officers eligible for benefits under the Federal Perkins Loan cancellation program.

(2) Like prosecutors, public defenders also meet all the eligibility requirements of the Federal Perkins Loan cancellation program as set forth in Federal regulations.

(3) Public defenders are law enforcement officers who play an integral role in our Nation's adversarial legal process. Public defenders fill the Supreme Court mandated role requiring that counsel be appointed for the accused, by representing the interests of criminally accused indigent persons.

(4) In order to encourage highly qualified attorneys to serve as public defenders, public defenders should be included with prosecutors among the class of law enforcement officers eligible to receive benefits under the Federal Perkins Loan cancellation program.

(b) AMENDMENT.—Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting '', or as a full-time public defender for service to local, State, or Federal governments (directly or by a contract with a private, nonprofit organization)'' after ''agencies''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) loans made under this part, whether made before, on, or after the date of enactment of this Act; and

(2) service as a public defender that is provided on or after the date of enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.•

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

WEATHERIZATION IMPROVEMENT ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Weatherization Improvement Act of 2000.

As this past winter has demonstrated, cold temperatures and high fuel costs can result in severe hardship for many of our low-income households, particularly those with children, elderly, and disabled members. Preventative energy efficiency measures are vital to ensure that low-income consumers spend less money keeping their families warm on cold winter nights. It is estimated that investments in Weatherization can save a typical household $193 in annual gas energy costs. While improving energy efficiency through work such as air-

sealing and insulation work is an admirable goal, the Weatherization Assistance Program also has become an important tool in addressing the health and safely of our low-income families.

The Weatherization Improvement Act of 2000 seeks to further this commitment. The legislation will amend the average per dwelling unit cost to incorporate intensive costs, such as costs of furnace or cooling replacements, reducing the administrative burden of tracking these costs separately; increase the average cost per home, beginning this year, to $2,500 (up from $2,032 for 1999); and eliminate the statutory requirement that at least 40 percent of funds be spent on materials. These changes are necessary to improve the effectiveness of the Weatherization, and are long overdue.

Lastly, the legislation repeals the 25 percent state matching requirement for the Weatherization Assistance Program set to begin in FY2001, which was included in the FY2000 Interior Appropriations legislation. While many states, utilities, and private organizations have leveraged large amounts of money in support of the Weatherization Assistance Program, not every state is in the same financial situation. There needs to be national commitment to energy efficiency for low income Americans and affordable housing. This is part of that commitment.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

INTERNET SECURITY ACT OF 2000

Mr. LEAHY. Mr. President, as we head into the twenty-first century, computer-related crime is one of the greatest challenges facing law enforcement. Many of our critical infrastructures and our government depend upon the reliability and security of complex computer systems. We need to make sure that these essential systems are protected from all forms of attack. The legislation I am introducing today will help law enforcement investigate and prosecute those who jeopardize the integrity of our computer systems and the Internet.

Whether we work in the private sector or in government, we negotiate daily through a variety of security checkpoints designed to protect ourselves from being victimized by crime or targeted by terrorists. For instance, congressional buildings like this one use cement pillars placed at entrances, photo identification cards, metal detectors, x-ray scanners, and security guards to protect the physical space. These security steps and others have become ubiquitous in the private sector as well.

Yet all these physical barriers can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we communicate and do business. This plain fact was amply demonstrated by the recent hacker attacks on E-Trade, ZDNet, Datek, Yahoo, eBay, Amazon.com and other Internet sites. These attacks raise serious questions about Internet security—questions that we need to answer to ensure the long-term stability of electronic commerce. More importantly, a well-focused and more malign cyber-attack on computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense. We have learned that even law enforcement is not immune. Just recently we learned of a denial of service attack successfully perpetrated against a FBI web site, shutting down that site for several hours.

The cybercrime problem is growing. The reports of the CERT Coordination Center (formerly called the ''Computer Emergency Response Team''), which was established in 1988 to help the Internet community detect and resolve computer security incidents, provide chilling statistics on the vulnerabilities of the Internet and the scope of the problem. Over the last decade, the number of reported computer security incidents grew from 6 in 1988 to more than 8,000 in 1999. But that alone does not reveal the scope of the problem. According to CERT's most recent annual report, more than four million computer hosts were affected by the computer security incidents in 1999 alone by damaging computer viruses, with names like ''Melissa,'' ''Chernobyl,'' ''ExploreZip,'' and by the other ways that remote intruders have found to exploit system vulnerabilities. Even before the recent headline-grabbing ''denial-of-service'' attacks, CERT documented that such incidents ''grew at rate around 50% per year'' which was ''greater than the rate of growth of Internet hosts.''

CERT has tracked recent trends in severe hacking incidents on the Internet and made the following observations, First, hacking techniques are getting more sophisticated. That means law enforcement is going to have to get smarter too, and we need to give them the resources to do this. Second, hackers have ''become increasingly difficult to locate and identify.'' These criminals are operating in many different locations and are using techniques that allow them to operate in ''nearly total obscurity.''

We have been aware of the vulnerabilities to terrorist attacks of our computer networks for more than a decade. It became clear to me, when I chaired a series of hearings in 1988 and 1989 by the Subcommittee on Technology and the Law in the Senate Judiciary Committee on the subject of high-tech terrorism and the threat of computer viruses, that merely ''hardening'' our physical space from potential attack would only prompt committed criminals and terrorists to switch tactics and use new technologies to reach vulnerable softer targets, such as our computer systems and other critical infrastructures. The government has a responsibility to work with those in the private sector to assess those vulnerabilities and defend them. That means making sure our law enforcement agencies have the tools they need, but also that the government does not stand in the way of smart technical solutions to defend our computer systems.

Targeting cybercrime with up-to-date criminal laws and tougher law enforcement is only part of the solution. While criminal penalties may deter some computer criminals, these laws usually come into play too late, after the crime has been committed and the injury inflicted. We should keep in mind the adage that the best defense is a good offense. Americans and American firms must be encouraged to take preventive measures to protect their computer information and systems. Just recently, internet providers and companies such as Yahoo! and Amazon.com Inc., and computer hardware companies such a Cisco Systems Inc., proved successful at stemming attacks within hours thereby limiting losses.

That is why, for years, I have advocated and sponsored legislation to encourage the widespread use of strong encryption. Encryption is an important tool in our arsenal to protect the security of our computer information and networks. The Administration made enormous progress earlier this year when it issued new regulations relaxing export controls on strong encryption. Of course, encryption technology cannot be the sole source of protection for our critical computer networks and computer-based infrastructure, but we need to make sure the government is encouraging—and not restraining—the use of strong encryption and other technical solutions to protecting our computer systems.

Congress has responded again and again to help our law enforcement agencies keep up with the challenges of new crimes being executed over computer networks. In 1984, we passed the Computer Fraud and Abuse Act, and its amendments, to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In the 104th Congress, Senators KYL, GRASSLEY, and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met.

In this Congress, I have introduced a bill with Senator DEWINE, the Computer Crime Enforcement Act, S. 1314, to set up a $25 million grant program within the U.S. Department of Justice for states to tap for improved education, training, enforcement and prosecution of computer crimes. All 50 states have now enacted tough computer crime control laws. These state laws establish a firm groundwork for electronic commerce and Internet security. Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of training and equipment necessary for effective enforcement of their state computer crime statutes. Our legislation, the Computer Crime Enforcement Act, would help state and local law enforcement join the fight to combat the worsening threats we face from computer crime.

Computer crime is a problem nationwide and in Vermont. I recently released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98% of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement.

My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence. According to my survey, 83% of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52% of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Proper training is critical to ensuring success in the fight against computer crime.

This bill will help our computer crime laws up to date as an important backstop and deterrent. I believe that our current computer crime laws can be enhanced and that the time to act is now. We should pass legislation designed to improve our law enforcement efforts while at the same time protecting the privacy rights of American citizens.

The bill I offer today will make it more efficient for law enforcement to use tools that are already available—such as pen registers and trap and trace devices—to track down computer criminals expeditiously. It will ensure that law enforcement can investigate and prosecute hacker attacks even when perpetrators use foreign-based computers to facilitate their crimes. It will implement criminal forfeiture provisions to ensure that cybercriminals are forced to relinquish the tools of their trade upon conviction. It will also close a current loophole in our wiretap laws that prevents a law enforcement officer from monitoring an innocent-host computer with the consent of the computer's owner and without a wiretap order to track down the source of denial-of-service attacks. Finally, this legislation will assist state and local police departments in their parallel efforts to combat cybercrime, in recognition of the fact that this fight is not just at the federal level.

The key provisions of the bill are:

Jurisdictional and Definitional Changes to the Computer Fraud and Abuse Act: The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statute prohibiting computer frauds and hacking. This bill would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a broad definition of ''loss'' to the definitional section. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of ''protected computer,'' to expressly include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases. A ''Sense of Congress'' provision specifies that federal jurisdiction is justified by the ''interconnected and interdependent nature of computers used in interstate or foreign commerce.''

Finally, the bill expands the jurisdiction of the United States Secret Service to encompass investigations of all violations of 18 U.S.C. §1030. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two.

Elimination of Mandatory Minimum Sentence for Certain Violations of Computer Fraud and Abuse Act: Currently, a directive to the Sentencing Commission requires that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months. The bill would change this directive to the Sentencing Commission so that no such mandatory minimum would be required.

Additional Criminal Forfeiture Provisions: The bill adds a criminal forfeiture provision to the Computer Fraud and Abuse Act, requiring forfeiture of physical property used in or to facilitate the offense as well as property derived from proceeds of the offense. It also supplements the current forfeiture provision in 18 U.S.C. 2318, which prohibits trafficking in, among other things, counterfeit computer program documentation and packaging, to require the forfeiture of replicators and other devices used in the production of such counterfeit items.

Pen Registers and Trap and Trace Devices: The bill makes it easier for law enforcement to use these investigative techniques in the area of cybercrime, and institutes corresponding privacy protections. On the law enforcement side, the bill gives nationwide effect to pen register and trap and trace orders obtained by Government attorneys, thus obviating the need to obtain identical orders in multiple federal jurisdictions. It also clarifies that such devices can be used on all electronic communication lines, not just telephone lines. On the privacy side, the bill provides for greater judicial review of applications for pen registers and trap and trace devices and institutes a minimization requirement for the use of such devices. The bill also amends the reporting requirements for applications for such devices by specifying the information to be reported.

Denial of Service Investigations: Currently, a person whose computer is accessed by a hacker as a means for the hacker to reach a third computer cannot simply consent to law enforcement monitoring of his computer. Instead, because this person is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. The bill will close this loophole by explicitly permitting such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send ''harmful interference to a lawfully operating computer system.''

Encryption Reporting: The bill directs the Attorney General to report the number of wiretap orders in which encryption was encountered and whether such encryption precluded law enforcement from obtaining the plaintext of intercepted communications.

State and Local Computer Crime Enforcement: The bill directs the Office of Federal Programs to make grants to assist State and local law enforcement in the investigation and prosecution of computer crime.

Legislation must be balanced to protect our privacy and other constitutional rights. I am a strong proponent

of the Internet and a defender of our constitutional rights to speak freely and to keep private our confidential affairs from either private sector snoops or unreasonable government searches. These principles can be respected at the same time we hold accountable those malicious mischief makers and digital graffiti sprayers, who use computers to damage or destroy the property of others. I have seen Congress react reflexively in the past to address concerns over anti-social behavior on the Internet with legislative proposals that would do more harm than good. A good example of this is the Communications Decency Act, which the Supreme Court declared unconstitutional. We must make sure that our legislative efforts are precisely targeted on stopping destructive acts and that we avoid scattershot proposals that would threaten, rather than foster, electronic commerce and sacrifice, rather than promote, our constitutional rights.

Technology has ushered in a new age filled with unlimited potential for commerce and communications. But the Internet age has also ushered in new challenges for federal, state and local law enforcement officials. Congress and the Administration need to work together to meet these new challenges while preserving the benefits of our new era. The legislation I offer today is a step in that direction.

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. 2430

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 ''Internet Security Act of 2000''.

SEC. 2. AMENDMENTS TO THE COMPUTER FRAUD AND ABUSE ACT.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) by inserting ''(i)'' after ''(A)'' and redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(ii) in subparagraph (A)(iii), as redesignated, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(B) the conduct described in clause (i), (ii), or (iii) of subparagraph (A)—

''(i) caused loss aggregating at least $5,000 in value during a 1-year period to 1 or more individuals;

''(ii) modified or impaired, or potentially modified or impaired, the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) caused physical injury to any person; or

''(iv) threatened public health or safety;''; and

(B) in paragraph (6), by adding ''or'' at the end;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end; and

(ii) in subparagraph (B), by inserting ''or an attempted offense'' after ''in the case of an offense''; and

(B) by adding at the end the following:

''(4) forfeiture to the United States in accordance with subsection (i) of the interest of the offender in—

''(A) any personal property used or intended to be used to commit or to facilitate the commission of the offense; and

''(B) any property, real or personal, that constitutes or that is derived from proceeds traceable to any violation of this section.'';

(3) in subsection (d)—

(A) by striking ''subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of''; and

(B) by striking ''which shall be entered into by'' and inserting ''between'';

(4) in subsection (e)—

(A) in paragraph (2)(B), by inserting '', including computers located outside the United States'' before the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon;

(C) in paragraph (7), by striking ''and'' at the end;

(D) in paragraph (8), by striking '', that'' and all that follows through ''; and'' and inserting a semicolon;

(E) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(10) the term 'loss' includes—

''(A) the reasonable costs to any victim of—

''(i) responding to the offense;

''(ii) conducting a damage assessment; and

''(iii) restoring the system and data to their condition prior to the offense; and

''(B) any lost revenue or costs incurred by the victim as a result of interruption of service.'';

(5) in subsection (g), by striking ''Damages for violations involving damage as defined in subsection (c)(8)(A)'' and inserting ''losses specified in subsection (a)(5)(B)(i)''; and

(6) by adding at the end the following:

''(i) PROVISIONS GOVERNING FORFEITURE.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsection (c) and subsections (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) acts that damage or attempt to damage computers used in the delivery of critical infrastructure services such as telecommunications, energy, transportation, banking and financial services, and emergency and government services pose a serious threat to public health and safety and cause or have the potential to cause losses to victims that include costs of responding to offenses, conducting damage assessments, and restoring systems and data to their condition prior to the offense, as well as lost revenue and costs incurred as a result of interruptions of service; and

(2) the Federal Government should have jurisdiction to investigate acts affecting protected computers, as defined in section 1030(e)(2)(B) of title 18, United States Code, as amended by this Act, even if the effects of such acts occur wholly outside the United States, as in such instances a sufficient Federal nexus is conferred through the interconnected and interdependent nature of computers used in interstate or foreign commerce or communication.

SEC. 4. MODIFICATION OF SENTENCING COMMISSION DIRECTIVE.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 5. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING.

Section 2318(d) of title 18, United States Code, is amended by—

(1) inserting ''(1)'' before ''When'';

(2) inserting '', and any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit label was affixed, or was intended to be affixed'' before the period; and

(3) by adding at the end the following:

''(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 6. CONFORMING AMENDMENT.

Section 492 of title 18, United States Code, is amended by striking ''or 1720,'' and inserting '', 1720, or 2318''.

SEC. 7. PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3123 of title 18, United States Code is amended—

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

''(a) ISSUANCE OF ORDER.—

''(1) REQUESTS FROM ATTORNEYS FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds, based on the certification by the attorney for the Government, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall apply to any entity providing wire or electronic communication service in the United States whose assistance is necessary to effectuate the order.

''(2) REQUESTS FROM STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS.—Upon an application made under section 3122(a)(2), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court, if the court finds, based on the certification by the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by inserting ''authorized under subsection (a)(2)'' after ''in the case of a trap and trace device''; and

(ii) in subparagraph (D), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) shall direct that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in processing by the service provider upon whom the order is served.''.

SEC. 8. TECHNICAL AMENDMENTS TO PEN REGISTER AND TRAP AND TRACE PROVISIONS.

(a) ISSUANCE OF AN ORDER.—Section 3123 of title 18, United States Code, is amended—

(1) by inserting ''or other facility'' after ''line'' each place that term appears;

(2) by inserting ''or applied'' after ''attached'' each place that term appears;

(3) in subsection (b)(1)(C), by inserting ''or other identifier'' after ''the number''; and

(4) in subsection (d)(2), by striking ''who has been ordered by the court'' and inserting ''who is obligated by the order''.

(b) DEFINITIONS.—Section 3127 of title 18, United States Code is amended—

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

''(3) the term 'pen register'—

''(A) means a device or process that records or decodes electronic or other impulses that identify the telephone numbers or electronic address dialed or otherwise transmitted by an instrument or facility from which a wire or electronic communication is transmitted and used for purposes of identifying the destination or termination of such communication by the service provider upon which the order is served; and

''(B) does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;''; and

(2) in paragraph (4)—

(A) by inserting ''or process'' after ''means a device'';

(B) by inserting ''or other identifier'' after ''number''; and

(C) by striking ''or device'' and inserting ''or other facility''.

SEC. 9. PEN REGISTER AND TRAP AND TRACE REPORTS.

Section 3126 of title 18, United States Code, is amended by inserting before the period at the end the following: '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order''.

SEC. 10. ENHANCED DENIAL OF SERVICE INVESTIGATIONS.

Section 2511(2)(c) of title 18, United States Code, is amended to read as follows:

''(c)(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, if such person is a party to the communication or 1 of the parties to the communication has given prior consent to such interception.

''(ii) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or electronic communication, if—

''(I) the transmission of the wire or electronic communication is causing harmful interference to a lawfully operating computer system;

''(II) any person who is not a provider of service to the public and who is authorized to use the facility from which the wire or electronic communication is to be intercepted has given prior consent to the interception; and

''(III) the interception is conducted only to the extent necessary to identify the source of the harmful interference described in subclause (I).''.

SEC. 11. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

SEC. 12. STATE AND LOCAL COMPUTER CRIME ENFORCEMENT.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or units of local government within a State for a grant under this section have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

TELEWORK TAX INCENTIVE ACT

• Mr. SANTORUM. Mr. President, today, I rise to introduce legislation that would help people who ''telework'' or work from home, to receive a tax credit. Teleworkers are people who work a few days a week on-line from home by using computers and other information technology tools. Nearly 20 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework. At one national telecommunications company, nearly 25 percent of its workforce works from home at least one day a week. The company found positive results in the way of fewer days of sick leave, better retention, and higher productivity.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The purpose of my legislation is to provide an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of

telework is that it improves the quality of life for all. Telework also reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework is good for families—working parents have flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. Telework helps fill our nation's labor market shortage. It can also be a good option for retirees choosing to work part-time.

Last fall, a task force on telework initiated by Governor James Gilmore of Virginia made a number of recommendations to increase and promote telework. One recommendation was to establish a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit ''for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.'' An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

I am pleased to work with Congressman FRANK WOLF who has introduced identical legislation in the House of Representatives, H.R. 3819. A number of groups have already endorsed the Telework Tax Incentive Act including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

On October 9, 1999, legislation which I introduced last year in coordination with Representative FRANK WOLF from Virginia was signed into law by the President as part of the annual Department of Transportation appropriations bill for Fiscal Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., and Los Angeles. Houston and Chicago have been added as well. I am pleased that the Philadelphia Area Design Team has been progressing well with its responsibility of examining the application of these incentives to the greater Philadelphia metropolitan area. I am excited that this opportunity continues to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home at home with an average of 3 hours per week during normal business hours. In this study, teleworkers or telecommuters are defined overall as employees or independent contractors who work at least one day per month at home. These research findings impact the bottom line for employers and employees. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities. For employers, savings just from less absenteeism and increased employee retention total more than $10,000 per teleworker per year. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

Mr. President, I urge my colleagues to consider cosponsoring this legislation which promotes telework and helps encourage additional employee choices for the workplace.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel *Hazel Lorraine* to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

ELIGIBILITY OF THE FISHING VESSEL HAZEL LORRAINE UNDER THE AMERICAN FISHERIES ACT

● Mr. SMITH of Oregon. Mr. President, today I am introducing, with my colleague from Oregon, legislation which will correct an oversight in the American Fisheries Act of 1998. Some of my colleagues will recall that the American Fisheries Act was passed as part of the Omnibus Appropriations Act in the closing days of the 105th Congress.

Let me speak briefly first to the American Fisheries Act, or AFA, itself. The AFA was a major revision of management policies for the valuable Bering Sea pollock fishery, raising domestic vessel ownership standards, while bringing greater stability to the pollock fishery by allowing fishers and processors to engage in limited cooperatives. Months of intense negotiations between interested congressional offices and a number of Alaskan and West Coast fishing interests resulted in the compromise that was passed into law.

Oregon certainly does not have as great an interest in the Bering Sea pollock fishery as other states do. Nevertheless, Oregon-based vessels do participate in this and other distant-water fisheries. Many of these vessel owner-operators pioneered the development of the Alaskan pollock fishery during the Americanization of the Exclusive Economic Zone in the 1980s. The American Fisheries Act was supposed to allow these, and other fishing vessels with substantial history, to stay in the fishery while excluding new or speculative entrants. The language used in the AFA to achieve this purpose requires that qualified vessels must have delivered at least 250 metric tons of pollock in 1996, 1997, or an eight month period in 1998, to the shore-based processing plants that compose the ''inshore sector'' of the Bering Sea pollock fishery. Alternatively, the AFA requires vessels to have delivered at least 250 metric tons of pollock in 1997 and have had at least 75 percent of their catch delivered to the ''offshore sector'' of factory trawlers in order to qualify for that sector of the Bering Sea pollock fishery.

While it was thought that this qualification language in the American Fisheries Act would carry over all vessels with a substantial history in the fishery, this has turned out not to be the case. An Oregon-based vessel named the *Hazel Lorraine*—a vessel with years of Bering Sea pollock landings on record—has found itself locked out of both the inshore and offshore sectors of the Bering Sea pollock fishery due to the way the qualifications are worded in the AFA. On the one hand, the *Hazel Lorraine* does not qualify for the inshore sector. The fact that the then-Tyson Seafood plant in Kodiak was destroyed by a fire in 1997 also impacted the *Hazel Lorraine*'s deliveries during this period. On the other hand, the *Hazel Lorraine* does not qualify for the offshore sector either—also as a direct result of the Tyson fire.

In short, the *Hazel Lorraine* does not meet the AFA requirements for either the inshore or offshore sector for Bering Sea pollock despite a substantial record of deliveries in the fishery that stretches back more than fifteen years.

Ironically, the owners of the *Hazel Lorraine* actively supported the American Fisheries Act as it had first been introduced in the 105th Congress. However the bill changed dramatically during a series of backroom negotiations before being tucked into an omnibus appropriations package. The AFA that actually passed the Congress differed substantially from the drafts that had been widely circulated in the fishing industry earlier that year.

Nevertheless, the fact remains that the *Hazel Lorraine* is recognized in the North Pacific as a vessel that can legitimately claim a long history in the Bering Sea pollock fishery. It would be a terrible mistake if the Congress were to allow this vessel to continue to be shut out of its historic fishery. A number of industry leaders and associations, such as United Catcher Boats and the Midwater Trawlers Cooperative, have also recognized this and have stated their support for restoring the right of the *Hazel Lorraine* to fish in this pollock fishery.

Over the course of the past year, Senator WYDEN and I have discussed this issue with our colleagues, and have come to the conclusion that the best course of action is to introduce authorizing legislation that would clearly place the *Hazel Lorraine* among those vessels eligible to participate in the inshore sector of the Bering Sea pollock fishery. This legislation will do just that. I think my colleagues will find that those in the North Pacific fisheries who know the circumstances surrounding the *Hazel Lorraine* will be supportive of this legislation. I look forward to working with members of the Commerce Committee to bring this issue to a resolution during this session of the Congress.

Mr. President, I ask unanimous consent that the full 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. 2432

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

SECTION 1. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) shall be considered to be a vessel that is eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.●

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

● Ms. LANDRIEU. Mr. President, today I rise, along with the senior Senator from Louisiana, to introduce legislation which would establish the Red River National Wildlife Refuge. Congressman MCCREARY is introducing identical legislation in the House of Representatives. Mr. President, the Red River Valley located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches and Desoto parishes in Louisiana is of critical importance to over 350 species of birds, aquatic life and a wide array of other species associated with river basin ecosystems. It represents a historic migration corridor for migratory birds funneling through the mid-continent from as far north as the Arctic Circle and as far south as South America. The Red River Valley also represents the most degraded watershed in Louisiana. The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State or private wildlife sanctuaries along the Red River north from Alexandria, Louisiana to the Arkansas-Louisiana state boundary. The Red River Valley offers extraordinary recreational, research and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers and nature photographers.

The bill Senator BREAUX and I are introducing today would: restore and preserve native Red River ecosystems; provide habitat for migratory birds; maximize fisheries on the Red River and its tributaries, natural lakes and man-made reservoirs; provide habitat for and population management of native plants and resident animals including restoration of extirpated species; provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife and provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching and other outdoor recreational and educational activities.

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. 2433

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 ''Red River National Wildlife Refuge Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—The Secretary shall establish as a national wildlife refuge the lands, waters, and interests therein acquired under section 5, at such time as the Secretary determines that sufficient property has been acquired under that section to constitute an area that can be effectively managed as a national wildlife refuge for the purposes set forth in subsection (b) of this section. The national wildlife refuge so established shall be known as the ''Red River National Wildlife Refuge''.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To restore and preserve native Red River ecosystems.

(2) To provide habitat for migratory birds.

(3) To maximize fisheries on the Red River and its tributaries, natural lakes, and man-made reservoirs.

(4) To provide habitat for and population management of native plants and resident animals (including restoration of extirpated species).

(5) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(6) To provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching, and other outdoor recreational and educational activities.

(7) To achieve the purposes under this subsection without violating section 6.

(c) NOTICE OF ESTABLISHMENT.—The Secretary shall publish a notice of the establishment of the Refuge—

(1) in the Federal Register; and

(2) in publications of local circulation in the vicinity of the Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary shall seek to acquire up to 50,000 acres of land, water, or interests therein (including permanent conservation easements or servitudes) within the boundaries designated under subsection (c). All lands, waters, and interests acquired under this subsection shall be part of the Refuge.

(b) METHOD OF ACQUISITION.—The Secretary may acquire an interest in land or water for inclusion in the Refuge only by donation, exchange, or purchase from a willing seller.

(c) DESIGNATION OF BOUNDARIES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(A) consult with appropriate State and local officials, private conservation organizations, and other interested parties (including the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Transportation and Development, the Red River Waterway Commission, and the Northwest Louisiana Council of Governments), regarding the designation of appropriate boundaries for the Refuge within the selection area;

(B) designate boundaries of the Refuge that are within the selection area and adequate for fulfilling the purposes of the Refuge set forth in section 3(b); and

(C) prepare a detailed map entitled ''Red River National Wildlife Refuge'' depicting the boundaries of the Refuge designated under subparagraph (B).

(2) SELECTION AREA.—For purposes of this subsection, the selection area consists of Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes, Louisiana.

(3) AVAILABILITY OF MAP; NOTICE.—The Secretary shall—

(A) keep the map prepared under paragraph (1) on file and available for public inspection at offices of the United States Fish and Wildlife Service of the District of Columbia and Louisiana; and

(B) publish in the Federal Register a notice of that availability.

(d) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (c) as may be appropriate to achieve the purposes of the Refuge under section 3(b) or to facilitate the acquisition of property for the Refuge.

SEC. 6. CONTINUED PUBLIC SERVICES.

Nothing in this Act shall be construed as prohibiting or preventing, and the Secretary shall not for purposes of the Refuge prohibit or prevent—

(1) the continuation or development of commercial or recreational navigation on the Red River Waterway;

(2) necessary construction, operation, or maintenance activities associated with the Red River Waterway project;

(3) the construction, improvement, or expansion of public port or recreational facilities on the Red River Waterway; or

(4) the construction, improvement, or replacement of railroads or interstate highways within the selection area (designated in section 5(c)(2)), or bridges that cross the Red River.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) REFUGE.—The term ''Refuge'' means the Red River National Wildlife Refuge established under section 3.

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

By Mr. L. CHAFEE (for himself, Mr. BRYAN, Mr. THOMPSON, and Mr. SARBANES):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) PRESERVATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators BRYAN, THOMPSON, and SARBANES in introducing the State Children's Health Insurance Program (SCHIP) Preservation Act of 2000.

This legislation addresses what I believe to be an unintended consequence of the Balanced Budget Act of 1997 (BBA), which created the State Children's Health Insurance Program (SCHIP) to provide health insurance coverage to millions of our nation's uninsured children. Specifically, the BBA called for states to enroll 2.5 million uninsured children in SCHIP within three years of enactment of the bill. According to the Health Care Financing Administration, states enrolled 1.98 million children in SCHIP in 1999. While this represents an increase in states' enrollment efforts, we need to ensure that the federal government is financially committed to this program, and thus to providing health insurance to our nation's children.

SCHIP was designed to allow states to spend each year's allotment over a three-year period; if a state began its program in 1998, it has until the end of 2000 to spend its 1998 allotment. The legislation we are introducing today will extend this year's looming deadline through the end of Fiscal Year 2002, thus allowing states to keep their unexpended SCHIP allotments for up to a total of five years. Many states have had difficulties conducting outreach and enrolling SCHIP-eligible children. We must not penalize states that need more time to identify and enroll children in this important program.

Without this bill, the result—whether intended or unintended—would be a potential reduction of up to $4 billion for children's health programs throughout the country. A reduction of this magnitude would undermine many critical programs that provide quality health coverage to needy children. It may also inhibit the ability of states to provide services for children already enrolled in SCHIP, as well as encouraging some states to scale back on outreach and enrollment efforts. For example, under current statute, Rhode Island will lose approximately $8 million annually starting in Fiscal Year 2001. This loss will undermine the efforts of the state to target and enroll every child who is eligible for SCHIP in Rhode Island. Reductions in SCHIP allotments to states will mean that SCHIP-eligible children who are not yet enrolled in the program may continue to go without health insurance.

Data from the U.S. Census Bureau shows that the number of children without health insurance increased from 9.8 million children in 1995 to 11.1 million children in 1998. This increase in the uninsured rate occurred in spite of the enactment of SCHIP in 1997. We must not allow this trend to continue. States need to be able to tap into their unexpended SCHIP funds to continue their outreach and enrollment efforts. At a time when our nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing these much needed SCHIP payments to states that are desperately trying to reach out to and enroll these vulnerable and needy children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the legislation be printed in the RECORD.

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

S. 2434

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 ''State Children's Health Insurance Program (SCHIP) Preservation Act of 2000''.

SEC. 2. AVAILABILITY OF FISCAL YEAR 1998 AND FISCAL YEAR 1999 ALLOTMENTS UNDER SCHIP.

Notwithstanding subsection (e) of section 2104 of the Social Security Act (42 U.S.C. 1397dd), amounts allotted to a State under that section for each of fiscal years 1998 and 1999 shall remain available through September 30, 2002.●

● Mr. BRYAN. Mr. President, I am very pleased to join Senators LINCOLN CHAFEE, PAUL SARBANES, and FRED THOMPSON as an original cosponsor of the State Children's Health Insurance Program Preservation Act of 2000, and I thank Senator CHAFEE for his leadership on this bill.

This important legislation provides that Federal funds allotted to States under the state children's health insurance program for each of fiscal years 1998 and 1999 will remain available to the states through fiscal year 2002.

The enactment of the 1997 Balanced Budget Act's state children's health insurance program (CHIP was a seminal event in addressing the problem of uninsured children in this nation. The $24 billion funding reflected the seriousness of the national commitment to ensuring children will have access to health care services. It provided my state of Nevada and the nation with an incredible opportunity to address a most stubborn problem—the increasing number of children who have no health care insurance.

States were provided three options to provide child health care services through the federal funding allotments: to expand Medicaid coverage under enhanced Medicaid matching rates; to create or expand separate child health insurance programs; or to use a combination of the two. All options, rightly I believe, require the States to spend some of their own funds as a condition of participating in the program.

The choices states face under the CHIP program reflect the flexibility they wanted to tailor these programs, within federal guidelines, to the specific needs of each state to reduce the number of uninsured children.

Nevada's CHIP program—''Nevada CheckUp''—was approved by HCFA in August 1998 and began operating in October 1998. The program is separate from the Medicaid program, but the two are coordinated in the application process to ensure those children eligible for Medicaid are enrolled in that program. The Nevada CheckUp program covers applicants up to 200% of the federal poverty level, and children up to age 18.

Since its October 1998 beginning, Nevada CheckUp has enrolled over 9,000 children, representing almost 60% of the anticipated total eligible children. But there are approximately 6,000 children in Nevada who thus remain uninsured, who need health care coverage, and who must be found and covered. We can and must do better.

It took the state some time to develop its program, create a state plan, get state and federal approval, hire and train the staff and begin the marketing outreach and enrollment activities. In the one and one-half years the program has been operating, the state has learned what has worked successfully, and what has not worked. They are in the process of developing a new marketing plan, which will allow us to reach more uninsured Nevada children. The new proposal will use more media and broadcast tools to target the low income population.

The CHIP program is still in its infancy, and states are still learning how best to develop programs to provide children with much-needed health insurance. I am hopeful as this program matures, we will see a most successful effort to cover our nation's children, and ensure their health care needs are met into the next century.

Allow the states to keep their federal allotment for an additional two years should provide Nevada, and other States, the opportunity to reach the total number of eligible children, and increase the number of children with health insurance.

I sincerely hope Nevada will find the means to make its full match, so our state can draw 100 percent of its available federal funds. Wise use of these Federal funds, with a continued commitment to our children, and with a 100-percent effort by our state will get the job done. Our children simply deserve no less than a fully-funded effort.●

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to crate a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Child Protection/Alcohol and Drug Partnership Act.'' I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, and DODD on this exciting new proposal. Mr. President, this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families—families who are struggling with alcohol and drug abuse, and the children who are being raised in these abusive homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we—public policy makers, government officials, welfare agencies—honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds—and some say as high as 80 percent to 90 percent—of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act of 2000 creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they will work together to provide services for this unique population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and other drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first

birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

Mr. President, this bill is about preventing problems. Senators ROCKEFELLER, DEWINE, DODD, and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, authored by the late Senator John CHAFEE. The 1997 Adoption law promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services—substance abuse. And it will ensure that states have the funding necessary to provide services as required under the Adoption and Safe Families Act.

I encourage my colleagues to take a serious look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. 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. 2435

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 ''Child Protection/Alcohol and Drug Partnership Act of 2000''.

SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Protection/Alcohol and Drug Partnerships For Children

"SEC. 440. DEFINITIONS.

''In this subpart:

''(1) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' means any organized group of Alaska Natives eligible to operate a Federal program under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or such group's designee.

''(2) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The term 'administrative costs' means the costs for the general administration of administrative activities, including contract costs and all overhead costs.

''(B) EXCLUSION.—Such term does not include the direct costs of providing services and costs related to case management, training, technical assistance, evaluation, establishment, and operation of information systems, and such other similar costs that are also an integral part of service delivery.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that submits a joint application from the State agencies that—

''(A) includes a plan that meets the requirements of section 442; and

''(B) is approved by the Secretary for a 5-year period after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, Nation or other organized group or community of Indians, including any Alaska Native Organization, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(5) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and the territories described in subparagraph (B).

''(B) TERRITORIES.—

''(i) IN GENERAL.—The territories described in this subparagraph are Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(ii) AUTHORITY TO MODIFY REQUIREMENTS.—The Secretary may modify the requirements of this subpart with respect to a territory described in clause (i) to the extent necessary to allow such a territory to conduct activities through funds provided under a grant made under this subpart.

''(6) STATE AGENCIES.—The term 'State agencies' means the State child welfare agency and the unit of State government responsible for the administration of the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).

''(7) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of an Indian tribe.

"SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

''(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to eligible States and directly to Indian tribes in accordance with the requirements of this subpart for the purpose of promoting joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies (and among child welfare and alcohol and drug abuse prevention and treatment agencies that are providing services to children in Indian tribes) that focus on families with alcohol or drug abuse problems who come to the attention of the child welfare system and are designed to—

''(1) increase the capacity of both the child welfare system and the alcohol and drug abuse prevention and treatment system to address comprehensively and in a timely manner the needs of such families to improve child safety, family stability, and permanence; and

''(2) promote recovery from alcohol and drug abuse problems.

''(b) NOTIFICATION.—Not later than 60 days after the date a joint application is submitted by the State agencies or an application is submitted by an Indian tribe, the Secretary shall notify a State or Indian tribe that the application has been approved or disapproved.

"SEC. 442. PLAN REQUIREMENTS.

''(a) CONTENTS.—Subject to subsection (c), the plan shall contain the following:

''(1) A detailed description of how the State agencies will work jointly to implement a range of activities to meet the alcohol and drug abuse prevention and treatment needs of families who come to the attention of the child welfare system and to promote child safety, permanence, and family stability.

''(2) An assurance that the heads of the State agencies shall jointly administer the grant program funded under this subpart and a description of how they will do so.

''(3) A description of the nature and extent of the problem of alcohol and drug abuse among families who come to the attention of the child welfare system in the State, and of any plans being implemented to further identify and assess the extent of the problem.

''(4) A description of any joint activities already being undertaken by the State agencies in the State on behalf of families with alcohol and drug abuse problems who come to the attention of the child welfare system (including any existing data on the impact of such joint activities) such as activities relating to—

''(A) the appropriate screening and assessment of cases;

''(B) consultation on cases involving alcohol and drug abuse;

''(C) arrangements for addressing confidentiality and sharing of information;

''(D) cross training of staff;

''(E) co-location of services;

''(F) support for comprehensive treatment programs for parents and their children; and

''(G) establishing priority of child welfare families for assessment or treatment.

''(5)(A) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the 5-year funding cycle and the goals to be achieved during such funding cycle. The activities and goals shall be designed to improve the capacity of the State agencies to work jointly to improve child safety, family stability, and permanence for children whose families come to the attention of the child welfare system and to promote their parents' recovery from alcohol and drug abuse.

''(B) The description shall include a statement as to why the State agencies chose the specified activities and goals.

''(6) A description as to whether and how the joint activities described in paragraph (5), and other related activities funded with Federal funds, will address some or all of the following practices and procedures:

''(A) Practices and procedures designed to appropriately—

''(i) identify alcohol and drug treatment needs;

''(ii) assess such needs;

''(iii) assess risks to the safety of a child and the need for permanency with respect to the placement of a child;

''(iv) enroll families in appropriate services and treatment in their communities; and

''(v) regularly assess the progress of families receiving such treatment.

''(B) Practices and procedures designed to provide comprehensive and timely individualized alcohol and drug abuse prevention and treatment services for families who come to the attention of the child welfare system that include a range of options that are available, accessible, and appropriate, and that may include the following components:

''(i) Preventive and early intervention services for children of parents with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, and that recognize the mental, emotional, and developmental problems the children may experience.

''(ii) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

''(iii) Comprehensive home-based, outpatient, and residential treatment options.

''(iv) After-care support (both formal and informal) for families in recovery that promotes child safety and family stability.

''(v) Services and supports that focus on parents, parents with their children, parents' children, other family members, and parent-child interaction.

''(C) Elimination of existing barriers to treatment and to child safety and permanence, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.

''(D) Effective engagement and retention strategies.

''(E) Pre-service and in-service joint training of management and staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and, where appropriate, judges and other court staff, to—

''(i) increase such individuals' awareness and understanding of alcohol and drug abuse and related child abuse and neglect;

''(ii) more accurately identify and screen alcohol and drug abuse and child abuse in families;

''(iii) improve assessment skills of both child abuse and alcohol and drug abuse staff, including skills to assess risk to children's safety;

''(iv) increase staff knowledge of the services and resources that are available in such individuals' communities and appropriate for such families; and

''(v) increase awareness of the importance of permanence for children and the timelines for decisionmaking regarding permanence in the child welfare system.

''(F) Progress in enhancing the abilities of the State agencies to improve the data systems of such agencies in order to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches and activities are most effective.

''(G) Evaluation strategies to demonstrate the effectiveness of treatment and identify the aspects of treatment that have the greatest impact on families in different circumstances.

''(H) Training and technical assistance to increase the capacity within the State to carry out 1 or more of the activities described in this paragraph or related activities that are designed to expand prevention and treatment services for, and staff training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(7) A description of the jurisdictions in the State (including whether such jurisdictions are urban, suburban, or rural) where the joint activities will be provided, and the plans for expanding such activities to other parts of the State during the 5-year funding cycle.

''(8) A description of the methods to be used in measuring progress toward the goals identified under paragraph (5), including how the State agencies will jointly measure their performance in accordance with section 445, and how remaining barriers to meeting the needs of families with alcohol or drug abuse problems who come to the attention of the child welfare system will be assessed.

''(9) A description of what input was obtained in the development of the plan and the joint application from each of the following groups of individuals, and the manner in which each will continue to be involved in the proposed joint activities:

''(A) Staff who provide alcohol and drug abuse prevention and treatment and related services to families who come to the attention of the child welfare system.

''(B) Advocates for children and parents who come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems.

''(C) Consumers of both child welfare and alcohol and drug abuse prevention and treatment services.

''(D) Direct service staff and supervisors from public and private child welfare and alcohol and drug abuse prevention and treatment agencies.

''(E) Judges and court staff.

''(F) Representatives of the State agencies and private providers providing health, mental health, domestic violence, housing, education, and employment services.

''(G) A representative of the State agency in charge of administering the temporary assistance to needy families program funded under part A of this title.

''(10) An assurance of the coordination, to the extent feasible and appropriate, of the activities funded under a grant made under this subpart with the services or benefits provided under other Federal or federally assisted programs that serve families with alcohol and drug abuse problems who come to the attention of the child welfare system, including health, mental health, domestic violence, housing, and employment programs, the temporary assistance to needy families program funded under part A of this title, other child welfare and alcohol and drug abuse prevention and treatment programs, and the courts.

''(11) An assurance that not more than 10 percent of expenditures under the plan for any fiscal year shall be for administrative costs.

''(12) An assurance that alcohol and drug treatment services provided at least in part with funds provided under a grant made under this subpart shall be licensed, certified, or otherwise approved by the appropriate State alcohol and drug abuse agencies, or in the case of an Indian tribe, by a State alcohol and drug abuse agency, the Indian Health Service, or other designated licensing agency.

''(13) An assurance that Federal funds provided to the State under a grant made under this subpart will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan that assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(b) AMENDMENTS.—

''(1) IN GENERAL.—An eligible State or Indian tribe may amend, in whole or in part, its plan at any time through transmittal of a plan amendment.

''(2) 60-DAY APPROVAL DEADLINE.—A plan amendment is considered approved unless the Secretary notifies an eligible State or Indian tribe in writing, within 60 days after receipt of the amendment, that the amendment is disapproved (and the reasons for disapproval) or that specified additional information is needed.

''(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN TRIBES.—

''(1) IN GENERAL.—In order to be eligible for a grant made under this subpart, an Indian tribe shall—

''(A) submit a plan to the Secretary that describes—

''(i) the activities the tribe will undertake with both child welfare and alcohol and drug agencies that serve the tribe's children to address the needs of families who come to the attention of the child welfare agencies and have alcohol and drug problems; and

''(ii) whether and how such activities address any of the practice and policy areas in subsection (a)(6); and

''(B) subject to paragraph (2), meet the other requirements of subsection (a) unless, with respect to a specific requirement of such subsection, the Secretary determines that it would be inappropriate to apply such requirement to an Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

''(2) ADMINISTRATIVE COSTS; USE OF FEDERAL FUNDS.—Paragraphs (11) and (13) of subsection (a) shall not apply to a plan submitted by an Indian tribe. The indirect cost rate agreement in effect for an Indian tribe shall apply with respect to administrative costs under the tribe's plan.

''(3) AUTHORITY FOR INTERTRIBAL CONSORTIUM.—The participating Indian tribes of an intertribal consortium may develop and submit a single plan that meets the applicable requirements of subsection (a) (as so determined by the Secretary) and paragraph (1) of this subsection.

''SEC. 443. APPROPRIATION OF FUNDS.

''(a) APPROPRIATIONS.—For the purpose of providing allotments to eligible States and Indian tribes under this subpart and research and training under subsection (b)(3), there is appropriated out of any money in the Treasury not otherwise appropriated—

''(1) for fiscal year 2001, $200,000,000;

''(2) for fiscal year 2002, $275,000,000;

''(3) for fiscal year 2003, $375,000,000;

''(4) for fiscal year 2004, $475,000,000; and

''(5) for fiscal year 2005, $575,000,000.

''(b) RESERVATION OF FUNDS.—With respect to a fiscal year:

''(1) TERRITORIES.—The Secretary shall reserve 2 percent of the amount appropriated under subsection (a) for such fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(2) INDIAN TRIBES.—The Secretary shall reserve not less than 3 nor more than 5 percent of the amount appropriated under subsection (a) for such fiscal year for direct payments to Indian tribes and Indian tribal organizations for activities intended to increase the capacity of the Indian tribes and tribal organizations to expand treatment, services, and training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare agencies.

''(3) RESEARCH AND TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall reserve 1 percent of the amount appropriated under subsection (a) for such fiscal year for practice-based research on the effectiveness of various approaches for the screening, assessment, engagement, treatment, retention, and monitoring of families with alcohol and drug abuse problems who come to the attention of the child welfare system, and for training of staff in such areas and shall ensure that a portion of such amount is used for research on the effectiveness of these approaches for Indian children and for the training of staff serving children from the Indian tribes.

''(B) DETERMINATION OF USE OF FUNDS.—Funds reserved under subparagraph (A) may only be used to carry out a research agenda that addresses the areas described in such subparagraph and that is established by the Secretary, together with the Assistant Secretary for the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services

Administration, with input from public and private nonprofit providers, consumers, representatives of Indian tribes, and advocates, as well as others with expertise in research in such areas.

"SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN TRIBES.

''(a) AMOUNT OF GRANT.—

''(1) ELIGIBLE STATES OTHER THAN TERRITORIES.—

''(A) IN GENERAL.—From the amount appropriated under subsection (a) of section 443 for a fiscal year, after the reservation of funds required under subsection (b) of that section for the fiscal year and subject to subparagraphs (B) and (C), the Secretary shall pay to each eligible State (after the Secretary has determined that the State has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the eligible State bears to the total number of children under the age of 18 who reside in all such eligible States for such fiscal year.

''(B) MINIMUM ALLOTMENT.—In no case shall the amount of a payment to an eligible State for a fiscal year be less than an amount equal to 0.5 percent of the amount appropriated under subsection (a) of section 443 for the fiscal year, after the reservation of funds required under subsection (b) of that section.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make pro rata reductions in the amounts of the allotments determined under subparagraph (A) for a fiscal year to the extent necessary to comply with subparagraph (B).

''(2) TERRITORIES.—From the amounts reserved under section 443(b)(1) for a fiscal year, the Secretary shall pay to each territory described in section 440(5)(B) with an approved plan that meets the requirements of section 442 (after the Secretary has determined that the territory has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the territory bears to the total number of children under the age of 18 who reside in all such territories for such fiscal year.

''(3) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—From the amount reserved under section 443(b)(2) for a fiscal year, the Secretary shall pay to each Indian tribe with an approved plan that meets the requirements of section 442(c) (after the Secretary has determined that the Indian tribe has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such reserved amount for such fiscal year as the number of children under the age of 18 in the Indian tribe bears to the total number of children under the age of 18 in all Indian tribes with plans so approved for such fiscal year, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary. For purposes of making the allocations required under the preceding sentence, an Indian tribe may submit data and other information that it has on the number of Indian children under the age of 18 for consideration by the Secretary.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant under this subpart for a fiscal year, an eligible State or Indian tribe shall provide through non-Federal contributions the applicable percentage determined under paragraph (2) for such fiscal year of the costs of conducting activities funded in whole or in part with funds provided under the grant. Such contributions shall be paid jointly by the State agencies, in the case of an eligible State, or by an Indian tribe.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for an eligible State or Indian tribe for a fiscal year is—

''(A) 15 percent, in the case of fiscal years 2001 and 2002;

''(B) 20 percent, in the case of fiscal years 2003 and 2004; and

''(C) 25 percent, in the case of fiscal year 2005.

''(3) SOURCE OF MATCH.—

''(A) ELIGIBLE STATES.—The non-Federal contributions required of an eligible State under this subsection may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The contributions may be made directly or through donations from public or private entities. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

''(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through nonpublic third party in kind contributions, or from Federal funds received under any of the following provisions of law:

''(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(4) WAIVER.—

''(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, may modify the applicable percentage determined under paragraph (2) for matching funds if the Secretary determines that economic conditions in the eligible State justify making such modification.

''(B) INDIAN TRIBES.—In the case of an Indian tribe, the Secretary may modify the applicable percentage determined under such paragraph if the Secretary determines that it would be inappropriate to apply to the Indian tribe, taking into the resources and needs of the tribe and the amount of funds the tribe would receive under a grant made under this section.

''(c) USE OF FUNDS.—Funds provided under a grant made under this subpart may only be used to carry out activities specified in the plan, as approved by the Secretary.

''(d) DEADLINE FOR REQUEST FOR PAYMENT.—An eligible State or Indian tribe shall apply to be paid funds under a grant made under this subpart not later than the beginning of the fourth quarter of a fiscal year or such funds shall be reallotted under subsection (f).

''(e) CARRYOVER OF FUNDS.—Funds paid to an eligible State or Indian tribe under a grant made under this subpart for a fiscal year may be expended in that fiscal year or the succeeding fiscal year.

''(f) REALLOTMENT OF FUNDS.—

''(1) ELIGIBLE STATES.—In the case of an eligible State that does not apply for funds allotted to the eligible State under a grant made under this subpart for a fiscal year within the time provided under subsection (d), or that does not expend such funds during the time provided under subsection (e), the funds which the eligible State would have been entitled to for such fiscal year shall be reallotted to 1 or more other eligible States on the basis of each such State's relative need for additional payments, as determined by the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(2) INDIAN TRIBES.—In the case of an Indian tribe that does not expend funds allotted to the tribe during the time provided under subsection (e), the funds to which the Indian tribe would have been entitled to for such fiscal year shall be reallotted to the remaining Indian tribes that are implementing approved plans in amounts that are proportional to the percentage of Indian children under the age of 18 in each such tribe.

"SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.

''(a) PERFORMANCE MEASUREMENT.—

''(1) ESTABLISHMENT OF INDICATORS.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, Chief Executive Officers of a State or Territory, State legislators, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for children and parents who come to the attention of the child welfare system, shall, within 12 months of the date of enactment of the Child Protection/Alcohol and Drug Partnership Act of 2000, establish indicators that will be used to assess periodically the performance of eligible States and Indian tribes in using grant funds provided under this subpart to promote child safety, permanence, and well-being and recovery in families who come to the attention of the child welfare system.

''(2) COORDINATION.—The indicators established under paragraph (1) shall be based on and coordinated with the performance outcomes established for the child welfare system pursuant to section 203(b) of the Adoption and Safe Families Act of 1997 and the performance measures developed under subpart II of part B of title XIX of the Public Health Service Act (relating to the substance abuse prevention and treatment block grant).

''(3) PURPOSE.—The indicators will be used to measure periodically the progress made by the State agencies and by child welfare and alcohol and drug abuse prevention and treatment agencies serving children in Indian tribes in the activities that such agencies jointly engage in with such grant funds. An eligible State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

''(4) ILLUSTRATIVE EXAMPLES.—The indicators developed should address the range of activities that eligible States and Indian tribes have the option of engaging in with such grant funds. Examples of the types of progress to be measured in the different areas of activity include the following:

''(A) Improving the screening and assessment of families who come to the attention of the child welfare system with alcohol and drug problems, so such families can be promptly referred for appropriate treatment when necessary.

''(B) Increasing the availability of comprehensive and timely individualized treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) Increasing the number or proportion of families who, when they come to the attention of the child welfare system with alcohol and drug problems, promptly enter appropriate treatment.

''(D) Increasing the engagement and retention in treatment of families with alcohol and drug problems who come to the attention of the child welfare system.

''(E) Decreasing the number of children who re-enter foster care after being returned to families who had alcohol or drug problems when the children entered foster care.

''(F) Increasing the number or proportion of staff in both the public child welfare and alcohol and drug abuse prevention and treatment agencies who have received training on the needs of families that come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems for help, and the help that can be provided to such families.

''(G) Increasing the proportion of parents who complete treatment for alcohol or drug abuse and show improvement in their preemployment or employment status.

''(5) DETERMINATION OF PROGRESS.—

''(A) INITIAL REPORT.—Not later than the end of the first fiscal year in which funds are received under a grant made under this subpart, the State agencies in each eligible State that receives such funds, and the Indian tribes that receive such funds, shall submit to the Secretary a report on the activities carried out during the fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

''(B) USE OF INDICATORS.—As soon as possible after the establishment of indicators under paragraph (1), the State agencies and Indian tribes shall conduct evaluations, directly or under contract, of their progress with respect to such indicators that are directly related to activities the eligible State or Indian tribe is engaging in with such grant funds and include information on the evaluation in the reports to the Secretary required under subparagraphs (C) and (D). After the third year in which such activities are conducted, an eligible State or Indian tribe shall include in the evaluation at least some indicators that address improvements in treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) SUBSEQUENT REPORTS.—After the initial report is submitted under subparagraph (A), an eligible State or Indian tribe shall submit to the Secretary, not later than June 30 of each fiscal year thereafter in which the State or tribe carries out activities with grant funds provided under this subpart, a report on the application of the indicators established under paragraph (1) to such activities. The reports shall include an explanation regarding why the specific indicators used were chosen, how such indicators are expected to impact a child's safety, permanence, well-being, and parental recovery, and the results (as of the date of submission of the report) of the evaluation conducted under subparagraph (B).

''(D) FINAL REPORT.—Not later than September 30, 2005, each eligible State and Indian tribe with an approved plan under this part shall submit a final report on the evaluations conducted under subparagraph (B) and the progress made in achieving the goals specified in the plan of the State or Indian tribe.

''(E) FAILURE TO REPORT.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible State or Indian tribe that fails to submit the reports required under this paragraph or to conduct the evaluation required under subparagraph (B) shall not be eligible to receive grant funds provided under this subpart for the fiscal year following the fiscal year in which such State or Indian tribe failed to submit such report or conduct such evaluation.

''(ii) CORRECTIVE ACTION.—An eligible State or Indian tribe to which clause (i) applies may, notwithstanding such clause, receive grant funds under this subpart for a succeeding fiscal year if prior to September 30 of the fiscal year in which such failure occurred, the State agencies of the eligible State, or the Indian tribe, submit to the Secretary a plan to monitor and evaluate in a timely manner the activities conducted with such funds, and such plan is approved in a timely manner by the Secretary, after consultation with the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration.

''(b) SECRETARIAL REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORTS.—On the basis of reports submitted under subsection (a), the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, beginning on October 1, 2002, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities conducted with funds provided under grants made under this subpart, the indicators that have been established, and the progress that has been made in addressing the needs of families with alcohol and drug abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

''(2) EVALUATIONS.—Not later than 6 months after the end of each 5-year funding cycle under this subpart, the Secretary shall submit a report to the committees described in paragraph (1) that summarizes the results of the evaluations conducted by eligible States and Indian tribes under subsection (a)(5)(B), as reported by such States and Indian tribes in accordance with subparagraphs (C) and (D) of subsection (a)(5). The Secretary shall include in the report required under this paragraph recommendations for further legislative or administrative actions that are designed to assist children and families with alcohol and drug abuse problems who come to the attention of the child welfare system.''.

Mr. ROCKEFELLER. Mr. President, today I am here to talk about our Nation's most vulnerable children—those innocent kids who are in the child protection system because they have been abused or neglected by parents, many of whom have drug or alcohol problems. Over 500,000 children are in foster care nationwide and 3,000 children are in West Virginia. Each one deserves a safe, permanent home according to the fundamental guidelines set by the 1997 Adoption and Safe Families Act.

National statistics range between 40 percent and 80 percent of families in the child welfare system struggling with alcohol or drug abuse, or both. One recent survey noted that 67 percent of the parents involved in child abuse or neglect cases needed alcohol or drug treatment, but only one-third of those parents got the appropriate treatment or services to deal with their addiction. In my own state of West Virginia, over half of the children placed in foster care have families with alcohol or drug abuse problems, and we know even more children are at risk of neglect, but are not in foster care yet because of their parent's substance abuse problems.

Another sad, stunning statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in foster care, and they are more likely to be the victims of severe and chronic neglect. Once such children are placed in foster care, they tend to stay in care longer than other children.

I believe the only way to achieve the critical goals of a safe, healthy, and permanent home for every child is to tackle the problem of alcohol and drug abuse among parents. What happens to parents who abuse alcohol or drugs ultimately will decide that child's fate. To help the child, we must address the addiction of their parents.

The issue of alcohol and drug abuse is difficult. Part of the 1997 Adoption and Safe Families Act required the Department of Health and Human Services (HHS) to study this problem within the child welfare system. This important report, Blending Perspectives and Building Common Ground, outlines our challenges. There is a lack of appropriate treatment and services, especially services designed to meet the needs of parents in the child protection system. Unfortunately, there is poor communication and collaboration between alcohol and drug abuse agencies and child protection agencies. Issues such as confidentiality, different definitions of who ''the client'' is, and different time frames for decisions make collaboration harder. For example, under the 1997 Adoption and Safe Families Act, state agencies and courts are expected to consider termination of parental rights if a child has been in foster care for 15 of 22 months. Treatment programs designed for single clients have different time frames.

To address the challenge, we must find new ways to encourage these two independent systems to work together on behalf of parents with an alcohol or drug problem and their children. In addition to treating the patient's addiction, we must also provide for the needs of their child.

Therefore, we need to create incentives for both agencies to consider the total picture—What are the child's needs? What are the parent's needs? How can we effectively serve both, and meet the fundamental goals of the Adoption Law that every child deserves a safe, healthy, permanent home.

The HHS report sets five priorities. First, it calls for building collaborative working relationships among agencies. It stresses that addiction is a treatable disease, but access to timely, comprehensive substance abuse treatment services is key. Keeping clients in treatment is crucial, but serving parents is harder because services must also be available to their children. As mentioned, children of abusing parents need special services. The final priority

in the HHS study is for research and more information on the interaction between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senator SNOWE, DEWINE, and DODD to introduce legislation to address this troubling issue. We have worked for months with state officials, child advocates and officials in the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2000. This bill builds on the foundation of the Adoption and Safe Families Act of 1997—fundamental goals of making a child's safety, health, and permanency paramount.

To accomplish these bold goals, we need to be bold by investing in partnerships that will respond to the needs and priorities outlined in the comprehensive HHS study. I believe a new program and a new approach are essential. A new system is needed to address the special concerns of this unique population—parents with alcohol and drug problems who neglect their children. A program designed to serve a single male with drug problems doesn't respond to the needs of a mother and her child.

To be effective, we must link child protection workers with those involved in alcohol and drug treatment programs. Forging new partnerships takes time—and it takes money. That is why our legislation invests $1.9 billion over 5 years to combat the problems of drugs and alcohol abuse in families in the child welfare system.

I understand this is a large sum, but alcohol and drug abuse is a huge problem. Before reacting to the cost of the bill, consider what the costs are if we do nothing.

If we do not invest in alcohol and drug abuse prevention and treatment for such families, children will be neglected or abused. Young children will be placed in foster care, at a wide range of costs, and they will linger there longer than other children without family substance abuse problems.

In 1997, the House Ways and Means Subcommittee received testimony from Professor Richard Barth who noted that many newborns in substance abuse cases already had siblings placed in foster care. Barth estimated that if only one-third of the mothers with substance abuse problems got successful, early treatment upon the birth of their first child, instead of waiting until later, many years of foster care placements could be prevented and millions of dollars could be saved.

Our bill is designed to tackle this tough issue so agencies do not wait too long to help vulnerable children. Our bill will promote innovative approaches that serve both parents and children. It will offer funding for screening and assessment to enhance prevention. It will support outreach to families and retention so that parents stay in treatment. It can support joint training, and educate alcohol and drug counselors about the special needs of children and the importance of a safe, permanent home. It can support outpatient services or residential treatment. It allows investments in aftercare to keep families and children safe.

If we do invest in such specialized alcohol and drug treatment programs for families, we can achieve two things. For many families, I hope, treatment will be successful and children will return to a safe and stable home. But for others, we will have tried, and learned the important lesson that some children need an alternate place—some children need adoption. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we must follow it. Therefore, to move some children towards adoption, services must be tried for their families.

We want a responsible approach that will include accountability. It requires annual reports to assess how much progress is made each and every year. Reports should measure success in treating parents, but equally important will be measures of children's safety and family stability.

Over the years, we have worked on child welfare issues in a positive, bipartisan manner. I am proud to continue the bipartisan approach as we grapple with such tough controversial issues as alcohol and drug abuse among parents in the child welfare system.

Mr. President, I ask unanimous consent that a fact sheet and section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION—CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT OF 2000

(A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies)

GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP FOR CHILDREN

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

STATE PLAN REQUIREMENTS

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan.—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities.—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services.—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, our-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies.—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances.—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as a representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10% of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments.—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes of activities. Approval from the Secretary shall be presumed unless, the State has been notified of disapproval within 60 days after receipt.

Special Application to Indian tribes.—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

APPROPRIATION OF FUNDS

Appropriations.—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2001, $200,000,000;
(2) for fiscal year 2002, $275,000,000;
(3) for fiscal year 2003, $375,000,000;
(4) for fiscal year 2004, $475,000,000; and
(5) for fiscal year 2005, $575,000,000.

Territories.—The Secretary of HHS shall reserve 2% of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and Training.—The Secretary shall reserve 1% of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds.—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of the Indian tribes and advocates.

PAYMENTS TO STATES

Amount of grant to State and territories.—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05% to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations.—Indian tribes shall be eligible for a set aside of 3% to 5%. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement.—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2001 and 2002, 15% match;
(B) for fiscal years 2003 and 2004, 20% match; and
(C) for fiscal year 2005, 25% match.

Source of match.—The non-Federal contributions required of States may be in cash or in-kind, including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act funds, and Community Block Grant funds.

Waiver.—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indians tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of Funds and Deadline for Request of Payment.—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and Reallotment of funds.—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallocated to one or more eligible States on the basis of the needs of that individual state. In the cases of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

PERFORMANCE MEASUREMENT

Establishment of Indicators.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative Examples.—Indicators of activities to be measured include:

(A) Improve screening and assessment of families;
(B) Increase availability of comprehensive individualized treatment;
(C) Increase the number/proportion of families who enter treatment promptly;
(D) Increase engagement and retention;
(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems;
(F) Increase number/proportion of staff trained; and
(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports.—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty.—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations.—Beginning October 1, 2002, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, to the Committee on Ways and Means of the House of the Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations.—Not later than six months after the end of each 5 year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

FACT SHEET

The Child Protection/Alcohol and Drug Partnership Act of 2000 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67% of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires States to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption Act to provide services prior to adoption.

GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems, HHS will award grants to States and

Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

FORGING NEW PARTNERSHIPS

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

NEW, TARGETED INVESTMENTS

A total of $1.9 billion will be available to eligible States with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small State minimum to ensure that every State gets a fair share. Indian tribes will have a 3%-5% set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15% match and gradually increasing to 25%. The Secretary has discretion to waive the State match in cases of hardship.

ACCOUNTABILITY AND PERFORMANCE MEASUREMENT

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state hat fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

BROWNFIELD CLEANUP COST RECOVERY ACT

• Mr. ABRAHAM. Mr. President, I rise today to introduce the Brownfield Cleanup Cost Recovery Act. This legislation would repeal the targeted area limitation on the expense deduction for environmental remediation costs and extend the termination date of such deduction to 2004.

Mr. President, the Environmental Protection Agency's brownfields program is designed to help communities restore less seriously contaminated sites that have the potential for economic development. Brownfields are defined as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

In general, costs incurred for new buildings or for permanent improvements to increase the value of a property must be capitalized—the cost must be deducted over a period of years. Some expenses, such as repairs, are currently deductible—deductible in the year in which the cost is incurred. This is also called expensing. It is a considerable financial advantage to be able to fully deduct an expense in one year rather than over many. The brownfields tax provision would include environmental remediation costs as allowable costs for expensing. This would create the financial incentive needed to bring companies in to remediate brownfields.

Prior to the passage of the Taxpayer Relief Act of 1997, the tax code discouraged the remediation of environmentally damaged property. In 1996, I introduced legislation to eliminate this bias. This legislation ultimately was included as part of the Taxpayer Relief Act of 1997, which is now law. However, the incentive expires at the end of this year. As part of the Taxpayer Refund and Relief Act of 1999, Congress passed provisions expanding upon this important community development legislation. This bill contains the same provisions that were included in the Taxpayer Refund and Relief Act of 1999, which Congress passed, but President Clinton vetoed.

In addition, Mr. President, current law limits expensing of brownfield sites to those sites within ''targeted'' areas—defined as being a renewal community under section 198. This bill would eliminate the ''targeted area'' limitation, allowing for increased remediation in all areas, not just federal designated zones.

Mr. President, encouraging community renewal has long been a very important issue to me. In 1995, my first year as a Senator, I joined with Senators LIEBERMAN, SANTORUM, DEWINE and Moseley-Braun, to introduce the Enhanced Enterprise Zones Act, to stimulate job creation and residential growth in America's most distressed rural and urban communities. More recently, Senator LIEBERMAN and I introduced the American Community Renewal Act. The ACRA would provide benefits to 100 distressed communities around the country, including tax benefits designed to attract businesses and employers to Renewal Zones. It is my hope that this bill will become law this year.

In my opinion, Mr. President, brownfield remediation is a crucial component of any policy for community renewal if that policy is to be successful. The provisions provided in this legislation will make such remediation more likely and more common. Therefore, I urge my colleagues to give it their strong support.•

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS):

S. 2437. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

• Mr. SMITH of New Hampshire. 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. 2437

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.—

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Comprehensive Everglades restoration plan.
Sec. 4. Watershed and river basin assessments.
Sec. 5. Brownfields Revitalization Program.
Sec. 6. Tribal Partnership Program.
Sec. 7. Ability to pay.
Sec. 8. Property Protection Program.
Sec. 9. National Recreation Reservation Service.
Sec. 10. Operation and maintenance of hydroelectric facilities.
Sec. 11. Interagency and international support.
Sec. 12. Reburial and transfer authority.

Sec. 13. Amendment to Rivers and Harbors Act.
Sec. 14. Structural flood control cost-sharing.
Sec. 15. Calfed Bay Delta Program assistance.
Sec. 16. Project de-authorizations.
Sec. 17. Floodplain management requirements.
Sec. 18. Transfer of project lands.
Sec. 19. Puget Sound and Adjacent waters restoration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

SEC. 3. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), any modification to the project authorized by law, or modified by the Comprehensive Everglades Restoration Plan.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the area consisting of the lands and waters within the boundary, existing on July 1, 1999, of the South Florida Water Management District, including the Everglades ecosystem, the Florida Keys, Biscayne Bay, Florida Bay, and other contiguous near-shore coastal waters of South Florida.

(3) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—The term ''Comprehensive Everglades Restoration Plan'' means the plan contained in the ''Final Feasibility Report and Programmatic Environmental Impact Statement,'' April 1999, as transmitted to the Congress by the July 1, 1999, letter of the Assistant Secretary of the Army for Civil Works pursuant to Section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767).

(4) NATURAL SYSTEM.—The term ''natural system'' means all Federally or state managed lands and waters within the South Florida ecosystem, including the water conservation areas, Everglades National Park, Big Cypress National Preserve, and other federally or state designated conservation lands, and other lands that create or contribute to habitat supporting native flora and fauna.

(b) FINDINGS.—The Congress finds that:

(1) The Everglades is an American treasure. In its natural state, the South Florida ecosystem was connected by the flow of fresh water from the Kissimmee River to Lake Okeechobee—south through vast freshwater marshes known as the Everglades—to Florida Bay, and on to the coral reefs of the Florida Keys. The South Florida ecosystem covers approximately 18,000 square miles and once included a unique and biologically productive region, supporting vast colonies of wading birds, a mixture of temperate and tropical plant and animal species, and teeming coastal fisheries and North America's only barrier coral reef. The South Florida ecosystem is endangered as a result of adverse changes in the quantity, distribution, and timing of flows and degradation of water quality. The Everglades alone has been reduced in size by approximately 50 percent. Restoration of this nationally and internationally recognized ecosystem, including America's Everglades, is in the Nation's interest.

(2) The Central and Southern Florida Project plays an important role in the economy of south Florida by providing flood protection and water supply to agriculture and the residents of south Florida and providing water to the water conservation areas, Everglades National Park and other natural areas for the purpose of preserving fish and wildlife resources. The population of the region is expected to continue to grow, further straining the ability of the existing Central and Southern Florida Project to meet the needs of the natural system and the people of south Florida.

(3) Modifications to the Central and Southern Florida Project are needed to restore, preserve, and protect the South Florida ecosystem, including the Everglades, while continuing to provide for the water related needs of the region, including flood protection and other objectives served by the Project.

(4) The Comprehensive Everglades Restoration Plan is a scientifically and economically sound plan that modifies the Central and Southern Florida Project to restore, preserve and protect the South Florida ecosystem. By storing most of the water currently discharged to the Atlantic Ocean and Gulf of Mexico, ensuring the quality of water discharged into the South Florida ecosystem from project features, and removing internal levees and canals in the Everglades, the Comprehensive Everglades Restoration Plan provides the roadmap for the recovery of a healthy, sustainable ecosystem as well as providing for the other water-related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(5) The comprehensive, system-wide nature of the Comprehensive Everglades Restoration Plan and the linkage of the elements of the plan to each other must be preserved not only during the over 25-year period that will be necessary for its implementation, but for as long as the project remains authorized. Implementation must proceed in a programmatic manner using the principles of adaptive assessment as outlined in the Comprehensive Everglades Restoration Plan.

(6) The Comprehensive Everglades Restoration Plan contains a number of components that will benefit Everglades National Park, Biscayne National Park, Florida Keys National Marine Sanctuary, Big Cypress National Preserve, Ten Thousand Islands National Wildlife Refuge, and Loxahatchee National Wildlife Refuge by significantly improving the quantity, quality, timing, and distribution of waste delivered to these Federal areas. Improved water deliveries will also provide benefits to federally-listed threatened and endangered species.

(7) The Congress, the Federal government, and the State of Florida have, in prior legislation, recognized the need to restore, preserve, and protect the South Florida ecosystem, These on-going efforts are important to the success of the Comprehensive Everglades Restoration Plan. Since the creation of the South Florida Ecosystem Restoration Task Force in 1993, the Federal government has been working in partnership with tribal, state, and local governments, the private sector, and individual citizens to accomplish restoration of the South Florida ecosystem. It is important for the long-term restoration of this ecosystem that these efforts, including the South Florida Ecosystem Restoration Task Force, be continued and strengthened. The state, with its financial responsibilities for project implementation and capabilities in the planning, design, construction, and operation of the Comprehensive Everglades Restoration Plan, must be a full partner with the Federal government.

(c) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) IN GENERAL.—Congress hereby approves the Comprehensive Everglades Restoration Plan to modify the Central and Southern Florida Project to restore, preserve, and protect the South Florida ecosystem. These changes are necessary in order to ensure that the Central and Southern Florida Project as amended provides for the improvement and protection of water quality in, and the reduction of the loss of fresh water from, the South Florida ecosystem, as well as providing for the water related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—Those projects included in the Comprehensive Everglades Restoration Plan and specified in paragraphs (B) and (C) are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions described in the Central and Southern Florida Project: Comprehensive Review Study Report of the Chief of Engineers dated June 22, 1999.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(1) Caloosahatchee River (C–43) Basin ASR ($6,000,000);

(2) Lake Belt In-Ground Reservoir Technology ($23,000,000);

(3) L–31N Seepage Management (10,000,000); and,

(4) Wastewater Reuse Technology ($30,000,000).

(C) OTHER PROJECTS.—The following projects are authorized at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000. Prior to implementation of projects (1) through (10), the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(1) C–44 Basin Storage Reservoir ($112,562,000);

(2) Everglades Agricultural Area Storage Reservoirs—Phase I ($233,408,000);

(3) Site 1 Impoundment ($38,535,000);

(4) Water Conservation Areas 3A/3B Levee Seepage Management ($100,335,000);

(5) C–11 Impoundment and Stormwater Treatment Area ($124,837,000);

(6) C–9 Impoundment and Stormwater Treatment Area ($89,146,000);

(7) Taylor Creek/Nubbin Slough Storage and Treatment Area ($104,027,000);

(8) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 ($26,946,000);

(9) North New River Improvements ($77,087,000);

(10) C–111 Spreader Canal ($94,035,000); and

(11) Adaptive Assessment and Monitoring Program (10 years) ($100,000,000).

(d) ADDITIONAL PROGRAM AUTHORITY.—In order to expedite implementation of the Comprehensive Everglades Restoration Plan, the Secretary is authorized to implement modifications to the Central and Southern Florida Project that are consistent with the Comprehensive Everglades Restoration Plan and that will produce independent and substantial restoration, preservation, or protection benefits to the South Florida ecosystem; provided that the total Federal cost of each project accomplished under this authority shall not exceed $35,000,000; and provided further that the total Federal cost of all the projects accomplished under this authority shall not exceed $250,000,000. Prior to implementation of any project authorized under this subsection, the Secretary shall review and approve a Project Implementation

Report prepared in accordance with subsection (g).

(e) AUTHORIZATION OF FUTURE PROJECT FEATURES.—Except for those projects authorized in subsections (c) and (d), all future projects included in the Comprehensive Everglades Restoration Plan shall require a specific authorization of Congress. Prior to authorization, the Secretary shall transmit such projects to Congress along with a Project Implementation Report prepared in accordance with subsection (g). Further, such projects, if authorized, shall be implemented pursuant to subsection (i) of this section.

(f) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of implementing projects authorized under subsections (c), (d), and (e) shall be 50 percent. The non-Federal sponsor shall be responsible for all lands, easements, rights-of-way, and relocations and shall be afforded credit toward the non-Federal share in accordance with paragraph (3)(A). The non-Federal sponsor may accept Federal funding for the purchase of the necessary lands, easements, rights-of-way or relocations, provided that such assistance is credited toward the Federal share of the cost of the project.

(2) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996, the non-Federal sponsor shall be responsible for sixty percent of the operation, maintenance, repair, replacement, and rehabilitation cost of activities authorized under this section.

(3) CREDIT AND REIMBURSEMENT.—

(A) LANDS.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity required in this section shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(B) WORK.—The Secretary may provide credit, including in-kind credit, to or reimburse the non-Federal project sponsor for the reasonable cost of any work performed in connection with a study or activity necessary for the implementation of the Comprehensive Everglades Restoration Plan if the Secretary determines that the work is necessary and the credit or reimbursement is granted for work completed during the period of design or implementation pursuant to an agreement between the Secretary and the non-Federal sponsor that prescribes the terms and conditions of the credit or reimbursement.

(C) AUDITS.—Credit or reimbursement for land or work granted under this subsection shall be subject to audit by the Secretary.

(g) EVALUATION OF PROJECT FEATURES.—

(1) IN GENERAL.—Prior to implementation of project features authorized in subsection (c)(2)(C)(1) through (c)(2)(C)(10) and subsection (d), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment, complete Project Implementation Reports to address the project(s) cost effectiveness, engineering feasibility, and potential environmental impacts, including National Environmental Policy Act compliance. The Secretary shall coordinate with appropriate Federal, tribal, state and local governments during the development of such reports and shall identify any additional water that will be made available for the natural system, existing legal users, and other water related needs of the region. Further, such reports shall ensure that each project feature is consistent with the programmatic regulations issued pursuant to subsection (i).

(2) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law regarding economic justification, in carrying out activities authorized in accordance with subsections (c), (d), and (e), the Secretary may determine that activities are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and shall not need further economic justification if the Secretary determines that the activities are cost effective.

(h) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(1) IN GENERAL.—Socially and economically disadvantaged individuals and communities make up a large portion of the South Florida ecosystem and have legitimate interests in the implementation of the Comprehensive Everglades Restoration Plan. Further, such groups have not, in some cases, been given the opportunity to understand and participate fully in the development of water resources projects. As provided in this subsection, the Secretary shall ensure that impacts on socially and economically disadvantaged individuals are considered during the implementation of the Comprehensive Everglades Restoration Plan and that such individuals have opportunities to review and comment on its implementation.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632).

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(3) PROGRAM FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a program to ensure that socially and economically disadvantaged individuals within the South Florida ecosystem are informed of the Comprehensive Everglades Restoration Plan, given the opportunity to review and comment on each project feature, provided opportunities to participate as a small business concern contractor, and given opportunities for employment or internships in emerging industry sectors.

(4) CONTRACTS TO BUSINESSES OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a goal that not less than 10 percent of the amounts made available for construction of projects authorized pursuant to subsections (c), (d) and (e), shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals within the South Florida ecosystem.

(i) ASSURING PROJECT BENEFITS.—

(1) IN GENERAL.—The primary and overarching purpose of the Comprehensive Everglades Restoration Plan is to restore, preserve and protect the natural system within the South Florida ecosystem. The Comprehensive Everglades Restoration Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection. The Central and Southern Florida Project, as amended by the Comprehensive Everglades Restoration Plan, shall be implemented in a manner that ensures that the benefits to the natural system and the human environment, including the proper quantity, quality, timing and distribution of water, are achieved and maintained for as long as the Central and Southern Florida Project remains authorized. When implemented fully, the approximately 68 features of the Comprehensive Everglades Restoration Plan will result in modifications to the existing Central and Southern Florida Project works that shall provide the water necessary to restore, preserve and protect the natural system while providing for other water related needs of the region. The Secretary shall ensure that both the natural system and the human environment receive the benefits intended when such modifications to the Central and Southern Florida project are made pursuant to the Comprehensive Everglades Restoration Plan and previous Acts of Congress.

(2) DEDICATION AND MANAGEMENT OF WATER—

(A) IN GENERAL.—Consistent with subsection (i)(2)(B), the Secretary shall dedicate and manage the water made available from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous Acts of Congress and this Act authorizing the implementation of features of the Comprehensive Everglades Restoration Plan, for the temporal and spatial needs of the natural system. The needs of the natural system and the human environment shall be defined in terms of quality, quantity, timing and distribution of water. In developing the regulations that provide for the dedication and management of water for the natural system in accordance with this subsection, the Secretary shall incorporate rainfall driven operational criteria and annual fluctuations in rainfall.

(B) PROGRAMMATIC REGULATIONS.—The Secretary shall, after notice and opportunity for public comment and with the concurrence of the Secretary of the Interior, and in consultation with the Secretary of Commerce, the Administrator of the Environmental Protection Agency and the Governor of the State of Florida, issue programmatic regulations identifying the amount of water to be dedicated and managed for the natural system from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous acts of Congress and this Act through the implementation of the Comprehensive Everglades Restoration Plan features. Such regulations shall be completed within two years of the date of enactment of this Act. These regulations shall ensure that the natural system and the human environment receive the benefits intended, including benefits for the restoration, preservation, and protection of the natural system, as the Comprehensive Everglades Restoration Plan is implemented and incorporated into the Central and Southern Florida Project for as long as the project remains authorized. Nothing in this Act shall prevent the State of Florida from reserving water for environmental uses under the 1972 Florida Water Resources Act to the extent consistent with this section.

(C) PROJECT SPECIFIC REGULATIONS.—The Secretary, after notice and opportunity for public comment, and in consultation with the Secretary of the Interior, Secretary of Commerce, the Administrator of the Environmental Protection Agency, other Federal agencies, and the State of Florida shall develop project feature specific regulations to ensure that the benefits anticipated from each feature of the Comprehensive Everglades Restoration Plan are achieved and maintained as long as the project remains authorized. Each such regulation shall be consistent with the programmatic regulations issued pursuant to subsection (i)(2)(B), be based on the best available science, and ensure that the quantity, quality, timing, and distribution of water for the natural system and the human environment anticipated

in the Comprehensive Plan for each project feature is achieved and maintained.

(3) EXISTING WATER USES.—The Secretary shall ensure that the implementation of the Comprehensive Everglades Restoration Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause substantial adverse impacts on existing legal water uses, including annual water deliveries to Everglades National Park, water for the preservation of fish and wildlife in the natural system, and other legal uses as of the date of enactment of this Act. The Secretary shall not eliminate existing legal sources of water supply, including those for agricultural water supply, water for Everglades National Park and the preservation of fish and wildlife, until new sources of water supply of comparable quantity and quality are available to replace the water to be lost from existing sources. Existing authorized levels of flood protection will be maintained.

(j) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Department of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce and the State of Florida, shall jointly submit to Congress a report on the implementation of the Comprehensive Everglades Restoration Plan. Such reports shall be completed no less than every five years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report, and the work anticipated over the next five-year period. In addition, each report shall include the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed features of the Comprehensive Everglades Restoration Plan are being operated in a manner that is consistent with the programmatic regulations established under subsection (i)(2)(B).

SEC. 4. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of Public Law 99–662 [100 stat. 4164] is amended by—

(a) striking ''**STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.**'' and all that follows, and

(b) inserting in lieu thereof:

''WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary is authorized to assess the water resources needs of river basins and watersheds of the United States. Such assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watersheds protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, Tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting such assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, Tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) COST SHARING REQUIREMENTS.—The non-Federal share of the cost of an assessment conducted under this section shall be 25 percent of the cost of such assessment. The non-Federal sponsor may provide the non-Federal cost-sharing requirement through the provision cash or services, materials, supplies, or other in-kind services. In no event shall such credit exceed the non-Federal required share of costs for the assessment.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''

SEC. 5. BROWNFIELDS REVITALIZATION PROGRAM

(a) GENERAL.—The Secretary shall, in consultation with the Environmental Protection Agency and other appropriate agencies, carry out a program to provide assistance to non-Federal interests in the remediation and restoration of abandoned or idled industrial and commercial sites where such assistance will improve the quality, conservation, and sustainable use of the Nation's streams, rivers, lakes, wetlands, and floodplains. Assistance may be in the form of site characterizations, planning, design, and construction projects. To the maximum extent practicable, projects implemented by the Secretary under this section will be done in cooperation and coordination with other Federal, Tribal, State, and local efforts to maximize resources available for the remediation, restoration, and redevelopment of brownfield sites.

(b) JUSTIFICATION FOR ASSISTANCE.—Notwithstanding any economic justification provision or requirement of section 209 of the Flood Control Act of 1970 [42 U.S.C. 1962–2] or economic justification provision of any other law, the Secretary may determine that the assistance projects authorized by subsection (a),

(1) is justified by the public health and safety, and environmental benefits; and

(2) shall not need further economic justification if the Secretary determines that the assistance is cost effective.

(c) COST SHARING.—

(1) IN GENERAL.—Prior to implementing any assistance project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 50 percent of the total costs of the assistance project; (b) acquire and place in public ownership for so long as is necessary to implement and complete the assistance project any lands, easements, rights-of-way, and relocations necessary for implementation and completion of the assistance project; (c) pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the assistance project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, and relocations provided for implementation and completion of such assistance project. The Secretary also may afford credit to a non-Federal interest for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the assistance project. In no event shall such credit exceed the 50 percent non-Federal cost-sharing requirement.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law.

(e) PROJECT COST LIMITATION.—Not more than $5,000,000 in Army Civil Works Appropriations funds may be allotted under this section at any single site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriate to carry out this section $25,000,000 for each fiscal year from 2002 through 2005.

(g) PROGRAM EVALUATION.—Not later than December 31, 2005, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that discusses the program's performance objectives and evaluates is effectiveness in achieving them, along with any recommendations concerning continuation of the program.

SEC. 6. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Federally recognized Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country, as defined in 18 U.S.C. 1151, or in proximity to Alaska native villages. Studies conducted under this authority may address, but are not limited to, projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources.

(b) CONSULTATION AND COORDINATION.—the Secretary shall consult with the Secretary of the Interior on studies conducted under this section in recognition of the unique role of the Secretary of the Interior regarding trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities. the Secretary shall integrate Army Civil Works activities with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects to Indian tribes, and shall consider existing authorities and programs of the Department of the Interior and other Federal agencies in any recommendations regarding implementation of project studied under this section.

(c) ABILITY TO PAY.—Any cost-sharing agreement for a study under this section shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(d) CREDITS.—For such studies conducted under this section, the Secretary may afford credit to the tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other-in-kind consideration will facilitate completion of the project. In no event shall such credit exceed the tribe's required share of costs for the study.

(e) AUTHRORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section $5,000,000 for each fiscal year, for fiscal years 2002 through 2006. Not more than $1,000,000 in Army Civil Works appropriations may be allotted under this section for any one tribe.

(f) DEFINITION.—For the purposes of this section the term ''Indian tribes'' means any tribe, band, nation, or other organized group of community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 7. ABILITY TO PAY.

Section 103(m) of Public Law 99–662 (33 U.S.C. 2213(m), as amended) is amended by:

(1) Deleting subsection ''(1)'' in its entirety and inserting in lieu thereof the following language:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study or for construction of an environmental protection and restoration or flood control project, or for construction of an agricultural water supply project, shall be subject to the ability of a non-Federal interest to pay.''

(2) Deleting subsection ''(2)'' in its entirety and inserting in lieu thereof the following language:

''(2) CRITERIA AND PROCEDURES.—the ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures be developed, within 18 months after such date of enactment to reflect the requirements of paragraph (3) of section 202(b) of the Water Resources Development Act of 1996 [110 STAT. 3674].''

(3) adding the word ''and'' at the end of subsection (3)(A)(ii)

(4) Deleting subsection (3)(B) in its entirety.

(5) Deleting subsection (3)(C) in its entirety and inserting in lieu thereof the following language:

''(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out is cost-sharing responsibilities, or relating to additional assistance that may be available for other Federal or State sources.''

SEC. 8. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 annually to carry out this section.

SEC. 9. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding Section 611 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and-fund the Department of the Army's share of those activities required for implementing, operating, and maintaining the Service.

SEC. 10. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of Public Law 101–640 (33 U.S.C. 2321) is amended by inserting the following language immediately after the phrase ''commercial activities'': ''where such activities require specialized training related to hydroelectric power generation. These activities would be subject to the labor standards provisions in the Service Contract Act, 41. U.S.C. 351, and to the extent applicable, the Davis-Bacon Act, 40 U.S.C., Sections 276(a)–7.''

SEC. 11. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234 of Public Law 104–303 (33 U.S.C. 2323a) is amended—

(1) in subsection (d) by deleting ''$1,000,000'' and inserting $2,000,000.

SEC. 12. REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—

(1) REBURIAL.—The Secretary is authorized, in consultation with the appropriate Indian tribes, to identify and set aside areas at civil works projects managed by the Secretary that may be used to reinter Native American remains that have been discovered on project lands, and which have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation and in consent with the lineal descendant or the respective Indian tribe, is authorized to recover and rebury the remains at such sites at full Federal expense.

(2) TRANSFER AUTHORITY.—Notwithstanding any provision of law, the Secretary is authorized to transfer to the Indian tribe the land identified by the Secretary in subsection (1) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary of the Army determines is necessary to carry out the authorized project purpose.

(b) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 13. AMENDMENT TO RIVERS AND HARBORS ACT.

33 U.S.C. 401 is amended by adding the following language at the end of the last sentence: ''The approval required by this section of the location and plans, or any modification of plans, for any dam or dike, applies only to any dam or dike that would completely span a waterway currently used to transport interstate or foreign commerce, in a manner that actual, existing interstate or foreign commerce could be adversely affected. Any other dam or dike proposed to be built in any other navigable water of the United States shall be regulated as a structure under 33 U.S.C. 403, and shall not require approval under this section.''

SEC. 14. STRUCTURAL FLOOD CONTROL COST-SHARING.

(a) Section 103(a) of the Water Resources Development Act of 1986 [100 Stat. 4084–4085] is amended by—

(1) striking ''35'' whenever it appears in paragraph (2) and inserting ''50 in lieu thereof;

(2) deleting the word ''MINIMUM'' in paragraph (2);

(3) adding the following language to paragraph (2) immediately after the last sentence in that paragraph: The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.'', and

(4) deleting paragraph (3) and (4) in their entirety.

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 15. CALFED BAY-DELTA PROGRAM ASSISTANCE.

(a) IN GENERAL.—The Secretary is authorized to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay Delta Program, and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Army Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay Delta Program as provided for in subsection (a) of this section, the Secretary is authorized to accept and expend funds from other Federal agencies and from non-Federal public, private and non-profit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay Delta Program and may enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and non-profit entities in carrying out these projects and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to carry out activities under this section $5,000,000 for fiscal years from 2002 through 2005.

(d) DEFINITION.—For purposes of this section, the area covered by the CALFED Bay Delta Program is defined as the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay-Delta Estuary) as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate (Club Fed).

SEC. 16. PROJECT DE-AUTHORIZATIONS.

Section 33 U.S.C. 579a is deleted in its entirety and the following language inserted in lieu thereof:

''PROJECT DE-AUTHORIZATIONS

''(a) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, but for which no appropriations have been obligated for construction of the project or separable element during the four consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project authorized for construction, and any separable element of such a project, shall be de-authorized after the last day of the 7-year period beginning on the date of the project or separable element's most recent authorization or reauthorization unless funds have been obligated for construction of the project or separable element.

''(b) PROJECTS WHERE CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, and for which funds have been obligated in the past for construction of the project or separable element, but for which no appropriations have been obligated for construction of the project or separable element during the two consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project, and any separable element of such a project, for which funds have been obligated in the past for construction of the project or separable element, shall be de-authorized if appropriations specifically identified for construction of the project or separable element (either in Statute or in the accompanying legislative report language) have not been obligated for construction of the project or separable element during any five subsequent consecutive fiscal years.

''(c) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (a) and (b), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element would be located.

''(d) FINAL DE-AUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects or separable elements de-authorized under subsections (a) and (b).

''(e) DEFINITIONS.—For purposes of this section, for non-structural flood control projects, the phrase 'construction of the project or separable element' means the acquisition of lands, easements and rights-of-way primarily to relocate structures, or the performance of physical work under a construction contract for other non-structural measures. For environmental protection and restoration projects, it means the acquisition of lands, easements and rights-of-way primarily to facilitate the restoration of wetlands or similar habitats, or the performance of physical work under a construction contract to modify existing project facilities or to construct new environmental protection and restoration measures. For all other water resources projects, it means the performance of physical work under a construction contract. In no case shall the term ''physical work under a construction contract'', as used in this subsection, include activities related to project planning, engineering and design, relocation, or the acquisition of lands, easements, and rights-of-way.

''(f) EFFECTIVE DATE OF PROVISIONS.—Subsections (a)(2) and (b)(2) shall become effective three years after the date of enactment of this Act.''

SEC. 17. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) Section 402 of the Water Resources Development Act of 1986 [100 Stat. 4133] is amended by—

(1) in subsection (c)(1) by deleting ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by inserting ''that non-Federal interests shall adopt and enforce'' after the word ''policies'' in the second sentence in subsection (c)(1); and

(3) by inserting at the end of subsection (c)(1) ''Such guidelines shall also require non-Federal interests to take measures to preserve the level of flood protection provided by the project for which subsection (a) applies.''

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 18. STUDY OF TRANSFER OF PROJECT LANDS.

''(a) IN GENERAL.—

''(1) STUDY OF TRANSFER.—The Secretary is authorized to conduct a feasibility study in cooperation with the Secretary of the Interior, the state of * * * and with the affected Indian tribes, for the transfer to the Secretary of Interior the land described in subsection (b) to be held in trust for the benefit of the respective Indian tribes.

''(b) LANDS TO BE STUDIED.—The land authorized to be studied for transfer is land that—

(1) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; and

(2) is located within the external boundaries of the reservations of the Three Affiliated Tribes of the Fort Berthold Reservation, N.D., the Standing Rock Sioux Tribe of North and South Dakota, the Crow Creek Sioux Tribe of the Crow Creek Reservation, SD, the Yankton Sioux Tribe of South Dakota, and the Flandreau Santee Sioux Tribe of South Dakota.

''(c) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 *et seq.*] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 19. PUGET SOUND AND ADJACENT WATERS RESTORATION.

''(a) IN GENERAL.—The Secretary is authorized to participate in Critical Restoration Projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

''(b) DEFINITION.—''Critical Restoration Projects'' are those projects that will produce, consistent with existing Federal programs, projects and activities, immediate and substantial restoration, preservation and ecosystem protection benefits.

''(c) PROJECT SELECTION.—The Secretary, with the concurrence of the Secretaries of the Interior and Commerce, and in consultation with other appropriate Federal, Tribal, State, and local agencies, may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d–5b) and this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under this section $10,000,000.

''(e) PROJECT COST LIMITATION.—Not more than $2,500,000 in Army Civil Works appropriations Federal funds may be allocated to carrying out any one project under this section.

''(c) COST SHARING.—

''(1) IN GENERAL.—Prior to implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 35 percent of the total costs of the project; (b) acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project; (c) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided for implementation and completion of such assistance project. The non-Federal interest may provide up to 50 percent of the non-Federal cost-sharing requirement through the provision of services, materials, supplies, or other in-kind services.●

By Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. MCCAIN. Mr. President, today I am introducing the King and Tsiorvas Pipeline Safety Improvement Act of 2000. This bill proposes to reauthorize the Pipeline Safety Act, which expires at the end of this fiscal year (FY), through fiscal year 2003. It is intended to strengthen and improve both federal and state pipeline safety efforts and heighten public awareness of pipeline safety. I am pleased to be joined in sponsoring this bill by Senator MURRAY and Senator GORTON.

Many of these issues came to the forefront as a result of a tragic accident that occurred in Bellingham, Washington, last June 10, 1999. An underground hazardous liquid pipeline ruptured and 277,000 gallons of gasoline leaked into a creek. Two 10-year-old boys, Wade King and Stephen Tsiorvas, had been playing by the creek into which the gasoline flowed. The gasoline was accidently ignited and a massive fire ensued. Both boys died as a result of their injuries. Another young man, Liam Wood, was fishing at the creek the same day. He was overcome by the gasoline fumes, slipped into unconsciousness, and subsequently drowned.

Mr. President, in addition to these needless deaths, the pipeline accident caused destructive fires and environmental damage for miles. Since the June accident, many concerned individuals have come forward and dedicated themselves to finding ways to improve and strengthen the Department of Transportation pipeline safety program. The Senators from Washington State have introduced one bill. Other pipeline safety measures have been introduced in the House. Yesterday, the Administration submitted its own pipeline safety reauthorization proposal. These bills contain many provisions I believe merit Congressional consideration and some of those provisions are included in the legislation I am introducing today.

It is my intention, as Chairman of the Senate Committee on Commerce, Science, and Transportation, to chair a full Committee hearing on Pipeline Safety in the near future. I hope to report a reauthorization measure to the full Senate before the Memorial Day Recess. In that effort, I will be seeking input from public safety advocates, the National Transportation Safety Board, the DOT-Inspector General, the Department of Transportation, industry and others interested in promoting pipeline safety.

Mr. President, currently the Office of Pipeline Safety (OPS) within the Research and Special Programs Administration (RSPA) oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 2,000 gas pipeline operators with more than 1.9 million miles of pipeline, as well as more than 200 hazardous liquid operators and 165,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of the pipeline safety program is, quite simply, critical to public safety.

The safety record of pipeline transportation is generally quite good. However, accidents do occur and when they occur, they can be devastating, as was the case last June.

Last month, the Senate Commerce Committee held a field hearing on this accident in Bellingham, Washington, and the Committee, as I mentioned, is committed to moving a reauthorization bill through the legislative process as soon as possible. We must act to help improve pipeline safety and prevent tragedies like that which occurred in Bellingham.

The bill I am introducing includes a number of provisions intended to strengthen and improve pipeline safety. It also is designed to increase State oversight authority and facilitate greater public information sharing at the local community level.

Two areas that warrant DOT's immediate attention, in my view, concern safety recommendations that have already been issued by the National Transportation Safety Board (NTSB) and the Inspector General (IG). The Department's responsiveness to NTSB pipeline safety recommendations for years has been poor at best. While current law requires the Secretary to respond to NTSB recommendations within 90 days from receipt, there are no similar requirements at RSPA. The problem is serious, Mr. President. I am aware of one case in particular where a NTSB recommendation sat at DOT's pipeline office for more than 900 days before even a letter so much as acknowledging receipt was sent. Such blatant disregard for the important work of the NTSB is intolerable. Therefore, this legislation statutorily requires RSPA and OPS to respond to each pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action it plans to initiate to adopt the recommendation.

In addition, the bill would require the Department to implement the recommendations made last month by the IG to further improve pipeline safety. The DOT IG found several glaring safety gaps at OPS and it is incumbent upon us all to do all we can to insure that the Department affirmatively acts on these critical problems.

The bill would also address the issue of training of pipeline operators. A number of safety interests, including the NTSB, have long emphasized the need to improve operator training. In recognition that a one-size-fits-all approach on this issue is not feasible due to the far different operating and maintenance requirements governing pipeline operations, this bill would require each operator to submit a training plan to the Secretary keyed to his or her particular operation. The Secretary would be expected to review the plans and work with operators to ensure a consistent safety level is maintained. The bill also directs the Secretary to issue regulations to ensure periodic inspections of pipelines and provides authority to the Secretary to shut down operations which are determined to pose an imminent hazard.

Another critical component of this reauthorization bill focuses on increased public education efforts, enhanced emergency response preparedness, and community right to know. It also includes provisions to increase state oversight of pipeline safety concerns. While some may prefer to reduce the federal role over pipeline safety and substantially increase the authority of State regulation, I believe such an approach would be short-sighted. While the concept of preemption by states may seem an attractive solution for some pipeline safety concerns, it is not the best approach. After all, pipelines play a vital role in both interstate and international commerce. A mishmash of state laws regarding the construction, maintenance, training, and operation of pipelines would certainly hamper commerce and would likely not improve safety. In fact, accident records show that more than 70 percent of pipeline transportation injuries and fatalities have occurred on intrastate lines, pipelines under the direct responsibility of the States.

Recently, the U.S. Courts have upheld the need for consistent standards in interstate and international commerce. However, in the Courts ruling, they did not restrict the right of the states to take action altogether. In fact, states already have considerable power to regulate pipelines and promote safety through the Federal/State Partnership program. Additionally, the states ability to promulgate laws regarding ''one call'' can do more to prevent accidents than any other action. States already play an important role and my bill would build on that role and permit the states to join the Secretary in efforts to oversee interstate pipeline transportation and promote emergency preparedness and accident prevention.

The bill also addresses the need to improve data collection and analysis. For more than 25 years, the NTSB has identified major deficiencies and recommended changes to RSPA's pipeline accident data collection process. This bill would ensure RSPA take the action necessary to address these identified problems and improve its data collection and use.

In addition, the bill calls attention to the critical role of innovative technology in promoting safety. Specifically, the bill directs the Secretary to focus the department's research and development programs to address technology that can detect pipe material defects and alternative pipeline inspection and monitory technologies that cannot accommodate current technologies. Finally, the bill would increase funding to carry out pipeline safety and state grant programs through fiscal year 2003.

Mr. President, I urge my colleagues attention to this important safety issue and look forward to bringing a reauthorization bill to the full Senate for consideration in the near future.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

SOUTHEASTERN ALASKA INTERTIE SYSTEM

• Mr. MURKOWSKI. Mr. President, today I am introducing a bill with my colleague, Senator TED STEVENS, to provide a tremendously important authorization for an electrical intertie for an isolated region of my State of Alaska. As many of my colleagues know, Alaska has many unique problems. We are over twice the size of Texas, with fewer miles of paved roads than the District of Columbia. Most of our communities are unconnected. The results of this are stark for those in unconnected communities, and have significant impacts on their lives. Energy costs and reliance upon fossil fuels for power generation are just some of these impacts.

The vast majority of these towns and villages pay very high energy costs. In some instances, these costs exceed 38 cents per kilowatt hour. This makes the cost of living almost unbearable for many local residents. For example, the village of Kake, Alaska pays 38 cents per kilowatt hour and has 38 percent unemployment. Unlike in the rest of the country, when unemployment strikes a particular unconnected community in Alaska, the option to drive to employment in a neighboring community does not exist. One either stays in a devastated community or sells one's home in a market of sellers under duress. With electrical rates running three times and above those in most of the U.S., few will invest in these communities.

Mr. President, I refer Members to the latest study of economic situation in Southeast Alaska. The report deals with the economic impact of declining timber harvests in Southeast Alaska. This is not intended to restart the debate over that issue. That is for another forum. However, what the report vividly describes is the drastic decline in the economy of this region. In the last decade, known by most of the country as the greatest boom in the century, Southeast Alaska has lost 2900 jobs and over $100 million in payroll. Many of these communities have suffered losses in population. For example, the Wrangell/Petersburg area has suffered a 13 percent loss in wage and salary income; my hometown of Ketchikan suffered a similar 12 percent loss. Personal income is down from 5 to 11 percent in the region generally. The problem for Southeast Alaska is that it has no viable option for a replacement industry.

In other areas of the country, such as the Pacific Northwest, alternative employment such as high tech companies

in Oregon and Washington have replaced honorable livelihoods in resource-based industries. There has been no comparable replacement industry for Southeast Alaska. There are a number of reasons, but the biggest reason is lack of affordable power for most communities.

Mr. President, in the Pacific Northwest, power costs are reasonable and the Bonneville Power Administration has an efficient and modern distribution system. In the lower 48 generally, every village and town is connected by power grid to the rest of the nation. That is not the case in Southeast Alaska. This lack of connection exacerbates the situation.

However, what can be done is to interconnect the region. By doing this, the existing and potential clean energy sources can be maximized and the power can be managed between communities and other users. Right now, one hydroelectric facility, Lake Tyee has tremendous excess capacity to bring clean and cheaper energy to many villages. This has been proven in a study conducted by the Southeast Conference. The Southeast Conference is the group of Mayors representing communities throughout Southeast Alaska. This study, entitled the Southeast Alaska Electrical Intertie System Plan, outlines the regional grid which this bill authorizes.

Mr. President, let me be clear, this is only an authorization. The bill provides no obligation to the Federal government to be involved in the construction of this intertie system whatsoever.

The bill also does not authorize nor does it contemplate that the federal government will exercise any ownership or management responsibility over this system. In fact, the Southeast communities which have asked me to introduce this bill seek to manage this project themselves.

It simply provides an authorization for the Congress to assist the communities in assemblying funding for the project. There is ample precedent for this. In fact, this very process was used successfully in Arizona and Utah with the Central Arizona and Central Utah projects. The era of the federal government constructing, owning and operating new power generation facilities has passed. However, the federal government can provide valuable assistance to a group of communities which seek to get their region back on the road to economic recovery. This is a good bill because it encourages local self reliance.

Mr. President, an intertie can do so much to assist this region. Right now, we have a series of isolated communities which cannot even work with each other on power issues. Each must provide its own generation and transmission facilities. And almost all of these facilities use diesel oil-fired generation because that is the only type of self-contained transmission facility which these communities can afford. Instead with an intertie, these generators can be put in mothballs and used only for isolated emergency backup. The intertie will provide reliable and clean sources of energy for all these communities.

I am informed by the communities that they intend to form a state chartered regional power authority to manage this Intertie. It will have no federal budgetary obligation. Additionally, the intertie will help the environment by shifting these small villages from their diesel generation and pointing them towards clean, renewable fuel sources. All of these facilities will be subject to all federal, state, and local laws including environmental laws. Just to make sure that this is clear, I have included a specific provision in the bill that reaffirms that this simple authorization will not affect, change, or alter any obligations under federal laws such as the National Environmental Policy Act (NEPA). All of the facilities will be subject to normal permitting.

There will undoubtedly be environmental studies required for the different components. For example, part of phase 1 of the Intertie includes the Swan Lake-Lake Tyee project which will connect my hometown of Ketchikan to its neighbors to the north, Wrangell and Petersburg. The permits for this project are already in place and were issued by the Forest Service as a result of a laborious 2 year NEPA study. The Forest Service issued a full Environmental Impact Statement which resulted in a favorable record of decision. No corners were cut and the project was approved by the Forest Service and permits issued. This bill will have no effect on that process. Any other phases will have to undergo close scrutiny, although I am convinced that connecting communities together using renewable hydropower will be much better environmentally than continued reliance on transporting, storing and burning high-priced diesel.

Mr. President, Alaska was not even a state when the major transmission systems were built in this country in the 1930's, 1940's and 1950's. Until World War II compelled the heroic construction of the Alcan Highway. Alaska was not even connected by road to the rest of the country. Alaska was never even considered as a candidate for the construction of a transmission system. Alaska's economic development is in its infancy even today. A project like the Southeast Regional Intertie is necessary to give that region of Alaska the opportunity to recover from the economic disaster outlined in the McDowell report. It is my intention to have this bill considered by my committee soon and I hope to report it favorably to the Senate floor in the near future.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Aviation Security Improvement Act of 2000. I would like to recognize the efforts of Commerce Committee Chairman MCCAIN and Aviation Subcommittee Chairman GORTON who have agreed to cosponsor this legislation. I am also joined by Senators INOUYE, ROCKEFELLER, and BRYAN in this effort to improve the security of the flying public.

Approximately 500 million passengers will pass through U.S. airports this year. Protecting their safety in an incredible challenge to the men and women of the aviation industry. The Federal Government, through the Federal Aviation Administration and Industry together, must do everything within our power to protect the public from the menace of terrorism and other security threats.

In 1996, soon after the tragedy of TWA flight 800, I proposed new requirements to improve security at the nation's airports. Congress adopted these requirements as part of the Federal Aviation Reauthorization Act of 1996. This legislation tried to improve the hiring process and enhance the professionalism of airport security screeners. The act also directed the FAA to upgrade security technology with regard to baggage screening and explosive detection.

In my view, the FAA has been slow to implement these vital security improvements. The FAA does not plan to finalize the regulation to improve training requirements for screeners and certification for screening companies until May 2001. Five years is too long to wait. Technology upgrades have also been slow in coming, even though the upgraded technology is readily available. The traveling public should not have to wait yet another year before these improvements are implemented.

The FAA must modernize its procedure for background checks of prospective security-related employees. An FAA background check currently takes 90 days. That is too long. Under current procedures, the FAA is required to perform these checks only when an applicant has a gap in employment history of 12 months or longer, or if preliminary investigation reveals discrepancies in an applicant's resume. But 43% of violent felons serve an average of only seven months. This gap should be closed.

My legislation, the Airport Security Improvement Act, would direct FAA to require criminal background checks for all applicants for positions with security responsibilities, including security screeners. The bill will also require that these checks be performed expeditiously.

My legislation also directs FAA to improve training requirements for security screeners by September 30 of

this year. FAA should require a minimum of 40 hours of classroom instruction and 40 hours of practical on-the-job training before an individual is deemed qualified to provide security screening services. This standard would be a substantial increase over the 8 hours of classroom training currently required for most screening positions in the U.S. The 40 hour requirement is the prevailing standard in most of the industrialized world.

Finally, my bill would require FAA to work with air carriers and airport operators to strengthen procedures to eliminate unauthorized access to aircraft. Employees who fail to follow access procedures should be suspended or terminated. I understand that FAA is currently working on improving access standards. I hope this bill will encourage them to do so in a timely fashion.

We are privileged to have with us today a distinguished panel of witnesses who are well-versed in the area of airport security. I want to welcome them to the hearing and I am looking forward to their testimony.

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, the Airport Security Improvement Act of 2000 would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country! The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

FISHABLE WATERS ACT

• Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act compliments existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill is being introduced by Congressman JOHN TANNER in the House. That measure is being cosponsored by Representatives ROY BLUNT, JOHN DINGELL, NANCY JOHNSON, CHARLES STENHOLM, SHERWOOD BOEHLERT, WAYNE GILCHREST, PAT DANNER, PHIL ENGLISH, CHRISTOPHER JOHN and JIM SAXTON.

Joining us yesterday for the kickoff were representatives of the Fisable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. ''Why am I here? I like to fish. I've done it as long as I can remember,'' Duval said. ''I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference.''

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, ''you do this and you pay for it'' and instead of Washington saying, ''you do this but we'll help you pay for it'', this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN

and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to have printed in the RECORD a one-page summary of the bill.

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

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise that while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs: The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas.

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock assess to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.●

Mrs. LINCOLN. Mr. President, I rise today to join my colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. It's incentive-based. And if encourages public-private partnerships.

Our State Motto, ''The Natural State,'' reflects our dedication to preserving the unique natural landscape that is Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the United States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other uses. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable water through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers, that they will likely reach their authorized enrollment cap by the end of 2001. Mr. President, farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks third in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers make their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmers have been given enough credit for their efforts to preserve a sound environment.

As many of you know, farming has a special place in my heart because I was raised in a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture though. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today.

We are blessed in Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

Mr. President, I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-profit runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation

upon our nation's local foresters will only slow down the process of responsible farming and forestry and the implementation of voluntary Best Management Practices.

Mr. President, this legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

APPLE ORCHARD DIVERSIFICATION ACT

• Mrs. MURRAY. Mr. President, I rise today to introduce the Apple Orchard Diversification Act of 2000.

Mr. President, I am proud that Washington state produces more apples than any other state in the nation. The apple industry is an independent group. It has made Washington state and U.S. apples and apple products popular in many corners of the world. In the mid-1990s, growers were doing well, markets were opening and expanding, and the future looked bright.

But in 1998 and 1999, the bottom fell out from under them. Low prices and weather-related disasters devastated apple producers, and growers of hundreds of other commodities nationwide. In northeastern and mid-Atlantic states, fruit and vegetable growers were hit hard by freezing temperatures and drought. In the Pacific Northwest, some growers were hurt by bad weather.

But the biggest problem is low prices. These low prices are caused by the Asian financial crisis; by market access problems; by below-cost apple juice concentrate dumping by China; by record world-wide production and oversupply; and other factors.

The results are devastating, especially in my home state of Washington. Nationwide, the industry lost an estimated $300 million on the 1998 crop. In Okanogan County in Washington state, some organizations have estimated that 90 percent of apple growers will not recover their 1999 expenses. Okanogan County already experiences high unemployment. It cannot afford a long-term, depressed farm economy. The county declared an economic disaster and urged the state to do the same. Meanwhile, other counties, especially in north central Washington, are trying to respond to this disaster. Many growers will go out of business. Others will not be able to get commercial lending this year.

The Administration and members of this Congress are working to resolve some of the issues facing the industry and rural communities.

Last year, Congress passed a large disaster relief package for agriculture. I supported this package because it kept many producers above water for another year. However, like many of my colleagues, I was frustrated this package did not do more for specialty crop producers. Congress provided $1.2 billion in crop loss assistance. Specialty crop producers, including apple growers, were eligible to receive assistance to address weather-related disasters, and some growers did. But, in states like Washington, the aid package did too little.

Fortunately, action is occurring on the most important issue facing the apple industry. Earlier this month, the U.S. Department of Commerce levied anti-dumping duties of 51.74 percent on the majority of imports of below-cost apple juice concentrate from China. The Administration's preliminary anti-dumping duty ruling in November 1999 helped our producers by raising the price of both juice apples and concentrate. By May 22, the U.S. International Trade Commission will make its final injury ruling. If an injury determination is made, the Administration will implement anti-dumping duties at the levels prescribed by the Commerce Department.

Our second victory was to address pest control in abandoned orchards. During my trip to central Washington last August, I heard from community leaders that this was a real problem.

Low prices have caused many producers to abandon their orchards, and some of these orchards became infested. Infested orchards impact the operations of other producers and create potential trade problems. In response, counties tore out trees and sprayed orchards. But last year, funds in many counties were running low.

USDA holds defaulted loans on some of these abandoned orchards. Last year, I urged the agency to take responsibility for pest control on those properties. The Farm Service Agency in Washington state created a strategy for reimbursing counties for pest control In October 1999, I wrote to Secretary Glickman to urge him to approve FSA's reimbursement strategy. Shortly thereafter, USDA implemented this initiative so counties could continue to control pests.

The third victory for apple and specialty crop producers may come soon, when President Clinton signs risk management reform legislation into law. The bill passed by the Senate would make major changes to federal crop insurance policy to ensure that all producers, including specialty crop growers, will have access to more viable risk management products.

But more needs to be done. My highest priorities for agriculture remain investing in research, expanding trade, and providing a safety net when economic and natural disasters strike.

Last November, I introduced S. 1983, the Agricultural Market Access and Development Act. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the Foreign Market Development ''Cooperator'' Program. Senators CRAIG, BOXER, FEINSTEIN, GORDON SMITH, GORTON, WYDEN, CLELAND, and COVERDELL have all cosponsored this legislation, and I appreciate their support.

The USDA Foreign Agricultural Service has reported that in 1999 we experienced our first agricultural trade deficit with the European Union. We imported $7.7 billion of EU agricultural products and exported $6.8 billion. Our competitors have increased market promotion spending by 35 percent, or $1 billion, over the past three years. Our spending, however, has decreased one percent.

Agricultural exports are key to maintaining a reasonable trade balance. Other nations have invested in market development, and it's worked. We need to enhance our trade programs to give our producers a more level playing field and a fighting chance.

Besides expanding trade, we must strengthen the safety net for producers. We should not go back to our old Federal farm policies. Our program commodity growers do not want that, and our specialty crop producers do not want a new, permanent relationship with the federal government.

But I believe this farm crisis has taught us that we need flexible tools available for all producers when economic or natural disasters strike. For some commodities this may mean counter-cyclical payments. Or it may mean a variety of flexible loans that meet the needs of all producers or specific commodities. As we debate the next farm bill, we should give USDA flexibility, within fiscally-responsible guidelines, to respond to crises in agriculture.

Today, I am introducing legislation to create a one-time Apple Orchard Diversification Program. I have heard from growers that they could very much use a loan program to diversify their orchards into more commercially-viable varieties. Many of our producers invested heavily in Red and Golden Delicious apples, which are the varieties hardest hit by the economic crisis. We need a mechanism to allow these growers to diversify their orchards.

My bill would do just that. It would authorize USDA to provide up to $75 million in long-term, low-interest loans to apple producers. The loans could be used by producers to purchase trees for converting existing apply orchards into more profitable apple varieties.

My bill waives much of the regulatory process. USDA has been overwhelmed with managing disaster programs, and that has delayed relief. Instead, my bill bill requires USDA to conduct a stakeholder process, which

would include three hearings around the country. The industry would help develop the program, and address issues such as income and acreage qualifications for growers who receive loans, and parameters on payments, acreage and varietal stock quality.

The concept of orchard diversification was born when Under Secretary Gus Schumacher visited Quincy, Washington, in July 1999. The Under Secretary has spent a great deal of time in apply producing regions around the country. Mr. Schumacher has been criticized by some elected officials and individuals for holding the listening session in Washington state. But I appreciate, and I know many of our family farmers appreciate, his interest in these issues.

In conclusion, my grandfather moved to the Tri-Cities in the early 1990s to work for Welch's. As a young child, I remember many trips to central Washington at harvest time to visit my grandmother, who remained in the area after my grandfather's death. To this day, the smell of fresh picked peaches and apples remind me of my childhood. To my Dad, it meant much more; it meant how his family put food on the table and paid the mortgage. We grew up understanding how important family-run orchards were to our state's economy.

As I raised my own family, I always made sure we had a fruit tree in our yard. I wanted to remind myself of my years growing up and also to show my kids what a resource we have in our state. I could not imagine discussing Washington's economy without a box of apples being part of the picture. I want to make sure it stays that way for many generations to come.

Mr. President, I urge my colleagues to cosponsor and help pass this important legislation.●

By Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

THE STATE IMMUNIZATION FUNDING AND INFRASTRUCTURE ACT OF 2000 AND COMPREHENSIVE INSURANCE COVERAGE OF CHILDHOOD IMMUNIZATION ACT OF 2000

Mr. DURBIN. Mr. President, as National Immunization Week approaches, I rise today to introduce legislation addressing childhood immunizations. National Immunization Week (April 17–21) recognizes one of the most powerful health care and public health achievements in this century. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles and Hib invasive disease, the leading cause of childhood meningitis and postnatal retardation, have been reduced to record lows.

The two bills I introduce today build on these successes. One proposal, ''The State Immunization Funding and Infrastructure Act of 2000,'' ensures that state and local health departments are adequately funded to continue successful efforts to immunize children and improve their ability to reach pockets of underimmunized populations. The other, ''The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000,'' requires all health plans to cover recommended childhood and adolescent immunizations.

In spite of our successes, we must remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 19 doses of vaccine by age two. New vaccines continue to enter the market. Although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, in many of the Nation's urban and rural areas, rates are unacceptably low and are actually declining.

Unfortunately, one of the areas most in need of attention is in my own home State of Illinois. Childhood immunization coverage rates in Chicago have dropped each year since 1996 when they peaked at 76 percent. The most recent National Immunization Survey indicates that Chicago's coverage rate is now 66.7 percent—one of the lowest rates in the United States. Coverage rates for African American children in Chicago are the worst in the Nation.

It is notable, however, that during this same period when Chicago has struggled to improve vaccination rates, Federal financial assistance to state and local health departments for immunization outreach activities has been significantly reduced. In 1999, Chicago received a 38 percent reduction in Federal funds for the operation of their immunization program. In 2000, Chicago suffered another 37.5 percent reduction. The State of Illinois suffered a 58 percent reduction in 1999 and a further 16 percent reduction in the year 2000. And the story in my State is not that different from other areas of the country. Federal support for vaccine delivery activities has declined by more than 30 percent since 1995.

Purchasing vaccines is not enough. The Section 317 immunization program administered by the Centers for Disease Control and Prevention provides grants to state and local public health departments for ''operations and infrastructure'' activities. These grants are a critical source of support, indeed the sole source of Federal support, for essential efforts to get children immunized. They fund immunization registries, provider education programs, outreach initiatives to parents, outbreak control, and linkages with other public health and welfare services. These grants get the vaccine from the warehouse to our children.

The State Immunization Funding And Infrastructure Act of 2000 authorizes an increase in Federal support for Section 317 grants to states by $75 million for a total of $214 in FY2001. This restores funding to the levels States and localities received in the mid-1990's and will help to stabilize many of the key functions that have been cut back in the face of steep funding reductions. In the past few years, many states have already had to reduce clinic hours, cancel contracts with providers, suspend registry development and implementation, limit outreach efforts and discontinue performance monitoring. The bill also provides a $20 million increase over last year's funding level ($10 million over the President's budget) for vaccine purchase. This will ensure that States are able to purchase adequate amounts of all currently licensed and recommended vaccines.

The other proposal I am introducing today, The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, will require that all health plans cover all immunizations in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued by the Centers for Disease Control and Prevention. These vaccinations must be provided without deductibles, coinsurance or other cost-sharing for all children and adolescents under the age of 19.

I was shocked to learn that, according to a recent survey of employer-sponsored health plans conducted by William M. Mercer, Inc. and Partnership for Prevention, one out of five employer-sponsored plans do not cover childhood immunizations and one out of four fail to cover adolescent immunizations. Not only is this a significant gap in our health system, but it is simply financially illogical. Childhood and adolescent immunizations have been proven to save money. They decrease the direct medical costs due to vaccine-preventable illnesses and reduce the time parents spend off the job, tending sick children.

I invite my colleagues to join me in these efforts to maintain and improve our nation's national immunization record and to ensure that all areas of the country and all populations benefit from the advances we have made over the last century. Despite remarkable progress, many challenges still face the U.S. vaccine delivery system. Approximately one million children are still not adequately immunized. Our infrastructure must be capable of successfully implementing an increasingly complex vaccination schedule. Pockets

of underserved children still leave us vulnerable to deadly disease outbreaks.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

ASSISTANCE DEVELOPMENT FOR COMMUNITIES ACT

Mr. ROBB. Mr. President, I'm pleased to introduce the Assistance in Development to Communities Act. This bill addressed the importance—and need—for community-based, economic development to assist areas in trade-related, economic transitions.

Despite the increased globalization of our economy, many communities nationwide are still one-company or one-industry towns. If that company or industry is adversely affected by trade, the entire community faces economic strain. When these communities lose a major employer or industry, they sadly also lose something far more valuable—they lose their way of life, and too often their strong sense of community.

Currently, when an individual loses a job because of the effects of trade, the federal government provides Trade Adjustment Assistance or NAFTA-Trade Adjustment Assistance to help with income support and worker retraining. But what good is that training without jobs?

While we continue to open new avenues of free trade, the federal government has an obligation to help trade affected communities attract good jobs. Unfortunately, prospective employers don't automatically appear on the community's doorstep. Workers have mortgages, car payments, health concerns, family obligations and ties to the community, so relocation isn't always feasible. Local officials must find a way to lure industries to the area. Yet, they are caught in vicious cycle—employers are reluctant to move to economically depressed areas, but without jobs, communities will never recover.

This is an on-going reality in the Martinsville/Henry County region of Virginia. In January, I spoke with local officials about the steady stream of job losses they've endured, including the loss of the number two employer in Martinsville. They've faced double-digit unemployment—something that's virtually unheard of in this strong economy. They told me they need help.

This legislation is borne from their ideas. The AID to Communities bill give local communities the resources they need to implement their own ideas for attracting new employers—quickly and easily. It does this by providing an automatic, one-time grant to help affected communities formulate an economic development plan. This grant, up to $100,000, gives communities the resources they need to develop a long-term plan to readjust their economic base. Once that plan has been developed, the AID to Communities bill establishes a second, competitive grant program to help affected areas implement their plans. These grants can be used in a variety of ways, from expanding commercial infrastructure to establishing small business incubators.

My bill also offers two incentives to attract prospective employers. The first incentive would expand the Work Opportunity Tax Credit (WOTC) to provide employers with a tax credit if they hire someone who lives in an affected community and has lost a job due to trade. My bill would also make explicit that the New Markets Tax Credit, which provides incentives for private sector investment and capital access in certain areas, is available for trade-affected communities.

Finally, the bill makes the federal government a better partner be creating a one-stop, easily accessible clearinghouse of economic development information. This clearinghouse would provide access to cross-agency economic development tools, such as grants or low-interest loans, for affected communities so local officials don't have to hunt through each federal agency for the information they need.

Our neighbors in places like Martinsville/Henry County, Virginia are eager to enjoy the economic prosperity that the rest of the country enjoys, yet has so far eluded them. The AID to Communities bill is one way to help. I look forward to working with my colleagues to ensure that this bill becomes law and that the people of Martinsville/Henry County, and in so many other small towns across America, get the help we owe them.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

FORMOSAN TERMITE TAX CREDIT

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate a plague that has been afflicted upon our country—formosan termites. Clearly, any termite is bad news for home and building owners, but the formosan termite is especially a problem. This aggressive termite species is becoming even more prevalent than native termite species in some areas. While native species generally feed on dead trees and processed wood, formosan termites have an unbelievably horrific appetite with a diet that consists of anything that contains wood fiber including homes, buildings and live trees as well as crops and plants. Believe it or not, formosan termites can even penetrate plaster, plastic and asphalt to get to a new food source.

Coptotermes formosanus (otherwise known as the formosan termite), have invaded port cities in the United States and are spreading rapidly across the rest of the country. Right now this exotic species is wrecking their special brand of havoc in 14 states including California, Arizona, New Mexico, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and Hawaii with their map of destruction growing wider daily. Experts have estimated that it costs Americans an astonishing $1 billion each year to repair the harm, with each new case costing homeowners an average of $20,000.

Since the formosan termites was first brought to the United States it has spread like a plague through the Southeast. The infestation is most severe in New Orleans, where these pests have caused more damage than, ''tornadoes, hurricanes, and floods combined'' and the total annual cost of termite damage and treatment is estimated at $217,000,000. In areas like the famed historic French Quarter, where close-packed houses share common walls, entire city blocks must be treated—a procedure that is costly and complicated. Outside the Quarter, officials fear that infestation may have hit as many as one-third of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue. A voracious blind creature that eats history—it sounds like something from a science-fiction nightmare, but it's real.

Unfortunately, the only explanation for how this pest came to exist in the United States is that it was introduced from east Asia in the 1940s through the mishandling of U.S. military cargo and troops returning home from World War II—I believe that since the government caused the damage, the government should do something to relieve the burden.

The bill I am introducing today seeks to provide the victims of Formosan Termites with some much needed relief. Under current law, small business owners are allowed to deduct the cost to repair Formosan Termite damage as a capital loss under IRS code Section 165. For some reason, individual homeowners have been denied this same right, although they can deduct the cost to repair damages caused by disasters which are defined as casualty losses, such as flood and fire. My bill simply changes the definition of casualty loss to include Formosan Termites so that homeowners are allowed the same deduction that business owners are already getting.

This measure also seeks to make low interest loans financed by the issuance of ''qualified'' private activity tax exempt bonds more accessible for homeowners and small businesses seeking to repair the expensive damage which was inflicted upon their homes by formosan termite damage. It does this by expanding current mortgage revenue bond provisions to permit homeowners to receive up to a $25,000 home improvement loan to repair this damage and also allows small businesses and landlords to use issue revenue bonds to finance loans for this same purpose. As

an added incentive, as long as the proceeds are used to purchase tax exempt bonds to finance the repair of Formosan Termite damage, banks will be allowed to deduct the interest payments on these loans.

Obviously this legislation will not solve all of the problems formosan termites have caused. However, I do believe it is a good first step towards alleviating the burden these pests bring upon homeowners across the country. I urge everyone to join with me and give the victims of this plague a little relief. Thank you.

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

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

S. 2446

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

SECTION 1. DEDUCTION FOR INDIVIDUALS FOR LOSSES CAUSED BY FORMOSAN TERMITE DAMAGE.

(a) INCLUSION OF FORMOSAN TERMITE DAMAGE AS CASUALTY LOSS.—Section 165(c)(3) of the Internal Revenue Code of 1986 (relating to limitation of deduction of losses of individuals) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(b) CONFORMING AMENDMENT.—Section 165(h)(3) of the Internal Revenue Code of 1986 (defining personal casualty gain) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 2. PROCEEDS OF MORTGAGE REVENUE BONDS ALLOWED FOR LOANS TO HOMEOWNERS TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of the Internal Revenue Code of 1986 (relating to income requirements) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION FOR QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan used for the repair of Formosan termite damage.''.

(b) AMOUNTS UP TO $10,000 USED FOR TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT FOR HOME IMPROVEMENT LOAN.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (defining qualified home improvement loan) is amended by adding at the end the following flush sentence: ''In calculating the $15,000 amount, any amount up to $10,000 used for the repair of Formosan termite damage shall not be taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3. PROCEEDS OF SMALL ISSUE BONDS ALLOWED FOR LOANS TO LANDLORDS AND SMALL BUSINESSES TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to bonds to finance manufacturing facilities and farm property) is amended by striking ''or'' at the end of clause (i), by striking the period and inserting '', or'' at the end of clause (ii), and by adding at the end the following new clause:

''(iii) any Formosan termite damage repair loan.''.

(b) DEFINITION OF FORMOSAN TERMITE DAMAGE REPAIR LOAN.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) FORMOSAN TERMITE DAMAGE REPAIR LOAN.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'Formosan termite damage repair loan' means the financing of repairs on or in connection with residential rental property or property used by a small business by the owner thereof, for damage caused by Formosan termites.

''(ii) SMALL BUSINESSES COVERED.—The term 'small business' means, for any taxable year, any corporation or partnership if the entity meets the $5,000,000 gross receipts test of section 448(c) for the prior taxable year.''.

(c) AMOUNTS USED IN FORMOSAN TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT ON AMOUNT OF BOND.—Clause (i) of section 144(a)(4)(C) of the Internal Revenue Code of 1986 (relating to certain capital expenditures not taken into account) is amended by inserting ''Formosan termite damage,'' after ''storm,''.

(d) CONFORMING AMENDMENT.—The heading in section 144(a)(12)(B) of the Internal Revenue Code of 1986 is amended by striking ''AND FARM PROPERTY'' and inserting ''FARM PROPERTY, AND FORMOSAN TERMITE REPAIR''.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 4. EXCEPTION FROM VOLUME CAP FOR PRIVATE ACTIVITY BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

''(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage, and

''(6) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 5. EXEMPTION OF CERTAIN BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE FROM RESTRICTIONS ON DEDUCTION BY FINANCIAL INSTITUTIONS FOR INTEREST.

(a) IN GENERAL.—Clause (ii) of section 265(b)(3)(B) of the Internal Revenue Code of 1986 (defining qualified tax-exempt obligations) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (IV), and by inserting after subclause (I) the following new subclauses:

''(II) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage,

''(III) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)), or''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

TELEWORK ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senators DASCHLE and BAUCUS to introduce the Rural Telework Act of 2000, a bill that is designed to make information technology (IT) industries a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the ''digital divide,'' the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and informaiton technology become the new engines of our economy, it is critical that all no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceed 50% and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting

shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

The Rural Telework Act of 2000 would authorize the Department of Agriculture to make competitive grants to qualified organizations to implement five year projects to train, connect, and broker employment in the private sector, through telework, a population of rural workers in their community. A grant recipient would be desgnated as a National Center for Distance Working. The National Centers for Distance Working, located in rural areas, are intended to be locally developed and implemented national models of how telework relationships can meet the needs of rural communities for new economic opportunities and the need of IT intensive industries for new workers.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council (ITAC), telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modern is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Establishment of a National Center for Distance Working in a rural community or Indian reservation will give that community access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. Successful National Centers for Distance Work would be locally developed and implemented national models for how telework can be used as a tool for rural development.

The Department of Agriculture's Rural Utility Service (RUS) would administer the program which would have a $11 million annual authorization level. At least $10 million of authorized funds would be used for the purpose of making competitive grants to establish National Centers for Distance Working.

Grant money made available under the program would be highly flexible, and would need to be leveraged with private, local and state resources. For example, they could be used to provide or enhance the quality of: IT skills training and education, technology and telecommunications, promotion of teleworking, brokering employment for rural IT workers, and other necessary elements to establish IT work opportunities in that rural community.

The funds are not intended to duplicate existing federal training and connectivity programs. Nor is it intended that Centers use these funds to supplant existing telecommunications providers who offer appropriate services to make telework a reality in rural communities. Rather, the federal investment is targeted to augment these existing sources of funding and allow rural communities to fill in the gaps in existing public and private resources and services. Prospective grant recipients would need to form partnerships with local, state, and private entities, including potential employers.

The grants made available under this program would not be sufficient to cover the full cost of training, connecting, and employing rural workers, but are intended to be ''seed money'' leveraged with dollars from other sources. Grant recipients would be required to match the funds provided under this program with funds from non-federal sources.

Finally, up to $1 million of the $11 million could be used by RUS to make grants for the purpose of promoting the development of teleworking in rural areas by making grants to entities to conduct research on economics, operational, social, and policy issues related to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

The necessary vision of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide do programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across the country.

Mr. President, for many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This legislation offers an early opportunity to invest in local innovation to harness this potential.

Mr. President, 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. 2447

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 Telework Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) many rural communities and Indian reservations have not benefited from the historic economic expansion in recent years, and high levels of unemployment and underemployment persist in the rural communities and reservations;

(2) many economic opportunities, especially in information technology fields, are located away from many rural communities and reservations;

(3) the United States has a significant and growing need for skilled information technology workers;

(4) unemployed and underemployed rural employees represent a potential workforce to fill information technology jobs;

(5) teleworking allows rural employees to perform skill intensive information technology jobs from their communities for firms located outside rural communities; and

(6) employing a rural teleworkforce in information technology fields will require—

(A) employers that are willing to hire rural residents or contract for work to be performed in rural communities;

(B) recruitment and training of rural residents appropriate for work in information technology fields;

(C) means of connecting employers with employees through advanced telecommunications services; and

(D) innovative approaches and collaborative models to create rural technology business opportunities and facilitate the employment of rural individuals.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working in rural areas to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields;

(2) to promote teleworking arrangements, small electronic business development, and creation of information technology jobs in rural areas for the purpose of creating sustainable economic opportunities in rural communities;

(3) to promote the practice of teleworking to information technology jobs among rural, urban, and suburban residents, Indian tribes, job training and workforce development providers, educators, and employers;

(4) to meet the needs of information technology and other industries for skilled employees by accelerating the training and hiring of rural employees to fill existing and future jobs from rural communities and Indian reservations;

(5) to promote teleworking and small electronic business as sustainable income sources for rural communities and Indian tribes; and

(6) to study, collect information, and develop best practices for rural teleworking employment practices.

SEC. 3. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 376. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a National Center for Distance Working established under subsection (b) that receives a grant under this section.

''(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a nonprofit entity, an educational institution, a tribal government, or any other organization that meets the requirements of this section and such other requirements as are established by the Secretary.

''(3) INFORMATION TECHNOLOGY.—The term 'information technology' means any equipment, or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

''(4) RURAL AREA.—The terms 'rural' and 'rural area' have the meaning given the terms in section 381A.

''(5) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Administrator of the Rural Utility Service.

''(6) TELEWORKING.—The term 'teleworking' means the use of telecommunications to perform work functions over a distance and to reduce or eliminate the need to perform work at a traditional worksite.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a National Centers for Distance Working Program under which the Secretary shall make competitive grants to eligible organizations to pay the Federal share of the cost of establishing National Centers for Distance Working in rural areas to conduct projects in accordance with subsection (c).

''(2) ELIGIBLE ORGANIZATION.—The Secretary shall establish criteria that an organization must meet to be eligible to receive a grant under this section.

''(c) PROJECTS.—A Center shall use a grant received under this section to conduct a 5-year project—

''(1) to provide training, referral, assessment, and employment-related services and assistance to individuals in rural communities and Indian tribes to support the use of teleworking in information technology fields, including services and assistance related to high technology training, telecommunications infrastructure, capital equipment, job placement services, and other means of promoting teleworking;

''(2) to identify skills that are needed by the business community and that will enable trainees to secure employment after the completion of training;

''(3) to recruit employers for rural individuals and residents of Indian reservations;

''(4) to provide for high-speed communications between the individuals in the targeted rural community or reservation and employers that carry out information technology work that is suitable for teleworking;

''(5) to provide for access to or ownership of the facilities, hardware, software, and other equipment necessary to perform information technology jobs; and

''(6) to perform such other functions as the Secretary considers appropriate.

''(d) ELIGIBILITY CRITERIA.—

''(1) APPLICATION AND PLAN.—As a condition of receiving a grant under this section for use with respect to a rural area, an organization shall submit to the Secretary, and obtain the approval of the Secretary of, an application and 5-year plan for the use of the grant to carry out a project described in subsection (c), including a description of—

''(A) the businesses and employers that will provide employment opportunities in the rural area;

''(B) fundraising strategies;

''(C) training and training delivery methods to be employed;

''(D) the rural community of individuals to be targeted to receive assistance;

''(E) any support from State and local governments and other non-Federal sources; and

''(F) outreach activities to be carried out to reach potential information technology employers.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—As a condition of receiving a grant under this section, an organization shall agree to obtain, after the application of the organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to—

''(i) during each of the first, second, and third years of a project, 1 non-Federal dollar for each 2 Federal dollars provided under the grant; and

''(ii) during each of the fourth and fifth years of the project, 1 non-Federal dollar for each Federal dollar provided under the grant.

''(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

''(C) FORM.—The non-Federal contributions required under subparagraph (A) may be in the form of in-kind contributions, including office equipment, office space, and services.

''(e) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for the selection of eligible organizations to receive grants under this section; and

''(B) evaluate, rank, and select eligible organizations on the basis of the selection criteria.

''(2) FACTORS.—The selection criteria established under paragraph (1) shall include—

''(A) the experience of the eligible organization in conducting programs or ongoing efforts designed to improve or upgrade the skills of rural employees or members of Indian tribes;

''(B) the ability of the eligible organization to initiate a project within a minimum period of time;

''(C) the ability and experience of the eligible organization in providing training to rural individuals who are economically disadvantaged or who face significant barriers to employment;

''(D) the ability and experience of the eligible organization in conducting information technology skill training;

''(E) the degree to which the eligible organization has entered into partnerships or contracts with local, tribal, and State governments, community-based organizations, and prospective employers to provide training, employment, and supportive services;

''(F) the ability and experience of the eligible organization in providing job placement for rural employees with employers that are suitable for teleworking;

''(G) the computer and telecommunications equipment that the eligible organization has or expects to possess or use under contract on initiation of the project; and

''(H) the means the applicant proposes, such as high-speed Internet access, to allow communication between rural employees and employers.

''(3) PUBLICATION.—The Secretary shall—

''(A) publish the selection criteria established under this subsection in the Federal Register; and

''(B) include a description of the selection criteria in any solicitation for applications for grants made by the Secretary.

''(f) STUDIES OF TELEWORKING.—

''(1) IN GENERAL.—To promote the development of teleworking in rural areas, the Secretary may make grants to entities to conduct research on economic, operational, social, and policy issues relating to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

''(2) LIMITATION.—The Secretary shall use not more than $1,000,000 of funds made available for a fiscal year under subsection (g) to carry out this subsection.

''(g) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $11,000,000 for each fiscal year.''.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-TRAFFICKING ACT OF 2000

Mr. BROWNBACK. Mr. President, today, I am introducing legislation entitled the International Anti-Trafficking Act of 2000 which combats the insidious practice of trafficking of persons worldwide.

As we begin the 21st Century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery, and it is the largest manifestation of slavery in the world today.

Every year, approximately 1 million women and children are forced into the sex trade against their will, internationally. They are usually transported across international borders so as to ''shake'' local authorities, leaving the victims defenseless in a foreign country, virtually held hostage in a strange land. It is estimated that at least 50,000 women and children are brought into the United States annually, for this purpose. The numbers are staggering, and growing rapidly. Some report that over 30 million women and children have been enslaved in this manner since the 1970's. I believe this is one of the most shocking and rampant human rights abuses worldwide.

One of two methods, fraud or force, is used to obtain victims. The most common method, ''fraud,'' is used with villagers in under-developed areas. Typically the ''buyer'' promises the parents that he is taking their young daughter to the city to become a nanny or domestic servant, giving the parents a few hundred dollars as a ''down payment'' for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade, until she is no longer useful (becoming sick with AIDS). She is held against her will under the rationale that she must ''work off'' her debt which was paid to the parents, which typically takes several years. The second method used for obtaining victims is ''force'' which is used in the cities, where a girl is physically abducted, beaten, and held against her will, sometimes in chains. The routes are specific and definable, and include Burma to Thailand, Eastern Europe to the Middle East, and Nepal to India, among numerous other routes, through which victims of this practice are channeled.

Presently, no comprehensive legislation has been adopted, yet, which holistically challenges the practice of trafficking and assists the victims. I am introducing this legislation, the International Anti-Trafficking Act of 2000, today as a companion to the legislation introduced by Congressman CHRIS SMITH and Congressman SAM GEJDENSON, known as the Trafficking Victims Protection Act of 2000 (H.R. 3244). Senator WELLSTONE has also introduced legislation which closely mirrors the Smith-Gejdenson bill. Our primary difference is the methods for enforcement. Unless the President implements one of the broad waivers granted to him in this legislation, non-humanitarian, non-trade foreign assistance (listed under the Foreign Assistance Act of 1961) to countries will be suspended if countries fail to meet the minimum standard to stop the flow of traffickers in their own countries. Please note that there is an extremely broad national interest waiver provision granted to the President which allows him to exempt any and all programs, as well as an additional waiver which allows the President to guard against any adverse effect on vulnerable victims of trafficking, including women and children.

This bill presents a comprehensive scheme to ''penalize the full range of offenses'' involved in elaborate trafficking networks. It also provides a doorway of freedom for those who are presently enslaved throughout the world and promotes their recovery in civil society. Some of the provisions include: establishment of an Interagency Task Force to Monitor and Combat Trafficking, enhanced reporting by the State Department on this practice, protection and assistance for victims of trafficking, changes in immigration status allowing victims to stay to testify in prosecutions, strengthens prosecution and punishment of traffickers, among other provisions.

In short, we believe it's time to challenge this evil slavery practice known as trafficking, and I believe this legislation is a first step to gaining freedom for those who are presently bound.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

READING DEFICIT ELIMINATION ACT OF 2000

Mr. COVERDELL. Mr. President, America has a reading deficit! According to the National Adult Literacy Survey (NALS), 41 million adults are unable to perform even the simplest literacy tasks. The most recent National Assessment of Educational Progress (NAEP) conducted in 1998 continues to show that almost 70 percent of 4th grade students cannot read at a proficient level. Even worse, 40 percent of those 4th graders could not read at even a basic level for their grade.

In short, Mr. President, unless we treat this situation as the national emergency that it is—and soon—the next decade will see an astonishing 70 percent of our 4th grade students joining the ranks of those 41 million American adults who are unable to perform simple literacy tasks.

The ability to read the English language with fluency and comprehension is essential if individuals, old and young, are to reach their full potential in any field of endeavor. As the saying goes, ''reading is fundamental.''

And the statistics bear that out as well. Workers who lack a high school diploma earn a mean monthly income of $452, compared to $1,829 for those with a bachelor's degree. Forty three percent of people with the lowest literacy skills live in poverty, 17 percent receive food stamps, and 70 percent have no job or a part-time job.

And make no mistake that the nation itself and not just individuals will suffer. If our children are not taught to read, who will man our high tech defenses or fill the high tech jobs in America's future?

Compounding these astounding statistics, Mr. President, the 1998 NAEP also found that minority students on average continue to lag far behind in reading proficiency, even though many of them are in Title I programs of the Elementary and Secondary Education Act or participated in Head Start programs.

Clearly, throwing taxpayer money at the problem does not work. Our children's reading scores continue to decline or remain stagnant, even though Congress has spent more than $120 million over the past 30 years for academic enrichment programs under Title I and other federal efforts ostensibly with the primary purpose of improving reading skills among disadvantaged children.

It should also be pointed out that more than half of the students being placed in the special learning disabilities category of our Special Education programs are there in large part because they have not learned to read. The national cost of special education at the federal, state, and local levels now exceeds $60 billion each year. The National Institute for Child Health and Human Development says that 90–95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction using scientifically based reading principles. This would result in over $12 billion in savings nationwide every year by eliminating the need for special education for these children.

In response to these disturbing national statistics concerning the inability of so many children to read, I worked with Representative BILL GOODLING—Chairman of the Education Committee in the House of Representatives—to develop the Reading Deficit Elimination Act of 2000, which I am introducing today.

By providing funds for teacher training, textbook and curriculum purchases, student assessments, teacher bonuses, and tuition assistance grants to parents, this legislation offers the States a helping hand in teaching students nationwide to read. Unlike the unfunded mandates that have failed in the past, this legislation will give states and communities funds to institute reading instruction based on years

of federally sponsored research, giving them the ability and the flexibility to help our children succeed.

The National Reading Panel—requested by Congress and created by the National Institute of Child Health and Human Development—released its report just this morning on scientifically-based reading instruction and research in a hearing of the Senate's Labor/HHS Appropriations Subcommittee chaired by Senator COCHRAN.

The report clearly articulates the most effective approaches to teaching children to read, the status of the research on reading, reading instruction practices that are ready to be used by teachers in classrooms around the country, and a plan to rapidly disseminate the findings to teachers and parents. The report also constitutes the most comprehensive review of existing reading research to be undertaken in American education history. Panel members identified more than 100,000 research studies completed since 1966, developed and submitted them to rigorous criteria for their review.

A major finding of the report was that systematic phonics instruction is one of the necessary components of a total reading program. Similarly, the NRP also found that the sequence of reading instruction that obtains maximum benefits for students should include instruction in phonemic awareness, systematic phonics, reading fluency, spelling, writing and reading comprehension strategies. We must use the knowledge of reading skills and the principles for teaching reading skills gained from these studies from the government and the private sector to reduce the number of individuals and students who cannot read.

The programs and provisions in the Reading Deficit Elimination Act of 2000 are based on these finding by the National Reading Panel.

Mr. President, Frederick Douglass, arguably the most influential African American of the nineteenth century said, ''Once you learn to read, you will be forever free.'' Douglass knew the importance of freedom, and he knew the importance of literacy. The ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential in any endeavor. Again, as the saying goes: ''Reading is fundamental.'' No one should be left behind because they can't read. We must not limit the success of the next generation by allowing them to continue down the path of illiteracy. We must teach them to read and give them this fundamental tool they need to succeed in life as well as in school.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. 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. 2454

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

SECTION 1. PROVISION OF DIGITAL DATA SERVICES BY LOW-POWER TELEVISION STATIONS.

Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) LPTV PROVISION OF DIGITAL DATA SERVICES.—

''(1) IN GENERAL.—A low-power television station may utilize its authorized spectrum to provide digital data services to the public by subscription.

''(2) NOTICE REQUIRED.—Before providing such services under paragraph (1), a low-power television station shall provide notice to the Commission in such form and at such time as the Commission may require.

''(3) PROTECTION FROM INTERFERENCE.—The Commission may not authorize any new service, television broadcast station, or modification of any existing authority that would result in the displacement of, or predicted interference with, a low-power television station providing such services.

''(4) PROTECTION OF TELEVISION SIGNALS.—The Commission shall prevent interference with television signal reception from low-power television stations providing such services.

''(5) DIGITAL DATA SERVICE DEFINED.—In this subsection, the term 'digital data service' includes—

''(A) digitally-based interactive broadcast service; and

''(B) wireless Internet access, without regard to whether such access is—

''(i) provided on a one-way or a two-way basis;

''(ii) portable or fixed; or

''(iii) connected to the Internet via a band allocated to Interactive Video and Data Service, and

without regard to the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.''.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR POPE JOHN PAUL II

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation awarding the Congressional Gold Medal to Pope John Paul II.

Mr. President, Pope John Paul II is the most recognized person in the world, having personally visited tens of millions, in almost every continent and country. He has been one of the greatest pastoral leaders of this century, fearlessly guiding the Catholic Church into the new millennium. Due to his tremendous faith and leadership he was elected bishop at a very early age, and elected to the papacy on October 16, 1978, at the age of 58.

Though many people see the Pope as an important statesman, diplomat, and political figure, Pope John Paul II is much more than that. As spiritual leader to the world's 1 billion Catholics, the Pope has commenced a great dialog with modern culture, one that transcends the boundaries of political or economic ideology.

As have his predecessors of happy memory, he stands boldly as an ever vigilant sign of contradiction to a culture that is darkened by the clouds of death. In the face of this mounting storm, he has tirelessly proclaimed the need for a culture of life.

In what is now one of the Pope's most famous encyclicals, and the one which he regards to be the most significant of this pontificate, Evangelium Vitae (the Gospel of Life), the argues powerfully for an increased respect for all human life:

Thirty years later, taking up the words of the Council and with the same forcefulness I repeat that condemnation in the name of the whole Church, certain that I am interpreting the genuine sentiment of every upright conscience: ''Whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere instruments of gain rather than as free and responsible persons; all these things and others like them are infamies indeed. They poison human society, and they do more harm to those who practice them than to those who

suffer from the injury. Moreover, they are a supreme dishonor to the Creator.''

That is from the Pope's Evangelium.

Mr. President, the urgency of this message—the Pope's message—becomes more acute by the day; particularly at the beginning of the new millennium.

The Pope, having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, understands, in a way few of us can appreciate, the true dignity of each and every human being. He is a crusader against the offenses against human dignity that have transpired in the 20th century. More than any other single person this century, Pope John Paul II has worked to protect the rights of each individual.

As well, John Paul II has addressed almost every major question posed by the modern mind at the turn of the millennium.

As noted by the biographer of the Pope, George Weigel, the Pope has provided answers to the questions and desires facing today's world: The human yearning for the sacred, the meaning of freedom, the quest for a new world order, the nature of good and evil, the moral challenge of prosperity, and the imperative of human solidarity in the emerging global civilization. Through his teaching, the Pope has brought the timeless principles of truth contained in the gospel into active conversation with contemporary life and thought. The Pope has started a peaceful dialogue between ideas of the modern world and the age-old truths contained in the Gospel message.

One of the gospel messages emphasized by the Pope is the need for forgiveness and reconciliation with God, and with our sisters and brothers. A week before his historic personal pilgrimage to the Holy Land the Pope asked forgiveness from God on behalf of Christians who were inactive, or who were not active enough in opposing the forces of evil that have ravaged humanity during the past century.

This apology preceded his recent personal pilgrimage to the Holy Land; a pilgrimage in which the Pope opened up yet another dialog—this time with the people of the Middle East—a region ripped apart by centuries old conflict, bitterness, and war. Again, in the Holy Land, he empathized with those who suffered under the tyranny of the Nazi regime. The Pope highlighted during his trip, and he has on other occasions, his deep compassion for those who suffered under the brutality of Hitler's Germany and their genocidal war.

In the midst of the conflict in the Holy Land, the Pope again shone through as a beacon of light and peace as he proclaimed yet again to the people of the Middle East and the World, the universal calls to holiness.

As the New York Times so eloquently noted after the Pope's visit to Jerusalem's Yad Vashem:

John Paul has done more than any modern pope to end the estrangement between Catholics and Jews. He was the first pope to pray in a synagogue, the first to acknowledge the failure of individual Catholics to deter the Holocaust and the first to call anti-Semitism a sin ''against God and man.''

There is a valedictory quality to the Pope's actions and travels as the church approaches its third millennium. He seems determined to trace the birth of Christianity in this epochal year, to right the wrongs of the church and to bring a spirit of conciliation to the Middle East. Not long ago he went to Egypt and visited Mount Sinai, where Moses received God's law. This week he stood atop Mount Nebo in Jordan and looked across the Promised Land. He prayed in silence near the places where Jesus was born and baptized. Most people as infirm as John Paul would not dare make such strenuous trips. But he seems to be a man on a mission, and the world is better for it.

That was from the New York Times.

He is indeed a man on a mission. His message was peacefully conveyed in the Middle East to peoples with whom he has obvious deep religious differences. His serenity in the midst of such turmoil, as well as his obvious love for all people should be a model for us all as we encounter people in our daily life with whom we radically disagree, or with whom we have had a difficult relationship.

His epoch journey to the Holy Land will be remembered by history. And, I have no doubt that his presence there will leave a lasting impression, and I hope that it will work to bring about true peace as well.

His trip to the Middle East is just one particular example. The Pope's dialog with the modern era has taken him across the world, and has brought the Church into active conversation with people that many in the modern world have chosen to either forget or to ignore. It is a dialog that is ultimately a challenge to the people of the United States as well.

For example, his trip to Cuba initiated a dialog between politically opposed forces both here in America and in Cuba.

Also, Pope John Paul II's recent call to forgive the debt incurred by Third World countries during the past century, was and is, a challenge to the industrialized nations of the world to join hands in an effort to begin lifting the forgotten people of heavily indebted countries into the next millennium by providing some of the economic relief that they need. This is the challenge presented to those in industrialized countries, to remember and to help those who are less fortunate.

The legislation I just introduced has been cosponsored by 66 of my Senate colleagues, and I am hopeful that we can pass this legislation quickly in order to honor so great a man who has done such great things.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

AMENDMENT TO CONSTITUTION OF THE UNITED STATES TO ALLOW STATES TO LIMIT THE PERIOD OF TIME UNITED STATES SENATORS AND REPRESENTATIVES MAY SERVE

Mr. ASHCROFT. Mr. President, I rise today to introduce a joint resolution proposing a constitutional amendment regarding Congressional term limits and the ability of States to set term limits for members of the United States Congress. Mr. President, I would like to summarize the history of this proposed constitutional amendment.

On November 29, 1994, the Clinton administration argued before the Supreme Court of the United States that States should not have the right to limit congressional terms. Thus, the executive branch has spoken against the right of the states and of the people to limit the number of terms individuals may serve in the U.S. Congress.

On May 23rd, 1995, in *U.S. Term Limits* v. *Thorton* (514 U.S. 779), the Supreme Court denied the people the right to limit congressional terms. Before the court ruling, 23 states, including my home state of Missouri, had some limit on the number of terms members of Congress could serve.

In a 5–4 decision, the Court invalidated measures which represented over five years of work and were supported by 25 million voters. These voters wanted nothing more than to rein in congressional power, restore competitive elections, and create a Congress that looked, and legislated, like America.

Both the executive branch, through the Clinton administration, and the judicial branch, have spoken against the right of States and of the people to limit the terms of individuals who represent them in Congress.

There has been limited debate on terms limits in this Congress. In 1995, the House of Representatives fell well short of the two-thirds majority required to forward to the people a constitutional amendment on term limits. Of the 290-vote margin required for a constitutional amendment, they mustered only 227 votes. What would normally be a significant majority vote in the House, was clearly not enough to ensure that States would have the opportunity to vote on a constitutional amendment permitting term limits.

One hope for the overwhelming number of people in this country who endorse term limits is for Congress to extend them the opportunity to amend the Constitution in a way that would allow individual States to limit the terms members of Congress may serve. More than 3 out of 4 people in the United States endorse the concept of term limits. They have watched individuals come to Washington and spend time here, captivated by the Beltway logic, the spending habits and the power that exists in this city. The people of America know that the talent pool in America is substantial and there are many who ought to have the opportunity to serve in Congress. Furthermore, they know that term limits

would ensure that individuals who go to Washington return someday to live under the very laws that they enact.

In January of 1995, Senator THOMPSON and I introduced a constitutional amendment that would have limited members of Congress to three terms in the House and two terms in the Senate. As a result of its defeat and of the administration's refusal to recognize the will of the people, in May of 1995, I introduced S.J. Res. 36, a different kind of constitutional amendment. This amendment simply would give States the explicit right to limit congressional terms. It would not mandate that any State limit the nature or extent of the terms of the individuals who represent it in the Congress. Instead, it would give the States, if they chose to do so, the right to limit the members' terms who represent that State. I am reintroducing that amendment today.

In the Thornton case, Justice Thomas wrote, ''Where the Constitution is silent it raises no bar to action by the States or the people.'' I believe he is correct. This is the concept embodied in the often forgotten Tenth Amendment that would not cede all power to the federal government, only to have it doled back to us where the federal government thinks it appropriate. This proposed amendment is offered to rectify that situation.

The people of this Republic should have the opportunity to limit the terms of those who serve them in Congress. In light of the fact that the administration has argued against term limits, the executive branch is not going to support term limits, and because the judicial branch has ruled conclusively now that the States have no constitutional authority to act in this area, it is up to those of us in Congress to give the people the opportunity to be heard on this issue.

We must, at least, give them the opportunity to vote on that right by sending to them this joint resolution on the right of States and individuals to limit members' terms who serve the States and the districts of those States in the U.S. Congress.

It is a profoundly important expression of our confidence in the people of this country to extend to them the right to be involved in making this judgment. I submit this joint resolution today in the hopes that democracy will continue to flourish as people have greater opportunities to be involved.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of 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.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1519

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. DURBIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1519, a bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be from gross income as a scholarship.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1691

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1880

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of

S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. EDWARDS), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2033

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2033, a bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

S. 2071

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2246

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2254

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2254, a bill to amend the elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Virginia (Mr. ROBB), the Senator from Washington (Mrs. MURRAY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2311, supra.

S. 2330

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2409

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2409, a bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Tennessee (Mr. FRIST), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from North Carolina (Mr. EDWARDS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE ONGOING PROSECUTION OF 13 MEMBERS OF IRAN'S JEWISH COMMUNITY

Mr. SCHUMER. (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas on the eve of the Jewish holiday of Passover in 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas no evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration;

Whereas the Secretary of State has identified the case of the 13 Jews in Shiraz as ''one of the barometers of U.S.-Iran relations'';

Whereas countless nations have expressed their concern for these individuals and especially their human rights under the rule of law;

Whereas Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and

Whereas President Khatami was elected on a platform of moderation and reform: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton Administration should—

(1) condemn, in the strongest possible terms, the arrest and continued prosecution of the 13 Iranian Jews;

(2) demand that these fabricated charges be dropped immediately and individuals released forthwith; and

(3) ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

Mr. SCHUMER. Mr. President, I rise on the eve of the trial of 13 Iranian Jews charged with spying on behalf of the United States and Israel to ask my colleagues to support a Concurrent

Resolution urging President Clinton to do everything possible to ensure that the accused men receive a fair and open trial. As it stands right now, the Revolutionary Court judge has made a mockery of any pretense that the men will receive a fair hearing. Ten of the 13 have, for nearly a year, been denied their legal right to choose their own lawyers, and have only recently been appointed lawyers by the judge in the case—just days before the trial was set to begin. Furthermore, the trial is scheduled to be closed to any outside observers or media.

These facts do not bode well for the accused. However, I believe that strong pressure from the United States will help convince the Iranian government that should these men experience anything less than a fair outcome in this preposterous case, Teheran would face serious consequences.

The 13 Iranian Jews, mostly community and religious leaders in the cities of Shiraz and Isfahan, were arrested one year ago by the Iranian authorities and accused of spying. No evidence has been brought forth to substantiate the arrests. Indeed, how could it be? Jews in Iran are prohibited from holding any positions that would grant them access to state secrets.

What I find most troubling is that the United States recently presented Iran with goodwill overtures, such as lifting restrictions on many Iranian imports and easing travel restrictions between our two countries, but we receive no assurances that these gestures would be reciprocated in any way. In fact, Iran has continued to display nothing but hostility and contempt for the United States and everything for which we stand. At a minimum, Iran must show signs of respecting human rights as a prerequisite for our improving relations with them. In fact, Secretary of State Albright has identified the case of the 13 Jews in Iran as ''one of the barometers of United States-Iran relations.'' I urge the President to make perfectly clear to Iran that the stakes in this trial are exceedingly high, and need to be taken very seriously.

Now, much has been made of President Mohammad Khatami's popular reform movement, and there is significant optimism that a kinder, gentler Iran is slowly emerging for the darkness of a 20-year hardline clerical dictatorship. Indeed, Khatami has received a huge mandate from the people of Iran over the past four years. However, Iran must fully understand that normalized relations with the United States is only a pipedream if persecution such as that enacted upon the 13 Jews accused of spying goes unchallenged. If it does not, then what kind of reform movement are we really witnessing?

Colleagues, I strongly urge you to join me in co-sponsoring this Resolution to send a message to the President that he must use all his resources to convince President Khatami that a farcical trial leading to a pre-ordained outcome would send US-Iran relations back to ground zero.

SENATE CONCURRENT RESOLUTION 105—DESIGNATING APRIL 13, 2000, AS A DAY OF REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. ABRAHAM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 105

Whereas 60 years ago, the Katyn Forest crime was committed, resulting in the death of 21,000 Polish military officers of all armed services, and justice and administration personnel;

Whereas, on the occasion of 60th anniversary of the Katyn crime, the Lower Chamber of the Polish Parliament (Sejm) will pay homage to all those murdered—the ''best sons of the nation'', those who had not given in to Soviet ideology and physical pressure, and remained loyal to the Republic of Poland and the values they were taught to uphold;

Whereas Congress joins the Sejm in condemning all forms of genocide, murder, deportation, and violation of human rights;

Whereas Congress joins the Sejm in its appreciation to all scholars, researchers, and writers, especially those under Soviet domination, who had the courage to tell the truth about the Katyn crime;

Whereas Congress acknowledges with gratitude the Sejm's recognition of the pioneering work of Congress and the House of Representatives for the establishment in 1951 of a Select Committee to conduct an investigation of the Katyn crime;

Whereas Congress is pleased to join the Sejm in thanking those citizens of Russia who, guided by their sense of honor and dignity, contributed to the disclosure of the basic Katyn crime and the confirming, related documents; and

Whereas Congress continues to recognize the importance of remembering the victims of communism as when it passed H.R. 3000 in 1993 calling for a Victims of Communism Memorial, and commends the work of the Victims of Communism Memorial Foundation in working toward this objective: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress joins the Polish Sejm in designating April 13, 2000, as a day of remembrance to the victims of the Katyn Massacre that occurred 60 years ago and urges citizens of the United States to join their Polish counterparts in learning about and understanding what happened in the Katyn Forest.

• Mr. ABRAHAM. Mr. President, I rise to submit a concurrent resolution commemorating the sixtieth anniversary of the Katyn Forest massacre. For too long, Mr. President, too much of the world has been silent concerning this horrible crime against humanity, committed by the forces of communism. Through this resolution we may join with the Polish people in reminding the world of the horrors suffered by that nation's people at the hands of Soviet forces.

Now that the forces of Soviet communism have been defeated, Mr. President, it is too easy to forget those whose suffering has never been properly recognized. And few suffered as did the Poles. This proud nation, so often torn apart by opposing forces through the centuries, had once again achieved independence after World War I. The infamous Hitler/Stalin pact put an end to that independence, splitting the Polish nation in half, with each half being enslaved to a separate totalitarian dictatorship.

The horrors visited upon the Polish people by Hitler's Nazi regime are well known, they are rightly commemorated in monuments and declarations. But the victims of Soviet communism in Poland have not had their story told. For the sake of humanity and freedom around the globe, that story must be told. This resolution is a beginning to that process. It is a first step in telling the world the full, awful truth of what was done to real people in the name of an abstract, unreal vision of Soviet humanity.

Sixty years ago, 21,000 Polish military officers, justice and administration personnel were slaughtered in the Katyn Forest. Today the Lower House of the Polish Parliament, the Sejm, is paying homage to these murdered patriots. These ''best sons of the nation,'' as the Sejm calls them, those who refused to give in to Soviet ideology and physical intimidation, remained loyal to the Republic of Poland, and to the values of freedom, faith and nation, to which that Republic was dedicated. They paid for their patriotism with their lives.

For too long, Mr. President, the awful story of this massacre has been kept from the light of day. As we pay tribute to the patriots slain in the Katyn Forest, it is only right that we pay tribute to the brave citizens of the then-Soviet Union who risked their own lives and freedom in helping disclose the events we mark today. We also should be grateful to those who, after the fall of Soviet communism, have obeyed their own sense of honor in contributing to the confirmation and documentation of this crime.

Now the full story of the Katyn Forest can be told. It is my hope that this story will be told throughout the United States, Europe and the rest of the world as a reminder of the inhumanities perpetrated by those enthralled to the ideology of communism. By telling this story, we can help open the hearts and minds of people everywhere to the dangers of armed ideologies. The U.S. Congress itself has recognized the importance of remembering the victims of communism. That is why, in 1993, we passed a Resolution calling for a Victims of Communism Memorial and commending the work of the Victims of Communism Memorial Foundation for its work toward that objective.

Mr. President, it is my hope that this resolution can serve to bring us closer to our brethren in Poland and to people around the world who love freedom. The price paid by the Polish people for their liberty is one for which all of us owe them a great debt of gratitude and

respect. The blood of martyrs was spilled in the Katyn Forest. Martyrs to freedom and humanity. We have a duty, in my view, to pay tribute to the sacrifice they made for us all.●

SENATE CONCURRENT RESOLUTION 106—RECOGNIZING THE HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA, AS A NATIONAL SYMBOL OF THE CONTRIBUTIONS OF AMERICANS OF GERMAN HERITAGE

Mr. GRAMS (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 106

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not descendants of only 1 political entity, but of all German-speaking areas;

Whereas Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no nationally recognized tangible symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 to honor the spirit of freedom and was later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by inclusion on the National Register of Historic Places: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, is recognized by Congress as a national symbol of the contributions of Americans of German heritage.

Mr. GRAMS. Mr. President, I come to the floor today to submit a concurrent resolution designating Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as national symbols of the contributions of Americans of German Heritage. I would like to thank Congressman DAVID MINGE and the other members of the Minnesota Congressional Delegation for introducing a similar resolution in the House of Representatives.

Mr. President, I'd be surprised if anyone in this chamber has heard of Hermann Monument, but I would like to take a few minutes to explain its significance to the City of New Ulm, the State of Minnesota, and Americans of German Heritage across the United States.

The Hermann Monument was erected in 1889 as a tribute to German immigrants to the United States. It honors Hermann the Cheruscan, who forged the creation of a united Germany by defeating three Roman Legions who had occupied the area now known as Germany. Hermann remains a symbol of German history, culture, dedication, and perseverance.

The Hermann Monument, made of copper sheeting riveted to a steel interior frame, was dedicated in New Ulm, Minnesota, on September 25, 1897. It stands 102 feet tall and is the second largest copper statue in the United States, behind only the Statue of Liberty. The Hermann monument remains the only memorial in the United States dedicated to German heritage and the contributions to American culture, arts, industry, and government.

I believe it's also important to note that there are now almost 58,000,000 individuals of German heritage living in the United States, comprising nearly 25 percent of our nation's population. That number makes German-Americans the largest ethnic group in the United States. In Minnesota, the number doubles to roughly 50 percent of Minnesotans being of German heritage.

Today, however, the Hermann Monument faces a serious threat from over 100 years of rain, wind, heat, humidity, hail and other challenges that have rendered the monument in need of restoration. Thankfully, the people of New Ulm have formed the Hermann Monument Renovation Project to raise the roughly $1.75 million needed to restore the monument and construct an Interpretive Center at its base.

Mr. President, the legislation Senator WELLSTONE and I are introducing provides no funding for the restoration of the Hermann Monument. In fact, the Resolution costs the Federal Government nothing. Instead, our Resolution simply recognizes the Hermann Monument as a national symbol of the contributions of German Americans and gives the restoration project a boost in the arm. Our Resolution is a way for every member of the Senate to recognize the contributions of German Americans across the country. It doesn't preclude another such designation in the United States nor does it designate the Hermann Monument as the only National symbol for German Americans.

Mr. President, I hope my colleagues will join me, Senator WELLSTONE, the Minnesota Congressional Delegation, the Society of German-American Studies, the Steuben Society of America, the City of New Ulm, and the people of Minnesota in supporting this Resolution recognizing the contributions of German Americans and the national significance of New Ulm's Hermann Monument.

SENATE CONCURRENT RESOLUTION 107—EXPRESSING THE SENSE OF THE CONGRESS CONCERNING SUPPORT FOR THE SIXTH NONPROLIFERATION TREATY REVIEW CONFERENCE

Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas the Treaty on the Nonproliferation of Nuclear Weapons (in this concurrent resolution referred to as the ''Treaty'') entered into force 30 years ago on March 5, 1970;

Whereas the original 43 signatories have increased to 187 parties;

Whereas in 1995 the signatories agreed to extend the Treaty indefinitely;

Whereas the Treaty institutionalizes the commitment of the nonnuclear weapons states not to acquire nuclear weapons;

Whereas the United States, the United Kingdom, France, the Russian Federation, and China have committed themselves to a reduction of nuclear weapons;

Whereas the testing of nuclear weapons in South Asia by two of the five countries in the world that have not adhered to the Treaty is cause for renewed attention to the dangers of nuclear proliferation; and

Whereas the Sixth Nonproliferation Treaty Review Conference will take place in New York from April 24 to May 19, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reaffirms its support for the objectives of the Treaty on the Nonproliferation of Nuclear Weapons and expresses support for taking all appropriate measures to strengthen the Treaty and attain its objectives;

(2) expresses support for strengthening the international inspection system operated by the International Atomic Energy Agency and for the new Additional Safeguards Protocol to the International Atomic Energy Agency Safeguards Agreement that the International Atomic Energy Agency is negotiating with each adhered to the Treaty; and

(3) calls on all parties participating in the Review Conference to make a good faith effort to ensure the success of the Conference.

● Mr. AKAKA. Mr. President, I rise today to submit a Concurrent Resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

The Sixth Nonproliferation Treaty Review Conference will begin on April 24th in New York City. For the first time since the member parties agreed five years ago to a permanent extension to this important arms control agreement, states will be meeting to discuss additional efforts to strengthen the treaty.

Thirty years ago, this treaty entered into force with 43 signatories. The number of parties to the agreement has increased to 187. Only four states—India, Pakistan, Israel, and Cuba—are not members.

At the time of the last review conference in 1995, members agreed to hold review meetings every five years to assess progress in implementing efforts to attain the treaty's objectives.

The resolution that I am introducing today, along with Senators BAUCUS,

KERRY, ROTH and BINGAMAN, reaffirms Congressional support for the objectives of the Nonproliferation Treaty (NPT) and calls on all parties participating in the review conference to make a good faith effort to ensure the conference's success. A similar resolution is being introduced in the House of Representatives.

Many states have called into question American commitment to the control of nuclear weapons because of the Senate vote last year on the Comprehensive Test Ban Treaty and because of fears that the American development of a national missile and theater missile defense systems are efforts to negate the Anti Ballistic Missile Treaty (ABM).

I believe that Congressional support for the NPT and for other workable arms control agreements that achieve serious reductions in weapons of mass destruction is as strong as ever. The Congress will be looking very closely at this conference for reassurance that the other parties to the NPT, most especially the other nuclear weapons states such as China and Russia, share an equal commitment to attaining the objectives of the NPT.

There have been suggestions that states will attempt to disrupt the conference by walking out or by proposing resolutions critical of the United States and other states. Such efforts will damage the treaty and give satisfaction only to those countries, such as Iraq and Iran, who still appear to desire nuclear weapons.

Our resolution also expresses support for strengthening the international verification system operated by the International Atomic Energy Agency (IAEA). When the NPT was negotiated in 1970, the IAEA safeguards system was designated as its global verification mechanism. IAEA inspectors review the nuclear programs of all non-nuclear weapon members and, while the five legally recognized nuclear weapons states—Britain, France, China, Russia, United States—are not obligated to permit inspections, in practice IAEA has some access to their facilities.

The Gulf War revealed inadequacies in the IAEA safeguard system. The discovery of Iraq's secret nuclear program demonstrated the need for additional IAEA powers of information collection and inspection. Efforts are now underway to develop a Strengthened Safeguards system of which a critical part will be a new inspection protocol providing IAEA inspectors additional authority to collect more information about a wider range of activities. This new information and access will be critical to detecting states, such as Iraq and Iran, who may try to develop secretly a nuclear weapon.

There is no greater threat to America's security than the proliferation of weapons of mass destruction. The Nonproliferation Treaty and the role of the IAEA are essential parts of our efforts to prevent nuclear catastrophe. I urge my colleagues to join in supporting this resolution and ensuring its speedy consideration.●

SENATE RESOLUTION 291—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPROGRAMMING OF FUNDS FOR THE DRUG ENFORCEMENT ADMINISTRATION FOR FISCAL YEAR 2000 IN ORDER TO ASSIST STATE AND LOCAL EFFORTS TO CLEAN UP METHAMPHETAMINE LABORATORIES

Mr. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 291

Whereas the participation of the Drug Enforcement Administration in the seizures of methamphetamine laboratories has increased drastically since 1994;

Whereas in 1994, the Drug Enforcement Administration participated in the seizure of only 306 clandestine laboratories, 86 percent of which were methamphetamine laboratories;

Whereas in 1999, a total of 6,325 methamphetamine and amphetamine laboratories were seized in the United States, and the Drug Enforcement Administration participated in 1,948 of those seizures;

Whereas the Drug Enforcement Administration and State and local law enforcement agencies spend millions of dollars every year cleaning up the pollutants and toxins created and left behind by operators of clandestine methamphetamine and amphetamine laboratories;

Whereas methamphetamine manufacturing poses serious dangers to human life and the environment;

Whereas the chemicals and substances used in methamphetamine manufacturing are unstable, volatile, and highly combustible, and the smallest amounts of such chemicals, when mixed improperly, can cause explosions and fire;

Whereas most clandestine methamphetamine and amphetamine laboratories are situated in residences, motels, trailers, and vans, thereby increasing the danger posed by such explosions and fire;

Whereas for every pound of methamphetamine that is produced, more than five pounds of toxic waste is produced and left behind;

Whereas the Drug Enforcement Administration has been assisting State and local law enforcement agencies in cleaning up methamphetamine laboratory sites;

Whereas State and local agencies lack the financial ability, equipment, and training to cleanup these sites, and therefore rely predominately, if not entirely, on the Drug Enforcement Administration to clean up methamphetamine laboratories;

Whereas the funds appropriated to the Drug Enforcement Administration for fiscal year 2000 for the cleanup of State and local methamphetamine laboratories were exhausted in March 2000, though the number of methamphetamine laboratories has continued to increase dramatically;

Whereas the exhaustion of Drug Enforcement Administration funds to assist State and local methamphetamine laboratory cleanup efforts results in a great increase in the risk of harm to State and local law enforcement officers, the public, and the environment; and

Whereas it is imperative that sufficient funding be provided to the Drug Enforcement Administration for methamphetamine laboratory cleanup, and the Department of Justice has suggested that $10,000,000 be reprogrammed in its budget for this purpose: Now, therefore, be it

Resolved, That it is the sense of the Senate that of the funds appropriated or otherwise made available for the Department of Justice for fiscal year 2000, $10,000,000 should be reprogrammed for the Drug Enforcement Administration in order to permit the Drug Enforcement Administration to assist State and local efforts to clean up methamphetamine laboratories in fiscal year 2000.

Mr. HUTCHINSON. Mr. President, I rise today with Senators GRASSLEY, HATCH, CRAIG, THOMAS, and FRIST to submit a resolution which states that it is the Sense of the Senate that $10 million should be immediately reprogrammed within the United States Department of Justice's (DOJ) budget to allow the Drug Enforcement Administration (DEA) to support the cleanup of State and local methamphetamine laboratories in Fiscal Year 2000. I do so with a sense of urgency as my home State of Arkansas has suffered a terrible and great increase in the production, distribution, and use of methamphetamine and is desperately in need of federal assistance to bear the financial burden inherent in the cleanup of methamphetamine laboratories.

In March, Governor Huckabee informed me that the DEA had exhausted all of the funding available to cleanup State and local methamphetamine labs and that the State of Arkansas was paying over $7,500 a day despite the much-appreciated efforts undertaken by ENSCO, an El Dorado, Arkansas company, to dispose of methamphetamine labs at no cost to the State. As the costs associated with the cleanup of a single lab range anywhere from $3,000 to $100,000 and average about $5,000 and, with over 200 labs seized to date, Arkansas will seize over 800 labs this year, it is imperative that funding be provided to the DEA so that it may continue to assist in State and local methamphetamine lab cleanups.

On March 28, 2000, Senators GRASSLEY, KYL, CRAIG, ASHCROFT, and I asked United States Attorney General Reno to identify $10 million in funding within the DOJ's budget which could be reprogrammed to provide the DEA with the monies necessary for it to administer the cleanup of labs seized by State and local law enforcement agencies. I was greatly encouraged and highly appreciative when she quickly responded by requesting that $10 million in Community Orientated Policing Service (COPS) recovery funds be reprogrammed. Despite an April 3, 2000, letter from Senators INHOFE, CRAIG, THOMAS, THOMPSON, FRIST, ASHCROFT, HATCH, ENZI, and I supporting this request, the Office of Management and Budget (OMB) has informed me that a determination has not been made. While I appreciate the fact that Director Lew and the OMB continue to look for this critical funding, I ask them to put aside politics and act quickly to meet this need.

This Resolution is intended to make it clear to this Administration that the United States Congress is serious about solving this problem. I implore the President to take a firm stand against methamphetamine and establish an effective policy to address this exponentially increasing problem. I am firmly convinced that we can solve this problem with Congressional support and Presidential leadership. Accordingly, I ask my colleagues to take the first step toward a solution by joining me in supporting this Resolution.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator HUTCHINSON in sponsoring this resolution. We have been working closely together to find a solution to this growing problem. Unfortunately it seems the White House fails to grasp the urgency.

Mr. President, the DEA, who has for several years reimbursed state and local law enforcement agencies for the costs they have incurred in cleaning up drug laboratories, has run out of cleanup money. This has happened at a time when the number of these labs are growing rapidly, and springing up in towns and counties where there has never been a problem in the past. Iowa alone has a stack of over $83,000 in outstanding lab cleanup bills, and this amount continues to grow. Last year, Iowa received over $1.3 million in reimbursement, and at the current pace this total is expected to be higher this year.

Four weeks ago, Mr. President, Mr. HUTCHINSON, Mr. KYL, and I wrote the appropriations committee to alert them to this problem. Our offices were aware of this impending problem, and wanted to insure that no one was taken by surprise so there could be a quick resolution. Two weeks ago, we were joined by Mr. CRAIG and Mr. ASHCROFT in a letter to the Attorney General, encouraging her to work with the Appropriators in reprogramming funds to cover this shortfall.

I am pleased to say that within days we had been informed that a reprogramming request had been sent to the White House Budget Office for their approval. The request would allow for the use of returned COPS funds—money that was not going to be spent otherwise—to be used to clean up these environmental hazzards. I want to emphasize that this source was identified by the Justice Department, not by Congress. And I want to applaud their swift action to solve the problem, and not play politics.

But then, OMB happened. It did nothing. The problem mounts, and OMB sits. That is why Senator HUTCHINSON and I are offering this Sense of the Senate. We hope to encourage timely action—not more sitting on bureaucratic thumbs. I urge my colleagues to join us.

SENATE RESOLUTION 292—RECOGNIZING THE 20TH CENTURY AS THE ''CENTURY OF WOMEN IN THE UNITED STATES''

Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas women made unparalleled strides during the 20th century in education, professions, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, most women in the United States were denied the right to vote;

Whereas the Women's Suffrage movement, the largest grassroots political movement in the Nation's history, involved about 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution of the United States in 1920, and by the end of the century, women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing share of people being awarded college and postgraduate degrees;

Whereas women are increasingly owning their own businesses and working to narrow the gap in earnings between women and men, and in 1999 women earned 73 cents for every dollar earned by men in contrast to the 57 cents they received in 1973;

Whereas during the 20th century, women served their country proudly and capably in the armed services, including duty in both World Wars, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and all major contingencies including in warfighting roles;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and with over 30,000 women serving in World War I, approximately 10,000 women served as volunteers overseas, with no rank and no benefits;

Whereas women now serve in all ranks, in all branches of the armed services, as pilots, intelligence specialists, drill instructors, specialists, and technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas women were once denied the right to enter the national academies for military service or to compete to become astronauts or combat pilots, in 1976 Congress passed, and President Ford signed into law, legislation authorizing the admission of women into the military service academies;

Whereas women are now excelling in military academies and emerging as part of the military leadership of the future, and have served with distinction as members of combat squadrons and as commanders and members of the space shuttle crew;

Whereas the 20th century saw women in new roles as justices on the United States Supreme Court, members of the President's Executive Cabinet, United States Senators and Representatives, and women's services have become invaluable in appointed and volunteer positions and as Federal legislators, State and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, directors of Federal, State and local agencies;

Whereas women have become prominent figures in amateur and professional sports highlighted in 1999 with the United States Women's Soccer Team winning the World Cup in a stunning victory; and

Whereas women can look back at the opportunities created during the 20th century and look ahead toward even greater accomplishments in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) commends the accomplishments and unfailing spirit of women in the 20th century; and

(2) recognizes the 20th century as the ''Century of Women in the United States''.

• Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 20th century as the ''Century of Women in the United States.'' I would like to thank Georgia State Representative Hinson Mosley for introducing a similar resolution in the Georgia General Assembly recognizing the tremendous accomplishments of women in Georgia and in the United States during the 20th century and for sharing his resolution with me. Representative Mosley's exceptional resolution passed the Georgia House of Representatives by a vote of 120–0 and the Georgia Senate on a vote of 51 to 0.

Like Representative Mosley's resolution, my proposal recognizes that as we enter the 21st century, it is essential that we note the vast opportunities available to today's women that were not available to women entering the 20th century. Women made unprecedented strides in civil rights, careers, religion, education and military service. Although we must keep in mind the challenges that women in our society continue to face and the work that women and men must yet accomplish, let us celebrate the victories won by women in the past 100 years.

I, along with Senators BOXER, BOND, BAUCUS, BRYAN, DURBIN, LANDRIEU, MIKULSKI, MURRAY, LINCOLN, KERRY, JEFFORDS, FEINSTEIN, ROBB and COCHRAN urge my colleagues to support this resolution and recognize the 20th century as the ''Century of Women in the United States.''•

SENATE RESOLUTION 293—ENCOURAGING ALL RESIDENTS OF THE UNITED STATES TO COMPLETE THEIR CENSUS FORMS TO ENSURE THE MOST ACCURATE ENUMERATION OF THE POPULATION POSSIBLE

Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 293

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas Federal, State, and local governments, as well as charities and other groups serving Americans, use information gathered by the census to distribute hundreds of billions of dollars for programs from education to employment, housing to transportation, and rural development to urban empowerment;

Whereas inaccurate or incomplete census data would make it impossible for this aid to be distributed appropriately or fairly and would prevent critically needed funding from finding its way to the appropriate recipients;

Whereas inaccurate or incomplete census data would also throw into doubt the ability to correctly apportion representation in Congress or equitably redraw voting district lines within the States, raising questions about whether the one-person-one-vote rights of Americans are being appropriately guarded;

Whereas the privacy of all data collected by the Bureau of the Census is guaranteed absolute confidentiality for 72 years from the public and all other government agencies; and

Whereas the Bureau of the Census cannot conduct its constitutional or legal duties and Americans cannot be assured of the integrity of the census results, and therefore the equity of all of the manifold decisions that rely upon census numbers, without the fullest possible participation from the public: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the civic duty of Americans to assist in ensuring the most accurate census possible; and

(2) all residents of the United States should complete their census forms.

Mr. DASCHLE. Mr. President, today Senator LIEBERMAN and I, along with a group of our colleagues, are introducing a resolution emphasizing to all Americans the importance of accurately and completely filling out their census forms. It is my hope that all members of the Senate will cosponsor this important resolution to support the Census Bureau as it carries out the role that the Constitution and Congress have directed it to take.

I continue to be concerned with the statements of some elected officials urging Americans not to respond to some of the questions on their census forms. These statements are reckless and irresponsible.

First, every question on the census form is required by the Constitution or by law. All of these questions were reviewed by Congress before the census began, and received virtually no comment at that time. Second, an accurate census is absolutely critical to meet the needs of the public. Local, state and federal aid programs all depend upon an accurate census count to properly distribute funding for roads, schools and health care. Disaster response agencies like the Federal Emergency Management Agency use census data to prepare for and respond to hurricanes, tornadoes and other natural disasters. Finally, accurate information about population is absolutely essential to fairly distribute congressional seats to ensure that all Americans have equal representation in Congress.

Any effort to encourage Americans not to complete their census questionnaire will only hinder our ability to allow every community to live up to its potential, and provide its citizens with the roads, hospitals and schools they need.

As you know, last week the Senate approved an amendment stating that no American should be prosecuted for failing to fill out his or her census form. This resolution was distracting and unnecessary. No American is—or for years has been—prosecuted for failing to complete a census form.

The Census Bureau needs to know that it has the full support of the Congress as it carries out its vital task. This resolution makes clear just how important the bureau's task is, and the need for every American to comply with the law and complete the census form. I urge all my colleagues to give it their support.

AMENDMENTS SUBMITTED

CRIME VICTIMS ASSISTANCE ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3097

(Referred to the Committee on Foreign Relations.)

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, Mrs. MURRAY, Mr. FEINGOLD, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 934) to enhance rights and protections for victims of crime; as follows:

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS

Sec. 101. Right to notice and to be heard concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to notice and to be heard concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Right to notice and to be heard concerning sentence.
Sec. 106. Right to notice and to be heard concerning sentence adjustment.
Sec. 107. Right to notice of release or escape.
Sec. 108. Right to notice and to be heard concerning Executive clemency.
Sec. 109. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to establish ombudsman programs for crime victims.
Sec. 202. Amendments to Victims of Crime Act of 1984.
Sec. 203. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.
Sec. 204. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 205. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.
Sec. 206. Compensation and assistance to victims of terrorist acts, mass violence, or international terrorism.

TITLE I—VICTIM RIGHTS

SEC. 101. RIGHT TO NOTICE AND TO BE HEARD CONCERNING DETENTION.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(2) by adding at the end the following:

''(k) NOTICE AND RIGHT TO BE HEARD.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each hearing under subsection (f)—

''(A) before the hearing, the Government shall make reasonable efforts to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to be heard on the issue of detention; and

''(B) at the hearing, the court shall inquire of the Government whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) EXCEPTIONS.—The requirements of paragraph (1) shall not apply to any case in which the Government or the court reasonably believes—

''(A) available evidence raises a significant expectation of physical violence or other retaliation by the victim against the defendant; or

''(B) identification of the defendant by the victim is a fact in dispute, and no means of verification has been attempted.''.

(c) VICTIM DEFINED.—Section 3156(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the term 'victim'—

''(A) means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault; and

''(B) includes—

''(i) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(ii) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(iii) any other person appointed by the court to represent the victim.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO NOTICE AND TO BE HEARD CONCERNING PLEA.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivision (h) as subdivision (i); and

(2) by inserting after subdivision (g) the following:

''(h) RIGHTS OF VICTIMS.—

''(1) VICTIM DEFINED.—In this subdivision, the term 'victim' means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, and also includes—

''(A) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(B) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(C) any other person appointed by the court to represent the victim.

''(2) NOTICE.—The Government, before a proceeding at which a plea of guilty or nolo contendere is entered, shall make reasonable efforts to notify the victim of—

''(A) the date and time of the proceeding;

''(B) the elements of the proposed plea or plea agreement;

''(C) the right of the victim to attend the proceeding; and

''(D) the right of the victim to address the court personally, through counsel, or in writing on the issue of the proposed plea or plea agreement.

''(3) OPPORTUNITY TO BE HEARD.—The court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard, personally, through counsel, or in writing, on the proposed plea or plea agreement.

''(4) EXCEPTIONS.—Notwithstanding any other provision of this subdivision—

''(A) in any case in which a victim is a defendant in the same or a related case, or in which the Government certifies to the court under seal that affording such victim any right provided under this rule will jeopardize an ongoing investigation, the victim shall not have such right;

''(B) a victim who, at the time of a proceeding at which a plea of guilty or nolo contendere is entered, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but, subject to subparagraph (A), shall be afforded a reasonable opportunity to present views or participate by alternate means; and

''(C) in any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to represent the interests of the victims, except that all victims shall retain the right to submit a written statement under paragraph (2).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended by adding at the end the following:

''(d) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.—Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

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

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE.

(a) ENHANCED NOTICE AND CONSIDERATION OF VICTIMS' VIEWS.—

(1) IMPOSITION OF SENTENCE.—Section 3553(a) of title 18, United States Code, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) the views of any victims of the offense, if such views are presented to the court; and''.

(2) ISSUANCE AND ENFORCEMENT OF ORDER OF RESTITUTION.—Section 3664(d)(2)(A) of title 18, United States Code is amended—

(A) by redesignating clauses (v) and (vi) as clauses (vii) and (viii) respectively; and

(B) by inserting after clause (iv) the following:

''(v) the opportunity of the victim to attend the sentencing hearing;

''(vi) the opportunity of the victim, personally or through counsel, to make a statement or present any information to the court in relation to the sentence;''.

(b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (b)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (3) the following:

''(4) NOTICE TO VICTIM.—The probation officer must, before submitting the presentence report, provide notice to the victim as provided by section 3664(d)(2)(A) of title 18, United States Code.''; and

(C) in paragraph (5), as redesignated—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) any victim impact statement submitted by a victim to the probation officer;'';

(2) in subdivision (c)(3), by striking subparagraph (E) and inserting the following:

''(E) afford the victim, personally or through counsel, an opportunity to make a statement or present any information in relation to the sentence, including information concerning the extent and scope of the victim's injury or loss, and the impact of the offense on the victim or the family of the victim, except that the court may reasonably limit the number of victims permitted to address the court if the number is so large that affording each victim such right would result in cumulative victim impact information or would unreasonably prolong the sentencing process.''; and

(3) in subdivision (f)(1)—

(A) by striking ''the right of allocution under subdivision (c)(3)(E)'' and inserting ''the notice and participatory rights under subdivisions (b)(4) and (c)(3)(E)''; and

(B) by striking ''if such person or persons are present at the sentencing hearing, regardless of whether the victim is present;''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days

after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE ADJUSTMENT.

(a) IN GENERAL.—Rule 32.1(a) of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(3) NOTICE TO VICTIM.—At any hearing pursuant to paragraph (2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable efforts to notify the victim of the offense (and the victim of any new charges giving rise to the hearing), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of violent offenses of any revocation hearing held pursuant to Rule 32.1(a)(2), and to afford such victims an opportunity to participate.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 107. RIGHT TO NOTICE OF RELEASE OR ESCAPE.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''§ 3627. Notice to victims of release or escape of defendants

''(a) IN GENERAL.—The Bureau of Prisons shall ensure that reasonable notice is provided to each victim of an offense for which a person is in custody pursuant to this subchapter—

''(1) not less than 30 days before the release of such person under section 3624, assignment of such person to pre-release custody under section 3624(c), or transfer of such person under section 3623;

''(2) not less than 10 days before the temporary release of such person under section 3622;

''(3) not later than 12 hours after discovery that such person has escaped;

''(4) not later than 12 hours after the return to custody of such person after an escape; and

''(5) at such other times as may be reasonable before any other form of release of such person as may occur.

''(b) APPLICABILITY.—This section applies to any escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental or other health services to persons in the custody of the Bureau of Prisons.

''(c) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the Bureau of Prisons, by means of a form to be provided by the Attorney General, of any change in the mailing address of the victim, or other means of contacting the victim, while the defendant is in the custody of the Bureau of Prisons. The Bureau of Prisons shall ensure the confidentiality of any information relating to a victim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3627. Notice to victims of release or escape of defendants.''.

SEC. 108. RIGHT TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.

(a) NOTIFICATION.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding after section 3627, as added by section 107, the following:

''§ 3628. Notice to victims concerning grant of executive clemency

''(a) DEFINITIONS.—In this section—

''(1) the term 'executive clemency'—

''(A) means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States; and

''(B) includes any pardon, reprieve, commutation of sentence, or remission of fine; and

''(2) the term 'victim' has the same meaning given that term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

''(b) NOTICE OF GRANT OF EXECUTIVE CLEMENCY.—

''(1) If a petition for executive clemency is granted, the Attorney General shall make reasonable efforts to notify any victim of any offense that is the subject of the grant of executive clemency that such grant has been made as soon as practicable after that grant is made.

''(2) If a grant of executive clemency will result in the release of any person from custody, notice under paragraph (1) shall be prior to that release from custody, if practicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3628. Notice to victims concerning grant of executive clemency.''.

(c) REPORTING REQUIREMENTS.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

(d) SENSE OF THE SENATE CONCERNING THE RIGHT OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.—It is the Sense of the Senate that—

(1) victims of a crime should be notified about any petition for executive clemency filed by the perpetrators of that crime and provided an opportunity to submit a statement concerning the petition to the President; and

(2) the Attorney General should promulgate regulations or internal guidelines to ensure that such notification and opportunity to submit a statement are provided.

SEC. 109. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this title shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General of the United States and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages

against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''local government'' means a unit of a State or local government, including a State court, that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Maryland.

(D) Vermont.

(E) Virginia.

(F) Washington.

(G) Wisconsin.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) is provided the opportunity to participate in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements that the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 202. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, or donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(ii) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(iii) in subparagraph (C), by striking ''3'' and inserting ''5'';

(B) in paragraph (5), by adding at the end the following:

''(C) Any State that receives supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)—

(A) in paragraph (7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim'';

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(C) by inserting after paragraph (7) the following:

''(8) such program does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (b)(3), by striking ''5'' and inserting ''10'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the Government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

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

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) State court;

''(D) tribal organization;

''(E) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(F) other entity that the Director determines to be appropriate.''.

SEC. 203. INCREASED TRAINING FOR LAW ENFORCEMENT OFFICERS AND COURT PERSONNEL TO RESPOND TO THE NEEDS OF CRIME VICTIMS.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'') may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 204. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

''SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office for Victims of Crime of the Department of Justice such sums as may be necessary for grants to Federal, State, and local prosecutors' offices and law enforcement agencies, Federal and State courts, county jails, Federal and State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term ''Federal law enforcement program''), by striking ''and'' at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 205. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'') and amounts available in the Crime Victims Fund (42 U.S.C. 10601 et seq.), may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(1) protect the community served by the system and agencies; and

(2) ensure accountability of the offender and the system.

SEC. 206. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS, MASS VIOLENCE, OR INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

''SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS OR MASS VIOLENCE.

''(a) IN GENERAL.—The Director may make supplemental grants as provided in section 1402(d)(5)—

''(1) to States, which shall be used for eligible crime victim compensation and assistance programs for the benefit of victims; and

''(2) to victim service organizations and to agencies (including Federal, State, and local governments and foreign governments) and organizations that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including assistance and crisis response) and other related victim services;

''(B) emergency response training and technical assistance; and

''(C) ongoing assistance including during any investigation and prosecution.

''(b) VICTIM DEFINED.—

''(1) IN GENERAL.—In this section, the term 'victim' means a person who has suffered direct physical or emotional injury or death as a result of a terrorist act or mass violence occurring on or after December 21, 1988.

''(2) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation or assistance under this section on behalf of the victim.

''(3) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation or assistance under this section, either directly or on behalf of a victim.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) INCREASE CAP ON EMERGENCY RESERVE FUND AND ALLOW FOR TRANSFER OF UNOBLIGATED FUNDS TO THE EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking ''in excess of $500,000'' and all that follows through ''than $500,000'' and inserting ''shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

''SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Nationals of the United States and officers and employees of the Federal Government may suffer physical and emotional injury or death as a result of international terrorism.

''(2) The United States has an obligation to assist nationals of the United States if, through no fault of their own, they are targeted by terrorists as symbols of the United States.

''(3) Officers and employees of the United States who are not nationals of the United States may serve as a surrogate for the United States and may be targeted by international terrorists. Depending upon the nature of the duties of such an officer or employee, and the location of service of that officer or employee, the officer or employee may be placed in circumstances of greater vulnerability than other individuals who are not nationals of the United States.

''(4) Even if international terrorism is not directed clearly or exclusively at the United

States, the status of an individual as a national of the United States or as an officer or employee of the Federal Government may contribute to some extent to the targeting of that individual by terrorists.

''(5) To provide fair compensation to these victims of international terrorism, Congress should assist these victims with the typical expenses of victimization and the extraordinary expenses associated with victimization abroad.

''(b) DEFINITIONS.—In this section:

''(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

''(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(3) VICTIM.—

''(A) IN GENERAL.—The term 'victim' means a person who—

''(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988; and

''(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the Federal Government.

''(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the assistance under this section on behalf of the victim.

''(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any assistance under this section, either directly or on behalf of a victim.

''(c) AWARD OF COMPENSATION.—The Director may carry out a program as provided in section 1402(d)(5)(B) to provide assistance to victims of international terrorism to compensate them for expenses associated with that victimization.

''(d) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

''(1) an explanation of the procedures for filing and processing of applications for assistance;

''(2) a description of the procedures and policies instituted to promote public awareness about the program;

''(3) a complete statistical analysis of the victims assisted under the program, including—

''(A) the number of applications for assistance submitted;

''(B) the number of applications approved and the amount of each award;

''(C) the number of applications denied and the reasons for the denial;

''(D) the average length of time to process an application for assistance; and

''(E) the number of applications for assistance pending and the estimated future liability of the program; and

''(4) an analysis of future program needs and suggested program improvements.''.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide assistance to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.

Mr. LEAHY. Mr. President, this week marks the 20th anniversary of our observance of National Crime Victims' Rights Week. This is a week that we set aside each year to honor and commemorate the victims of crime and those who serve them. It is appropriate to take this time to discuss the unmet needs of victims in our Nation's criminal justice system.

Tremendous strides have been made in these past 20 years toward ensuring better and more comprehensive rights and services for victims of crime. Today, there are over 30,000 laws nationwide that define and protect victims' rights, as well as over 10,000 national, State, and local organizations that provide assistance to people who have been hurt by crime. This is substantial progress, but there is still more to be done.

My involvement with crime victims' rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. During the last two decades, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982;

The Victims of Crime Act of 1984;

The Victims' Rights and Restitution Act of 1990;

The Violence Against Women Act of 1994;

The Mandatory Victims' Restitution Act of 1996;

The Justice for Victims of Terrorism Act of 1996;

The Victim Rights Clarification Act of 1997;

The Crime Victims with Disabilities Awareness Act of 1998; and

The Torture Victims Relief Act of 1998.

It is because of my continuing commitment to protecting the rights of victims that I joined with Senator KENNEDY to introduce the Crime Victims Assistance Act, S. 934, and its predecessor in the 105th Congress. This legislation offers full-scale reform of Federal rules and Federal law to establish stronger rights and protections for victims of Federal crime. This legislation further proposes to assist victims of State crime through the infusion of additional resources to make the criminal justice system more supporting of crime victims. In addition, this legislation would improve the capacity of the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad.

The Crime Victims Assistance Act would improve the lot of victims throughout the country. Unfortunately, it appears that in this Congress, as in the last, we will not take the simple and important step of enacting this legislation. Instead, the Judiciary Committee has focused on proposals to amend the United States Constitution. Such action is ill-advised and a constitutional amendment is unnecessary. I regret that for the last several years the pace of crime victim legislation has slowed dramatically. I have grave reservations about proceeding first to amend the Constitution and only then to design and enact the legislation that could help crime victims. To help victims we must act on legislation like the Crime Victims Assistance Act and we should be doing so without further delay.

While the Crime Victims Assistance Act is central to a package of victim assistance legislation, it does not stand alone. There is so much that we could be doing to help victims, none of which requires an amendment to the Constitution. If we truly want to help victims we should, for example, re-authorize the Violence Against Women Act. A bill to reauthorize those programs has been pending without action for too long. It contains over $3.7 billion dollars in funding over five years, funding that primarily goes to State and local programs that desperately need assistance.

Just yesterday, the Office of Justice Programs announced that Women Helping Battered Women in Burlington, Vermont, will be receiving $249,043 under the Rural Domestic Violence and Child Victimization Enforcement Program—a VAWA program that I initiated. Earlier this month, the Vermont Center for Crime Victim Services received an award of $799,534 under the same program. This program, and other VAWA programs, meet the true and immediate needs of victims in every State. By contrast, the proposed constitutional amendment is a political gimmick, which promises much but fails to define real rights or provide real remedies or assistance.

We must also do more for victims of hate crimes by passing the Hate Crimes Prevention Act. This legislation amends the Federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. The Senate approved this legislation last summer as part of the Commerce-Justice-State appropriations bill, but it was dropped before final passage. We should pass it now, without further delay.

With a simple majority of both Houses of Congress we can pass the Crime Victims Assistance Act, which should have been enacted three years ago; we can re-authorize the Violence Against Women Act; we can pass the Hate Crimes Prevention Act. These laws can make a difference today in

the lives of crime victims throughout the country. There would be no need to achieve super-majorities in both Houses of Congress, no need to await ratification efforts among the States and no need to go through the ensuing process of enacting implementing legislation.

I regret that we did not do more for victims last year or the year before. Over the course of that time, I have noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I want to take this opportunity to commend all those who work so hard every day to assist victims of crime and to prevent others from becoming victims of crime. That is something I try to do every year and, in particular, during Crime Victims Rights Week. In preparing to do so again this year I was disappointed to see that no other Senator has yet recognized Crime Victims Rights week.

On behalf of Senators KENNEDY, SARBANES, KERRY, HARKIN, MURRAY, FEINGOLD, and ROBB, I am today filing a substitute amendment to our bill. In spite of the Judiciary Committee's lack of attention to these matters, we have continued to work on them, think about them and to improve the bill. I ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support greater recognition of the rights of victims of crime. Clearly, they deserve enforceable rights that are guaranteed by law. But, just as clearly, these rights can be achieved without amending the Constitution. The Constitution is the foundation of our democracy, and it reflects the enduring principles of our country. The framers deliberately made it difficult to amend because it was never intended to be used for normal legislative purposes.

We have a responsibility to assure victims of crime that their rights in the criminal justice system will not be ignored. That is why my colleagues and I are re-introducing the Crime Victims Assistance Act.

Our bill clearly defines the rights of victims, and it establishes an effective means to implement and enforce these rights. It does so without taking the drastic and unnecessary step of amending the Constitution. Acting through legislation allows us to act quickly to give victims the rights to which they are entitled. It also allows us to react quickly to changing circumstances. By contrast, the proponents of a constitutional amendment are asking victims to wait, possibly for years, before any of the provisions in the amendment are adopted, much less implemented.

Our bill provides enhanced protections to victims of federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and heard on detention and plea agreements, the right to be notified and heard at probation revocation hearings, the right to be notified of the escape or release of a criminal from prison, and the right to a speedy trial and prompt disposition, free from unreasonable delay. In addition, our bill enhances victims' rights to obtain restitution, to be notified and heard at sentencing, and to be present at trial.

The rights established by our bill will fill the existing gaps in federal criminal law and will be a major step toward ensuring that victims of crime receive appropriate and sensitive treatment. Our bill will achieve these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Our bill also contains measures to ensure that victims receive the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible. It creates and funds additional federal victim assistance personnel. It authorizes the use of funds to establish effective pilot programs. It provides funds for increased training of state and local law enforcement agencies and court personnel, to enable them to respond effectively to the needs of victims and to notify them of important dates and developments. Our bill also establishes ombudsman programs to ensure that victims are given unbiased information about navigating the criminal justice process. To make all of these improvements possible, the proposed statute also improves federal financial support for victim assistance and compensation.

There is no need to amend the constitution to achieve these important goals. In my view, when it is not necessary to amend the constitution to achieve a particular goal, it is necessary not to amend it. That is why I ask my colleagues to establish effective and enforceable rights for victims of crime by supporting the Crime Victims Assistance Act.

Mr. FEINGOLD. Mr. President, I was pleased to join Senators LEAHY and KENNEDY as a sponsor of the Crime Victims Assistance Act, and I endorse this modified version of the bill. This is an important bill designed to give substantial, enforceable rights to the victims of federal crimes to participate fully in the various criminal justice proceedings arising out of their cases.

I understand that the sponsors of the constitutional amendment concerning the rights of victims of crime, often referred to as the Victims' Rights Amendment or VRA, will bring the amendment to the Senate floor in the near future. I have the utmost concern for the victims of crime, and I want to see them supported as much as possible in the law as they deal with the consequences of the crime committed against them. But I oppose the amendment.

The main reason for my opposition is that I do not think it is necessary to amend our great governing document, the Constitution of the United States, to provide the protection that victims of crime seek and deserve. We have a responsibility to deal with these issues through legislation before turning to the constitutional amendment process. That process is long and uncertain and its results are much less easier to fix than a statute if we have left something undone that should have been done.

The statutory alternative developed by Senators LEAHY and KENNEDY, which I expect will be offered as an amendment to the VRA when it comes to the floor, will truly serve the interests of victims in a much more direct and effective way than would a constitutional amendment. And we can enact it this year, getting relief and protections to victims of crime immediately that will not be available to them until some uncertain date under the constitutional amendment.

So I am pleased to join in this effort, and I look forward to working with my colleagues to try to convince the Senate that this is the best way to support the interests of victims of violent crime.

JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT OF 1999

INHOFE AMENDMENT NO. 3098

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 1946) to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act,'' to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; as follows:

In section 7(f) of the John H. Chafee Environmental Education Act (as amended by section 4(a)), strike paragraph (2) and insert the following:

''(2) MEMBERSHIP.—The Panel shall consist of 5 members, appointed by the Administrator from among persons recommended by the National Environmental Education Advisory Council.

In section 6(1) of the bill, strike subparagraph (C) and insert the following:

(C) by striking the last sentence;

In section 11(b)(1) of the John H. Chafee Environmental Education Act (as amended by section 8(a)(2))—

(1) in subparagraph (C)—

(A) strike ''40 percent'' and insert ''38 percent''; and

(B) strike ''and'' at the end;

(2) in subparagraph (D), strike the period at the end and insert ''; and''; and

(3) add at the end the following:

''(E) not more than 2 percent shall be used to administer and make grants under the teachers' awards program under section 8(b).

PALACE OF THE GOVERNORS EXPANSION ACT

DOMENICI AMENDMENT NO. 3099

Mr. SESSIONS (for Mr. DOMENICI) proposed an amendment to the bill (S. 1727) to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

NRC FAIRNESS IN FUNDING ACT OF 1999

SMITH AMENDMENTS NOS. 3100–3101

Mr. SESSIONS (for Mr. SMITH of New Hampshire) proposed two amendments to the bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; as follows:

AMENDMENT NO. 3100

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

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

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2000 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 10, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. This hearing was originally scheduled for April 13, 2000 at 2:30.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 13, 2000, at 10:00 a.m., in open session to review the Department of Defense Anthrax Vaccine Immunization Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 13, 2000, to conduct a hearing on Structure of Securities Markets.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 2:30 p.m. on S. 1361—Natural Disaster Protection and Insurance Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and natural Resources be authorized to meet during the session of the Senate on Thursday, April 13 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; s. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 13, at 9:15 a.m. to consider pending business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 13, 2000 at 2:30 p.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on protecting pension assets during the session of the Senate on Thursday, April 13, 2000, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 13, 2000, at 9:30 a.m. in SD226.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Forests and Public Land Management Subcommittee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, April 13, 2000, at 2:00 p.m., in Dirksen 226.

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

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I want to speak for about 5 or 6 minutes on a bill I am introducing.

What does my colleague from Louisiana have in mind?

Ms. LANDRIEU. Mr. President, if my colleague will yield, I wanted to speak for about 2 minutes. If Senator BYRD would allow both of us to go forward before he begins his remarks, I would be happy to yield.

Mr. BROWNBACK. Mr. President, I would be happy to yield to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank Senator BROWNBACK.

THE HAGUE CONVENTION ON INTERNATIONAL ADOPTION

Ms. LANDRIEU. Mr. President, I make note tonight of a very significant event which occurred today in the Capitol. We were able to pass legislation

from the Foreign Relations Committee, under the leadership of the chairman of that committee, Chairman JESSE HELMS, The Hague Convention on International Adoption.

The reason I mention it particularly tonight is that we will be taking up this implementation legislation when we return—hopefully, soon after we return. Then we will be considering a very important treaty under the same title.

There are many hundreds of leaders in Washington today from the Joint Council on International Children's Services and with the National Council for Adoption who have worked literally for years to bring us to this point.

I also commend our partners in the House, Congressman DELAHUNT from Massachusetts, Congressman BURR, and Congressman GEJDENSON from Connecticut who worked very hard on this who were terrific leaders.

Sixty-six countries participated in this ground-breaking document. There were 37 signatories, and to date 29 countries have ratified. I particularly mention Mexico and Romania as two of the earliest countries.

Since the United States receives more children in this country through adoption than all other countries combined, and since we pride ourselves on being a leader in this particular area, I think it is very significant that we step forward, pass this legislation, and ratify this treaty.

In closing, let me say it is so significant because many Senators from both sides of the aisle have worked for so many years to promote adoption in a very positive way to say basically that every child deserves a home. If their biological family is split apart or broken up by death, or disease, or tragedy, neglect, or abuse, it is our responsibility as a society to make sure those children are cared for permanently by someone who is capable of nurturing and loving.

The significance of this treaty is that now we express, in an international way, that that child should then go to their family and then to the community at large, but if no place can be found, surely there is a home somewhere on this planet for these children. There are many orphans and there are many children in limbo caught within systems in the United States and elsewhere.

I thank my colleagues and I thank Senator HELMS for his great leadership. I look forward to taking up this issue when we return because there was great committee work done and a lot of work for many years was put into this. I am convinced that millions of children now all over the world will be able to find a home and families will be able to find children once this legislation is implemented and carried out.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much. I thank my colleague from West Virginia for allowing me to speak for a few minutes.

THE MAJORITY LEADER, TRENT LOTT

Mr. BROWNBACK. Mr. President, I want to recognize the majority leader, Senator TRENT LOTT, for his great work in getting the marriage penalty bill brought up to the point where, right after we get back, I am hopeful, we will be able to vote on this piece of legislation and get it passed.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2449 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORGAN TRANSPLANT LEGISLATION

Mr. SPECTER. Mr. President, I have a very brief colloquy with the distinguished Senator from Vermont from the Committee on Labor, Health, Education and Pensions. It had been anticipated there would be a unanimous consent request to move forward on legislation on organ transplants which came out of the Labor Committee yesterday on a unanimous vote. I had been deeply involved in that matter when the issue came before the conference on the appropriations bill for Labor, Health and Human Services, and Education. We had crafted, after a great deal of controversy, a resolution where the Secretary of Health and Human Services came especially to an evening session and we worked out what I thought were the final details on the settlement.

But as I think George Shultz said, nothing is ever settled in Washington and the matter has seen a new birth. The issue came before the Labor Committee and they have crafted a new proposal. I had intended to object. It now appears that others will object and the matter will not come forward.

I thought it useful to have a colloquy with Senator JEFFORDS where I would not raise an objection on his assurance that out of the conference the bill of the Labor Committee would not be watered down any more. That is a minimal consideration for fairness in organ transplants. In my judgment, no bill would be better than any bill which is less than the one which is out of committee.

My own personal view is that the compromise crafted in my subcommittee on appropriations on that bill is a superior approach, but I did see the wave moving toward what happened in the Labor Committee yesterday. Therefore, I will not raise an objection on the assurance from the chairman that that bill will not be reduced, modified, or weakened in any way in conference.

Mr. JEFFORDS. I thank the Senator for his statement. We had an incredibly good breakthrough in negotiations, which is why I can reassure the Senator of my belief that we don't have to worry about it being changed, with the administration about 3 o'clock the morning before last, after long negotiations, and we came to a resolution which at least I know my critics in Vermont and everyone I know has agreed is a wonderful resolution of the problem. I am hopeful we will also be able to get the holds from the other side of the aisle removed expeditiously so this can be passed.

I thank the Senator because he was a leader in this field, and the bill he brought out of the appropriations process was certainly one which was taken into consideration and utilized in the final resolution.

With Senator KENNEDY and Senator FRIST agreeing to it, with the administration, I think we have, for the first time, a real hope this very difficult area of organ transplants and how they will be utilized may have a permanent solution—at least a solution for a foreseeable length of time. A lot of it is due to the efforts of the Senator, and I appreciate it.

Mr. SPECTER. I thank my colleague from Vermont for that statement. I want to be sure I have his commitment he will not bring back a conference report to this floor which would water down in any way the bill which came out of his committee yesterday.

Mr. JEFFORDS. I give the Senator those assurances.

Mr. SPECTER. I thank my friend from Vermont, and I thank my colleague from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

THE LAST BUDGET RESOLUTION MANAGED BY SENATOR LAUTENBERG

Mr. BYRD. Mr. President, the conference report on the budget resolution for fiscal year 2001 has been adopted. I note that this will be the last budget resolution to be managed by my good friend from New Jersey, Senator LAUTENBERG. Senator LAUTENBERG joined the Budget Committee in 1985, 2 years after he was first elected to the Senate. Since that time, he has become an expert on the Federal budget process. He has worked hard. He has been diligent in his business.

The Bible says:

> Seest thou a man diligent in his business? he shall stand before kings.

FRANK LAUTENBERG has been diligent in his business. His mastery of Federal budget matters was aided, to a great degree, by his earlier mastery of business matters in the private sector. FRANK LAUTENBERG was one of the founding partners of a company called Automatic Data Processing. That company now employs 37,000 employees and has a market capitalization in excess of $31 billion. Just prior to being elected to the Senate, FRANK LAUTENBERG served as both chairman and chief executive officer of that company. As a

businessman, he developed an uncanny ability to perform mathematical calculations in his mind. As such, his staff on the Budget Committee is usually playing catchup, as Senator LAUTENBERG restates budgetary issues in percentage terms.

The people of New Jersey, and, indeed, the people of the United States, have benefited greatly from the business expertise that FRANK LAUTENBERG has brought to the U.S. Senate and especially to his assignment as the ranking member of the Senate Budget Committee. FRANK LAUTENBERG rose to the position of ranking member in 1997, following the retirement of Senator James Exon of Nebraska. Throughout Senator LAUTENBERG's service on the Budget Committee, he has been an extraordinarily able and outspoken advocate of funding for our Nation's children, for the environment, and for transportation.

In addition to serving on the Senate Budget Committee, Senator LAUTENBERG also serves on the Appropriations Committee, where he is ranking member of the very important Subcommittee on Transportation on which I serve. In that regard, Senator LAUTENBERG is eminently well versed in both the budget and appropriations processes.

So I commend Senator LAUTENBERG for his very able service to the Senate and to the Nation in his capacity as ranking member of the Senate Budget Committee. We will miss not only his contributions but also his good humor in future budget debates.

Mr. President:

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

If a man does a work that you really admire,
Don't leave a kind word unsaid.
In fear to do so might make him vain
And cause him to lose his head.
But reach out your hand and tell him, ''Well done.''
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

So I say to FRANK LAUTENBERG: Well done.

EASTER—A TIME OF REBIRTH

Mr. BYRD. Mr. President, when many people contemplate Easter, thoughts of chocolate bunnies, Easter egg hunts, and family gatherings come to mind. Little girls dream of a new frilly lace-bedecked frock, shiny new patent leather shoes, and a festive bonnet adorned with ribbons and flowers to top it all off. It is hard not to feel an excitement in the air as the daylight hours increase, the winter coats are put away, and the sweet smell of the season's first roses fill the air. The landscape is freshly decorated with a pallet of azaleas, tulips, jonquils, and pink and white flowers of the dogwood. Overnight, it seems, the silhouettes of the tree branches disappear, replaced by the first green buds of spring. Neighbors, who seemed almost strangers during the long dark winter, suddenly greet you from their front porches, and passersby out for an afternoon stroll stop to offer that much-needed gardening advice, or they admire your latest planting. The first aroma of charcoal fills the air as grills are fired up after a long rest. Children play outside after dinner, trying to squeeze in every bit of the daylight into their playtime. Everything seems new, everything seems exciting, everything seems reborn. But during this season of rebirth, how many stop to ponder the true meaning of this most holiest of seasons of the Christian calendar?

Easter, Jesus' resurrection from the dead, was the key belief of the earliest Christians. In fact, that truly miraculous event has made an imprint on other religions and inspired to thought and deed individuals who do not practice the Christian faith. Mohandas K. Gandhi said simply and eloquently:

> Jesus, a man who was completely innocent, offered himself as a sacrifice for the good of others, including his enemies, and became the ransom of the world. It was a perfect act.

The Bible says a great deal about Easter, that central mystery of the Christian faith. That Jesus was crucified and miraculously raised from the dead is hard for many to accept. It was hard for the early Christians to comprehend also, but the faith in the risen Christ spread like a wildfire on a dry and windy summer day!

Easter arrives late this year, on April 23, almost as late as it can possibly be. It is celebrated on a Sunday on varying dates between March 22 and April 25, and is, therefore, called a movable feast. Easter embodies many pre-Christian traditions. The origin of its name is unknown; however, many scholars have accepted the derivation proposed by the 8th-century English scholar St. Bede—that it probably comes from Eastre, the Anglo-Saxon name of a Teutonic goddess of spring and fertility, whose festival was celebrated on the day of the vernal equinox. The Easter rabbit, a symbol of fertility, and colored Easter eggs, originally painted with bright colors to represent the sunlight of spring, and used in egg-rolling contests, are traditions that have survived. According to the New Testament, Christ was crucified on the eve of Passover and soon rose from the dead. The Easter festival commemorated Christ's resurrection. Over time, there were serious differences between the early Christians over the date of the Easter festival. Those of Jewish origin celebrated Easter immediately after Passover, which fell on the evening of the full moon. Therefore, Easter, from year to year, fell on different days of the week. Christians of Gentile origin, on the other hand, wished to commemorate the resurrection on Sunday, the first day of the week. It was on the same day of the week each year, but fell on different dates from year to year. In 325 A.D. Roman Emperor Constantine the Great, who, early in his reign, issued a document allowing Christians to practice their religion within the empire, convoked the Council of Nicaea. The council unanimously ruled that the Easter festival should be celebrated throughout the Christian world on the first Sunday after the full moon following the vernal equinox.

At Easter, we receive again God's greatest gift of love: Jesus. Spring is a time to remember that gift. Death and resurrection are entwined not only in the death and resurrection of our Lord, but also in spring's final struggle with winter's strong grasp. There is a struggle in both dying and in birth and it is logical to think that something must be born in order to die. However, from Jesus' words in John's Gospel, Chapter 12, verses 23 and 24, as Jesus foresees his own death, the Bible tells us something different—it tells us that something must die in order to be born. Jesus says:

> The hour is come, that the Son of man should be glorified. Verily, verily, I say unto you, Except a corn of wheat fall into the ground and die, it abideth alone, but if it die, it bringeth forth much fruit.

Easter is the time of year that finds many churches overflowing. Parking attendants direct traffic caused by the overflow of cars on this special day. Pews are packed tight. Extra chairs line the aisles, and much of this crowd only sees the inside of a church once a year, and Easter is the day. It is nice to see new faces. Those who attend church every Sunday look around at all the new faces, hoping they will become familiar, and struggle to find their regular seats. The struggle is worth it, however, because some of these same people will come back and join with the community that has worshiped together all year. They will become members of a church family like those who have risen in the darkness to watch the youth group tell the Easter story at sunrise—there is nothing like it, telling it at sunrise—or who are praising God with their voices in the choir, or who cooked the pancake breakfast for Palm Sunday, or who decorated the Sanctuary with Easter Lilies. Perhaps they will be like those who teach the children the meaning of God's love and grace in Sunday school classes. They will find a church home. They will find God. They will be awakened. They will be reborn!

During our lives, we all experience the loss of a loved one. Have you ever thought about the resurrection story in a way that brought you comfort in your time of grief? A little boy recently lost his grandfather, and one day, when he was remembering his grandfather, he said to his mother, ''Mom, Easter will be extra special this year. We will have two reasons to celebrate! Granddad and Jesus have both

risen!'' If a 6-year-old can understand the beauty of the Easter story on this level, think of the hope that this celebration can bring to others who are grieving. I talked with one of my constituents on yesterday who lost his wife. I said: Come Eastertime, your wife knows your grief. She knows about your sorrow. And the beauty of the story is, you can see her again. Every year at this time I remember my beloved grandson, Michael, who died in a tragic accident in 1982. I know that he is in a better place, and my faith in the Lord carries me through my sorrow. I can visualize Michael stepping out of the tomb with Christ, and I know that he, too, is ''alive.'' Hear these words of Trappist monk Henri Nouwen:

> Easter does not make death less painful or our own grief less heavy. It does not make the loss less real, but Easter makes us see and feel that death is part of a much greater and much deeper event, the fullness of which we cannot comprehend, but which we know is a life-bringing event.

He goes on to say:

> The best way I can express to you the meaning death receives in the light of the resurrection of Jesus is to say that the love that causes us so much grief and makes us feel so fully the absurdity of death is stronger than death itself. Love is stronger than death. The same love that makes us mourn and protest against death will now free us to live in hope.

So, Mr. President, let Easter be the time to remember that the tomb is empty, that those who have passed before us have been reborn and will live eternal life. Let us rejoice at this miracle and the miracle of God's love. As we hide Easter eggs for our children, our grandchildren, or even our great grandchildren, and help them search through the green and purple Easter grass for the last sticky marshmallow chick and a handful of jelly beans, let us not forget the gift that God gave us. As Jesus said in the third chapter of the Gospel of John, verse 16:

> For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.

These are powerful words, and they are often used as words of persuasion, to bring others to Christ. God gave His only begotten Son . . . for us! What a powerful love that is!

While the Senate is in recess and the schools are closed for ''spring break,'' I hope that those who are listening will take this time to recall this miracle of Easter. I continue to believe that the warp and woof of this great Nation are the deeply rooted religious beliefs of its people. Our religious beliefs, though diverse, our common faith in the Creator, remind all of us to look for the greater good, the higher, better part of ourselves and of others. The lessons differ, but the message is the same. Let us love one another. The resurrection of Jesus is the basis for the Christian belief that not only Jesus, but all Christians, will triumph over death. In closing, I recall the words of William Jennings Bryan and his thoughts concerning Proof of Immortality:

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man, made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay? No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

Mr. President, let us celebrate these words of hope this Easter season. The tomb is empty and the soul of man will never, never die.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 (Mr. L. CHAFEE). Without objection, it is so ordered.

INDEPENDENT COUNSEL ROBERT RAY

Mr. LEVIN. Mr. President, I rise tonight to speak in support of the remarks that were made earlier today by the distinguished Senator from Nevada, Mr. REID. Senator REID spoke eloquently about the need for Robert Ray, the independent counsel who assumed duties when Kenneth Starr resigned, to bring that investigation of the President to a close.

The report earlier this week in the Washington Post that Mr. Ray is increasing his budget and his staff in contemplation of a possible indictment of the President after the President leaves office is chilling. Senator REID is right to remind Mr. Ray that this is the United States and not a country such as the old Soviet Union where the abuse of the administration of law was used as a political weapon.

Mr. Ray apparently justifies the continuation of his office and his consideration of an indictment of the President because of his commitment to the principle that no one is above the law.

Certainly in this country that principle is fundamental. That was the theory behind establishing the independent counsel law in the first place. But that principle has two other equally important applications. One is that it means Mr. Ray himself is not above the law; and, two, while it is imperative that top Government officials be treated no better than private citizens, it is equally important that they should also be treated no worse.

The independent counsel law requires that the independent counsel operate as a normal U.S. attorney and that the independent counsel comply with the policies and practices of the Department of Justice.

We require this in the law because we do not want our top Government officials to be treated worse than a private citizen. Yes, we want to make sure our top Government officials do not get preferential treatment, but equally important, we do not want them to be treated unfairly either.

Mr. Ray projects he is going to spend an additional $3.5 million in the next 6 months sifting through the evidence to determine whether or not he should indict the President for perjury in a civil case.

Do any of us think that a U.S. attorney would spend 2 years and tens of millions of dollars investigating a possible perjury charge in a civil suit to begin with? Does anyone think a U.S. attorney would then ask for or receive six new attorneys, additional investigators and contractors, and an additional $3.5 million of taxpayers' money on top of the 40 staff people and above the $52 million that the office had already spent to investigate?

The facts in the Lewinsky case have been sliced and diced and parsed and sifted through over and over again. They have been brutally revealed and thoroughly reviewed detail by detail.

If Mr. Ray is not to be above the law himself, and if he is to abide by the principle he claims to hold dear, then he should do what a U.S. attorney would do in a case like this involving a private citizen—bring it to a close.

The purpose of the independent counsel law is to fairly investigate top Government officials so they are treated no better and no worse than a private citizen. It is, instead, being used to pillory.

Nineteen months ago, Mr. Ray's predecessor, Kenneth Starr—surely a dogged independent counsel—represented to Congress that he was going to end the investigation ''soon.'' That was Mr. Starr's word, ''soon.''

Mr. Starr represented the following to the House of Representatives on September 11, 1998:

> All phases of the investigation are now nearing completion. This Office will soon make final decisions about what steps to take, if any, with respect to the other information it has gathered.

Those were Mr. Starr's words 19 months ago when he made the representation to the Congress of the United States and the people of the United States that his office would soon make final decisions about what steps to take, if any.

Mr. Ray's statement, as reported in the Washington Post, that this is still an open investigation and that he wants six new attorneys and $3.5 million more belies Mr. Starr's formal representation to the Congress and to the

people. In commenting on Mr. Ray's latest statements, Pulitzer Prize winning columnist Maureen Dowd noted that even Javert, the driven policeman in the book ''Les Miserables,'' who was singularly focused on capturing Jean Valjean ''jumped into the Seine at some point.''

I am not urging Mr. Ray to jump into the Potomac. I am saying—and I am confident that this is the opinion of the majority of the people in our country—that Mr. Ray needs to bring this investigation to a close and to do it now.

The Lewinsky matter is over. The Paula Jones case is over. They were traumatic times for the country. The public has suffered. The President has been punished. It is time to move on. To extend this investigation with new attorneys and more money and more time is to punish the country. The country doesn't deserve it.

Mr. President, I ask unanimous consent that today's editorial from the New York Times entitled ''Reining in Robert Ray'' and today's op-ed piece from the Washington Post by Richard Cohen entitled ''Independent Counsel Overkill'' be printed in the RECORD.

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

[From the New York Times, Apr. 13, 2000]

REINING IN ROBERT RAY

There are worrying signs that Robert Ray, the career prosecutor who succeeded Kenneth Starr as independent counsel investigating President Clinton, shares his clumsy predecessor's problem in winding up an investigation. Mr. Ray at this point should have a concise two-point agenda—to deliver a report summing up the findings of his office, and then go home. Instead he is beefing up his staff. Moreover, he makes it no secret that he is actively considering indicting Mr. Clinton after he leaves office in connection with the same issues that were argued at the impeachment trial last year.

In other words, Mr. Ray intends to drag out his mandate nine more months. ''It is an open investigation,'' he told The Washington Post this week. ''There is a principle to be vindicated, and that principle is that no person is above the law, even the president of the United States.''

Mr. Ray is right about that principle, and we have consistently favored vigorous inquires into the president's personal and campaign finances and his truthfulness under oath.

But respect for the rule of law does not require a suspension of reasonable prosecutorial discretion.

It would be a disservice to the Constitution to set a new precedent of indicting former presidents over offenses adjudicated in the context of impeachment that received an adequate and punishing airing in the Senate trial. Responding to the new stirrings in the independent counsel's office, Vice President Gore said yesterday that Mr. Clinton had no intention of pardoning himself should he be indicted while president, or accepting a pardon from his successor. That is laudable, if true. Yet the possibility of criminal charges against the president should not be on the table at this late date. The nation has moved on, and once he has completed his overdue reports, so should Mr. Ray.

[From the Washington Post, Apr. 13, 2000]

INDEPENDENT COUNSEL OVERKILL

(By Richard Cohen)

Something happens to an ordinary man when he becomes an independent counsel. His chest must swell, his biceps must bulge and he probably cannot pass a phone booth without feeling the urge to change his clothes. Such a man is Robert W. Ray, the successor to Ken Starr, who earlier this week told The Post he just might indict Bill Clinton after the president leaves office. Stay in that phone booth, Bob.

Ray's warning is backed by a reconstitution of the office. Six new lawyers have been hired. A new investigator has been brought on board. An FBI agent has been detailed to the staff, and Ray plans to spend even more money in the next six months than he has in the last—for a total of $6.6 million. From what he says and the way he has been acting, it seems Ray might put the cuffs on Clinton just as the new president says, ''So help me God.''

Why? ''There is a principle to be vindicated,'' he told The Post's David Vise, ''and that principle is that no person is above the law, even the president of the United States.'' This, of course, is the sort of thing you find chiseled over courthouse doors, contradicted only by what transpires in the courthouse itself. Some people are above the law. The envelope, please.

The first is Richard Nixon. Guilty of obstruction of justice, of using our very government to cover up his crimes and lying so often about so much that I don't think he spoke the truth for his entire last year in office, he nonetheless was given a deal: resign the presidency and you will not be indicted. Just to make the deal sweeter, Gerald Ford, his successor, pardoned him.

Next comes Spiro T. Agnew, Nixon's first vice president. A more mendacious fellow never occupied that office. He extorted. He accepted bribes. He lied. Yet he too was allowed to resign his office, pay a wee fine—and go his merry way. An ordinary man would have gone to jail. Agnew too was above the law.

These are not happy facts, but they are true nevertheless. They reflect a coming to terms with reality that, in the end, persuaded prosecutors to abandon their plans to seek indictments. The stakes were greater than the fate of a single man and, besides, some felt Nixon and Agnew had been punished enough. They were ruined men.

The reality is that Clinton, too, has already paid a penalty. He is only the second president to be impeached and he has undergone the most mortifying and virtually molecular examination of his private life. To most Americans, the matter must seem closed. It sure seemed that way to Richard Posner, the federal judge whose wisdom was recently enlisted in a vain attempt to settle the government's case against Microsoft.

Posner is the author of a book about the Clinton investigation, ''An Affair of State,'' for which he was criticized by Ronald Dworkin, a New York University law professor who is as eminent on the left as Posner is on the right. Dworkin wrote recently in the New York Review of Books that as a sitting judge, Posner should never have written about an ''impending'' case.

Nonsense, replied Posner in the current issue. ''A prosecution of President Clinton, while conceivable as a theoretical possibility, is not imminent and in fact will almost certainly never happen.'' He even restated it by saying, ''Almost no issue of policy has a smaller probability of someday becoming a legal case.'' Clearly, Robert Ray has not read Posner.

But he should. We all know Clinton lied. We all believe he perjured himself, and I, for one, do not excuse him for any of it. A president, of all people, should not lie under oath. Still, it has all been played out, talked to death in the House and Senate, yakked to smithereens on television and bound for posterity by Ken Starr.

Ray can indict Clinton anywhere he has a grand jury. But Washington's the town where the president works, where he lives and where he was deposed. If there was a crime, Washington's the crime scene. A trial there would mean a jury pool drawn from a majority black city where, in most neighborhoods, no one has seen a Republican since the Garfield administration. But no matter where he was tried, it likely would be by people who feel that a person who lies about sex, while technically wrong, is guilty only of committing common sense. A conviction is out of the question.

Give it up Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.

Much of the country already has.

ONE YEAR OF COLUMBINE

Mr. LEVIN. Mr. President, one week from today, we will memorialize the worst school shooting tragedy in our nation's history. The very mention of Columbine High School strikes a nerve with the American public. It reminds us of a horrendous scene of children, screaming and running from their assailants, while SWAT-teams descended on to their otherwise calm neighborhood. On April 20, this year the nation will remember, but for the students of Columbine, those few hours of April 20, 1999 are replayed over and over again every day in their minds.

The survivors of Columbine revisit the massacre daily. They are reminded of that day by the fragments of ammunition in their bodies, or the scars cut deep in to their skin. When they see trenchcoats, they shudder, when they hear or smell fireworks, they get flashbacks. At such young ages, they have endured unimaginable physical and emotional pain. They have been poked and prodded by nurses, physicians, surgeons, physical, occupational and recreational therapists, and clinical psychologists. Some of them have found peace, others are still angry and frightened. A few can not tell their stories but many can tell them over and over again.

For Columbine-survivor Valeen Schnurr, ''The nights are always the worst.'' Valeen is in college now, but Columbine is still very much with her. She writes, ''Inevitably, I find my thoughts drifting into nightmares, terrifying images of the library at Columbine High School on April 20, 1999. The sound of students screaming as explosives and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my own voice professing my faith in God; seeing my hands fill with my own blood; and my friend Lauren Townsend lying lifeless beside me as I try to wake her.''

''In the mornings when I look in the mirror, the scars I see on my arms and upper body always remind me that it's

not just a nightmare, but the memory of a real event that will stay with me for the rest of my life. The scars are a part of me now, but they help me to remember that I've been blessed with a second chance at life.''

Another survivor, Kelsey Bane, talks about how she felt on her first day back at Columbine. ''On August 16, 1999, a new school year began. Only this year, I wasn't full of excitement. Instead, I was full of emotions I can't describe, because I was headed back to my school—Columbine High—for the first time since April 20. I was scared out of my mind, but I knew that whatever I did that day would determine the way I would live the rest of my life. So I went to school; I faced my fears and my nightmares from the past four months and got ready to begin a new school year.''

Over the last year, ''[it] has gotten harder, as I expected it would. Sometimes I can't remember what used to occupy my thoughts, because now my mind is overwhelmed by these horrific experiences. Our lives will never be the same—and I don't think I will ever fully accept that.''

Nicole Nowlen, who was a relatively new student when the tragedy occurred, wrote ''nine pieces of buckshot hit me; four exited and five are still inside. When school started at Chatfield High [in May], I wasn't physically ready, so I finished my sophomore year with a tutor and went back to Columbine in August.''

''It's been like this roller-coaster ride ever since. October and November got too crazy. First they arrested a kid [from Columbine] for making threats to finish the job. Then there was the six-month anniversary, and Mrs. Hochhalter [the mother of Anne Marie Hochhalter who was badly injured] killed herself. In all my classes, the kids never stopped talking about the shooting. It was depressing, so I decided to be home schooled.

''I started seeing a counselor in November . . . Things are better now, so I'm not going anymore. I may go again, but for now I'm at a good point.''

''What helped me the most was Gerda Weissman Klein. She's a 75-year-old Holocaust survivor who came to speak at our school in January. She's really the only one who understands what happened to all of us.''

For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine to try to end school shootings and reduce access to guns among young people. As of this one-year anniversary, Congress has failed to do so.

Columbine victim Valeen Schnurr wrote, ''People on the outside don't realize how horrible it can actually be. We're the ones who can get everyone motivated and involved in making changes.'' I only hope Valeen is right. Her story should motivate Congress to strengthen our laws and save the lives of America's children.

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

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

DEFENDING THE INDEPENDENT COUNSEL

Mr. SESSIONS. Mr. President, I was disappointed to hear one of our fine Senators, an able attorney, take the floor just a few minutes ago to commence a new round of attacks, it appears, on the new independent counsel, Mr. Ray.

We went through a period of time in which a person in this country was trying to enforce the law, trying to complete his duty as a sworn officer of the court, an individual asked to serve by the Attorney General of the United States, Mr. Starr, who conducted himself with restraint, propriety and fidelity to duty—a thankless task. He then gave up that office. Now it appears that Mr. Ray will be subjected to the same type of remarks. It is really disturbing and frustrating for me to hear that. I hope we don't hear that beginning. He simply made the obvious statement to the paper that the President can be indicted after he leaves office. He said that the investigation is not complete. He is charged with completing the investigation. He has an obligation to complete it, and he should complete it. I don't think anyone would suggest that he ought to stop before the evidence is gathered, that he ought not to fulfill his duty and responsibility that has been given to him. So I am really concerned about that.

During the impeachment trial—and I hate to even recall that, but I didn't start this discussion tonight—I remember that those on the other side of the aisle said even if a crime were committed, that would be something a prosecutor would deal with but it did not require us to impeach. Obviously, that is true. People could have believed that crime was committed and that an impeachment vote was not required. But that does not suggest a prosecution should not go forward. We have a principle in this country that is chiseled into the walls of the Supreme Court building: Equal Justice Under Law.

The Supreme Court made clear during the Nixon case, and at other times, that no American is above the law. They say, well, you would never prosecute another citizen in America for committing perjury in a civil case. That is silly. Well, I suggest that is not accurate. People are prosecuted for perjury in civil cases. I served as a U.S. attorney for 12 years in Mobile, AL. I remember very distinctly a young police officer who accused the chief of police of corruption. He was his driver. He made allegations in a deposition, and lawsuits were filed against the chief of police in Mobile, AL, who was an African American. They were coming after him. He repeated that under oath, and it turned out to be totally bogus. He eventually admitted it was bogus. He came to me as a U.S. attorney, a Federal prosecutor—it was a Federal lawsuit—and I believed it ought to be prosecuted. We charged that young man for that stupid, perjurious, felonious act. He pleaded guilty to it, as well he should have.

I don't know why the President is above that. If he did a crime, he ought to answer for it. I remember when this matter was at one of its intense points, I shared a private conversation with a distinguished Senator on the other side of the aisle. I shared with him that maybe the President ought to just admit he did something wrong, say he did it to the world, say he didn't tell the truth, ask the Congress to not impeach him, ask the American people for forgiveness, and say when he serves his term and walks out of there, he is willing to plead guilty to any crime he committed and ask for the mercy of the court. Now that would have ended the whole thing. That would have taken a manly act on his part, which I didn't really see occur during that time.

So I don't know how it ought to be handled. But I don't believe a duly appointed special prosecutor needs to be subjected to abuse on the floor of the Senate for doing what he is instructed to do and charged with doing by the courts of America. And to say it is like Russia, I don't appreciate that one bit. What is like Russia is when leaders lie, cheat, steal, and maintain their office. That is what happens in a country such as Russia, not in a free democracy where all Americans are equal and have a right to know that every other public official is equal and subject to the law just as they are.

I am not suggesting I know what the facts are or that Mr. Ray does or does not have a good case. I have been a prosecutor, and I know what you have to do. A prosecutor has to gather the facts. Then if he has a case, he has to put it out before the whole world. If it is not there, he will be remembered for a bogus and unfair prosecution, if he ever got an indictment from a grand jury, which I doubt he would if he didn't have a good case. I am not afraid of the system. The President is subject to the system as is anyone else.

I wish we could bring this investigation to a close, but I happen to be on the committee involved in an investigation of various matters involving campaign finance and spying and that sort of thing. Senator SPECTER from

Pennsylvania chairs it, and Senator TORRICELLI is a member. We have an incredibly difficult time getting information and documents from this Government. No wonder it takes Mr. Starr and Mr. Ray so long and they are frustrated at every turn in obtaining evidence they need to make a legitimate decision and present a legitimate case to a grand jury.

I wish this were over. I wish we never had to talk about it. I don't intend to raise the subject myself. But as a Federal attorney, I have been in court trying to do my duty. I have made up my mind that I am not going to allow somebody who is doing his duty to gather the evidence and make a decision on whether a case ought to go forward to be abused and compared to somebody in Russia. I am not going to allow that. We need to speak out against that, and I intend to do so at every opportunity.

THE CALENDAR

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following Energy Committee matters:

S. 397, Calendar No. 448; S. 503, Calendar No. 449; S. 1694, Calendar No. 450; S. 1167, Calendar No. 451; H.R. 150, Calendar No. 452; H.R. 834, Calendar No. 453; H.R. 1231, Calendar No. 454; H.R. 1444, Calendar No. 455; H.R. 2368, Calendar No. 456; H.R. 2862, Calendar No. 457; H.R. 2863, Calendar No. 458; S. 408, Calendar No. 462; S. 1218, Calendar No. 463; S. 1629, Calendar No. 467; H.R. 3090, Calendar No. 488; S. 1797, Calendar No. 494; S. 1892, Calendar No. 497.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, the bills then be considered read the third time and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear at this point in the RECORD, with the above occurring en bloc.

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

NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (S. 397) to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials technology, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu there of the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Materials Corridor and United States-Mexico Border Technology Partnership Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the 2,000 mile long United States-Mexico border region, extending 100 kilometers north and south of the international boundary, has undergone rapid economic growth that has provided economic opportunity to millions of people;

(2) the border region's rapid economic growth has unfortunately created serious problems including pollution, hazardous wastes, and the inefficient use of resources that threaten people's health and the prospects for long-term economic growth in the region;

(3) there are a significant number of major institutions in the border States of both countries currently conducting research, development and testing activities in technologies that might help alleviate these problems;

(4)(A) these new technologies may provide major opportunities for significantly—

(i) minimizing industrial wastes and pollution that may pose a threat to public health;

(ii) reducing emissions of atmospheric pollutants;

(iii) using recycled natural resources as primary materials for industrial production; and

(iv) improving energy efficiency; and

(B) such advances will directly benefit both sides of the United States-Mexico border by encouraging energy efficient, environmentally sound economic development that improves the health and protects the natural resources of the border region;

(5) in August 1998, the binational United States-Mexico Border Region Hazardous Wastes Forum, organized by the Department of Energy's Carlsbad Area Office, resulted in a consensus of experts from the United States and Mexico that the Department of Energy's science and technology could be leveraged to address key environmental issues in the border region while fostering further economic development of the border region;

(6) the Carlsbad Area Office, which manages the Waste Isolation Pilot Plant in Carlsbad, New Mexico, is well suited to lead a multiagency program focused on the problems of the border region given its significant expertise in hazardous materials and location near the border;

(7)(A) promoting clean materials industries in the border region that are energy efficient has been identified as a high priority issue by the United States-Mexico Foundation for Science Cooperation; and

(B) at the 1998 discussions of the United States-Mexico Binational Commission, Mexico formally proposed joint funding of a ''Materials Corridor Partnership Initiative'', proposing $1,000,000 to implement the Initiative if matched by the United States;

(8) recognizing the importance of materials processing, research institutions in the border States of both the United States and Mexico, in conjunction with private sector partners of both nations, and with strong endorsement from the Government of Mexico, in 1998 organized the Materials Corridor Council to implement a cooperative program of materials research and development, education and training, and sustainable industrial development as part of the Materials Corridor Partnership Initiative; and

(9) successful implementation of this Act would advance important United States energy, environmental, and economic goals not only in the United States-Mexico border region but also serve as a model for similar collaborative, transnational initiatives in other regions of the world.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a multiagency program to—

(1) alleviate the problems caused by rapid economic development along the United States-Mexico border;

(2) support the Materials Corridor Partnership Initiative referred to in section 2(7); and

(3) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

SEC. 4. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the program established under section 5(a).

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

SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a multiagency program to—

(A) alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security;

(B) support the Materials Corridor Partnership Initiative; and

(C) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

(2) CONSIDERATIONS.—In developing the program, the Secretary shall give due consideration to the proposal made to the United States-Mexico Binational Commission for the Materials Corridor Partnership Initiative.

(3) PROGRAM MANAGEMENT.—This program shall be managed for the Secretary by the Department's Carlsbad Area Office, with support, as necessary, from the Albuquerque Operations Office.

(b) PARTICIPATION OF OTHER FEDERAL AGENCIES AND COMMISSIONS.—The Secretary shall organize and conduct the program jointly with—

(1) the Department of State;

(2) the Environmental Protection Agency;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology;

(5) the United States-Mexico Border Health Commission; and

(6) any other departments, agencies, or commissions the participation of which the Secretary considers appropriate.

(c) PARTICIPATION OF THE PRIVATE SECTOR.—When appropriate, funds made available under this act shall be made available for technology deployment, research, and training activities that are conducted with the participation and support of private sector organizations located in the United States and, subject to section 7(c)(2), Mexico, to promote and accelerate in the United States-Mexico border region the use of energy efficient, environmentally sound technologies and other advances resulting from the program.

(d) MEXICAN RESOURCE CONTRIBUTIONS.—The Secretary shall—

(1) encourage public, private, nonprofit, and academic organizations located in Mexico to contribute significant financial and other resources to the program; and

(2) take any such contributions into account in conducting the program.

(e) TRANSFER OF TECHNOLOGY FROM NATIONAL LABORATORIES.—In conducting the program, the Secretary shall emphasize the transfer and use of technology developed by the national laboratories of the Department of Energy.

SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.

(a) ACTIVITIES.—Funds made available under this Act shall be made available for technology deployment, research, and training activities, particularly related to hazardous waste and materials technologies, that will alleviate the problems caused by rapid economic development

along the United States-Mexico border, that focus on issues related to the protection of public health and environmental security, and that promote—

(1) minimization of industrial wastes and pollutants;

(2) reducing emissions of atmospheric pollutants;

(3) use of recycled resources as primary materials for industrial production; and

(4) improvement of energy efficiency.

(b) MAJOR PROGRAM ELEMENTS.—

(1) IN GENERAL.—The program shall have the following major elements, all of which shall emphasize hazardous waste and materials technologies:

(A) Technology Deployment, focused on the clear, operational demonstration of the utility of well developed technologies in new organizations or settings.

(B) Research, focused on developing, maturing, and refining technologies to investigate or improve the feasibility or utility of the technologies.

(C) Training, focused on training businesses, industries, and their workers in the border region in energy efficient, environmentally sound technologies that minimize waste, decrease public health risks, increase recycling, and improve environmental security.

(2) TECHNOLOGY DEPLOYMENT AND RESEARCH.—Projects under paragraph (1)(A) and (1)(B) should typically involve significant participation from private sector organizations that would use or sell such a technology.

SEC. 7. PARTICIPATION OF DEPARTMENTS, AGENCIES, AND COMMISSIONS OTHER THAN THE DEPARTMENT OF ENERGY.

(a) AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the departments, agencies, and commissions referred to in section 5(b) on the coordination and implementation of the program.

(b) ACTIONS OF DEPARTMENTS, AGENCIES, AND COMMISSIONS.—Any action of a department, agency, or commission under an agreement under subsection (a) shall be the responsibility of that department, agency, or commission and shall not be subject to approval by the Secretary.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary and the departments, agencies, and commissions referred to in section 5(b) may use funds made available for the program for technology deployment, research, or training activities carried out by—

(A) State and local governments and academic, nonprofit, and private organizations located in the United States; and

(B) State and local governments and academic, nonprofit, and private organizations located in Mexico.

(2) CONDITION.—Funds may be made available to a State or local government or organization located in Mexico only if a government or organization located in Mexico (which need not be the recipient of the funds) contributes a significant amount of financial or other resources to the project to be funded.

(d) TRANSFER OF FUNDS.—The Secretary may transfer funds to the departments, agencies, and commissions referred to in section 5(b) to carry out the responsibilities of the departments, agencies, and commissions under this Act.

SEC. 8. PROGRAM ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an advisory committee consisting of representatives of the private, academic, and public sectors.

(2) CONSIDERATIONS.—In establishing the advisory committee, the Secretary shall take into consideration organizations in existence on the date of enactment of this Act, such as the Materials Corridor Council and the Business Council for Sustainable Development-Gulf Mexico.

(b) CONSULTATION AND COORDINATION.—Departments, agencies, and commissions of the United States to which funds are made available under this Act shall consult and coordinate with the advisory committee in identifying and implementing the appropriate types of projects to be funded under this Act.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Federal departments, agencies, and commissions participating in the program may provide financial and technical assistance to other organizations to achieve the purpose of the program.

(b) TECHNOLOGY DEPLOYMENT AND RESEARCH.—

(1) USE OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use cooperative agreements to fund technology deployment and research activities by organizations outside the Federal Government.

(B) NATIONAL LABORATORIES.—In the case of a technology deployment or research activity conducted by a national laboratory, a funding method other than a cooperative agreement may be used if such a funding method would be more administratively convenient.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal Government shall pay not more than 50 percent of the cost of technology deployment or research activities under the program.

(B) QUALIFIED FUNDING AND RESOURCES.—No funds or other resources expended either before the start of a project under the program or outside the scope of work covered by the funding method determined under paragraph (1) shall be credited toward the non-Federal share of the cost of the project.

(c) TRAINING.—

(1) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use grants to fund training activities by organizations outside the Federal Government.

(2) NATIONAL LABORATORIES.—In the case of a training activity conducted by a national laboratory, a funding method other than a grant may be used if such a funding method would be more administratively convenient.

(3) FEDERAL SHARE.—The Federal Government may fund 100 percent of the cost of the training activities of the program.

(d) SELECTION.—All projects funded under contracts, grants, or cooperative agreements established under this program shall, to the maximum extent practicable, be selected in an open, competitive process using such selection criteria as the Secretary, through his program management, and in consultation with the departments, agencies, and commissions referred to in section 5(b), determines to be appropriate. Any such selection process shall weigh the benefits to the border region.

(e) ACCOUNTING STANDARDS.—

(1) WAIVER.—To facilitate participation in the program, Federal departments, agencies, and commissions may waive any requirements for Government accounting standards by organizations that have not established such standards.

(2) GAAP.—Generally accepted accounting principles shall be sufficient for projects under the program.

(f) NO CONSTRUCTION.—No program funds may be used for construction.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2000 through 2004.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 397), as amended, was passed.

The title was amended so as to read:

To authorize the Secretary of Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.

SPANISH PEAKS WILDERNESS ACT OF 1999

The Senate proceeded to consider the bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness'', which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 503

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 ''Spanish Peaks Wilderness Act of 1999''.

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

''(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

''(B) shall be known as the 'Spanish Peaks Wilderness'.''.

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the ''Secretary''), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

[SEC. 3. ACCESS.

[Within the Spanish Peaks Wilderness designated under section 2—

[(1) the Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established prior to the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide; and

[(2) access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).**]**

SEC. 3. ACCESS.

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The committee amendment was agreed to. The bill (S. 503), as amended, was passed.

HAWAII WATER RESOURCES RECLAMATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1694) direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1694

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 ''Hawaii Water Resources Reclamation Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of August 23, 1954 (68 Stat. 773, chapter 838) authorized the Secretary of the Interior to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii;

(2) section 31 of the Hawaii Omnibus Act (43 U.S.C. 422*l*) authorizes the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the ''Small Reclamation Projects Act'');

(3) the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizes the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes;

(4) there is a continuing need to manage, develop, and protect water and water-related resources in the State; and

(5) the Secretary should undertake studies to assess needs for the reclamation of water resources in the State.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Hawaii.

SEC. 4. WATER RESOURCES RECLAMATION STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall conduct a study that includes—

(1) a survey of irrigation and water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and water delivery systems;

(3) an evaluation of options for future use of the irrigation and water delivery systems (including alternatives that would improve the use and conservation of water resources); and

(4) the identification and investigation of other opportunities for reclamation and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than **[**1 year after the date of enactment of this Act,**]** *2 years after appropriation of funds authorized by this Act,* the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the Committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5. WATER RECLAMATION AND REUSE.

Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: '', and the State of Hawaii''.

SEC. 6. DROUGHT RELIEF.

Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after ''Reclamation State'' the following: ''and in the State of Hawaii''; and

(2) in subsection (c), by striking ''ten years after the date of enactment of this Act'' and inserting ''on September 30, 2005''.

The committee amendment was agreed to.

The bill (S. 1694), as amended, was passed.

INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL

The Senate proceeded to consider the bill (S. 1167) amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1167

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

SECTION 1. REVIEW OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES BY THE INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL.

Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

''(vii) REVIEW BY THE PANEL OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES.—

''(I) IN GENERAL.—With regard to Columbia Basin fish and wildlife projects, programs or measures proposed in a Federal agency budget to be reimbursed by BPA, or paid through a direct funding agreement with BPA, the panel shall annually—

''(aa) review such proposals;

''(bb) determine whether the proposals are consistent with the criteria stated in item (iv);

''(cc) make any recommendations that the Panel considers appropriate to make the project, program, or measure meet the criteria stated in item (iv); and

''(dd) transmit the recommendations to the Council no later than April 1 of each year.

''(II) PUBLIC AVAILABILITY AND COMMENT.—Determinations and recommendations made by the panel under subclause (I) shall be available to the public and shall be subject to public comment as in item (v).

''(III) ROLE OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects proposed by Federal agencies and reimbursed by BPA, or paid through a direct funding agreement with BPA. The Council shall submit its recommendations to the House and Senate Committees on Appropriations and relevant authorizing committees, *and the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Reclamation, and the Bonneville Power Administration* no later than May 15 of each year. If the Council does not incorporate a recommendation of the Panel in its recommendations, the Council shall explain in writing its reasons for not accepting Panel recommendations.

''(viii) COST LIMITATION.—The annual cost of this provision shall not exceed $750,000 in 1997 dollars.''.

The committee amendment was agreed to.

The bill (S. 1167), as amended, was passed.

EDUCATION LAND GRANT ACT

The Senate proceeded to consider the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''National Forest Education and Community Purpose Lands Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for recreational, educational and other public purposes;

(2) in many cases, such recreational, educational and other public purposes are not within the mission of the Forest Service, but would not be inconsistent with land and resource management plans developed for the adjacent national forest;

(3) such communities are often unable to acquire land for such recreational, educational and other public purposes due to extremely high market value of private land resulting from the predominance of Federal land in the local area; and

(4) the national forests and adjacent communities would mutually benefit from a process similar to that available to the Bureau of Land

Management under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601).

(2) PARCEL.—

(A) IN GENERAL.—The term ''parcel'' means a parcel of land under the jurisdiction of the Forest Service that has been withdrawn from the public domain.

(B) EXCLUSION.—The term ''parcel'' does not include land set aside or held for the benefit of Indians.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. DISPOSAL OF NATIONAL FOREST SYSTEM LAND FOR PUBLIC PURPOSES.

(a) AUTHORITY.—Upon receipt and approval of an application in writing, the Secretary may dispose of National Forest System land to a State or a political subdivision of a State as provided in this section on the condition that the parcel be used for recreational, educational and other public purposes, as determined by the Secretary.

(b) CONDITIONS OF DISPOSAL, TRANSFER OF TITLE, OR CHANGE IN USE.—Before any parcel may be disposed of or any application for a transfer of title to or a change in use of a parcel is approved under this section, the Secretary shall determine that—

(1) the parcel is to be used for an established or proposed project that is described in detail in the application to the Secretary, and that would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such parcel in Federal ownership;

(2) the applicant is financially and otherwise capable of implementing the proposed project; and

(3) the acreage is not more than is reasonably necessary for the proposed use.

(c) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for public participation in a disposal under this section, including at least one public hearing or meeting, to provide for public comments.

(d) REVIEW OF APPLICATIONS.—

(a) IN GENERAL.—When the Secretary receives an application under this section to convey a parcel for recreational, educational, or other public purposes related to emergency services, the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) before the end of the 120-day period beginning on that date—

(i) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(ii) submit written notice to the applicant containing the reasons why a final determination has not been made.

(2) OTHER APPLICATIONS.—When the Secretary receives an application under this section to convey a parcel for any public purposes other than those under paragraph (1), the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) take reasonable actions necessary to make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination, to the extent practicable, before the end of the 180-day period beginning on that date.

(e) PARCELS WITHDRAWN IN AID OF FUNCTIONS OF FEDERAL AND STATE AGENCIES.—If a parcel has been withdrawn in aid of a function of a Federal agency other than the Department of Agriculture or of an agency of a State or political subdivision of a State (including a water district), the Secretary may dispose of the parcel under this section only with the consent of the agency.

(f) CONVEYANCES AND LEASES.—

(1) CONVEYANCES.—The Secretary may convey a parcel to the State or a political subdivision of a State in which the parcel is located if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(2) LEASES.—The Secretary may lease a parcel to the State or a political subdivision of a State in which the parcel is located, at a reasonable annual rental, for a period up to 25 years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(3) CONSIDERATION.—The conveyance or lease of a parcel for purposes under this section shall be made at a price to be fixed by the Secretary, consistent with the pricing structure established by the Secretary of the Interior under the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

(g) ACREAGE LIMITATIONS AND PROPERTY DESCRIPTIONS.—

(1) ACREAGE LIMITATIONS.—A conveyance under this section may not exceed 100 acres, unless the parcel contains facilities that have been determined by the Secretary to be suitable for disposal under the authority of the General Services Administration. This limitation shall not be construed to preclude an entity from submitting subsequent applications under this section for additional land conveyances if the entity can demonstrate to the Secretary a need for additional land.

(2) DESCRIPTION OF PROPERTY.—If necessary, the exact acreage and legal description the real property conveyed under this subsection shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(3) RECREATION AND PURPOSES ACT.—Section 1 of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869), as amended, is further amended by adding at the end the following:

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

(h) RESERVATION OF MINERAL RIGHTS.—Each conveyance or lease under this section shall contain a reservation to the United States of all mineral deposits in the parcel conveyed or leased and of the right to mine and remove the mineral deposits under applicable laws (including regulations).

(i) USE OF THE LEASED LAND FOR UNAUTHORIZED PURPOSES.—Each lease under this section shall contain a provision for termination of the lease on a finding by the Secretary that—

(1) the parcel has not been used by the lessee as specified in the lease of a period greater than 5 years; or

(2) the parcel or any part of the parcel is being devoted to a use other than that for which the lease was made.

(j) CONDITIONS OF CONVEYANCE; REVERSION FOR NONCOMPLIANCE.—

(1) CONDITIONS OF CONVEYANCE.—

(A) TRANSFER OF TITLE.—

(i) IN GENERAL.—Except as provided in clause (ii), title to a parcel conveyed by the Secretary under this section may not be transferred by the grantee or a successor of the grantee.

(ii) EXCEPTION.—With the consent of the Secretary in accordance with this section, title to a parcel may be transferred to the State or a political subdivision of the State in which the parcel is located.

(B) USE.—

(i) IN GENERAL.—Except as provided in clause (ii), a grantee or a successor of the grantee may not change the use specified in the conveyance of a parcel under this section to another or additional use.

(ii) EXCEPTION.—Upon application and appropriate public participation, the Secretary may approve a change in use of a parcel to anther recreational, educational or other public use, in accordance with this section.

(2) REVERSION FOR NONCOMPLIANCE.—If at any time after a parcel is conveyed by the Secretary, the grantee or a successor of the grantee, without the consent of the Secretary, attempts to transfer title to or control over the parcel to another person or entity or to devote the parcel to a use other than that for which the parcel was conveyed, title to the parcel shall revert to the United States.

(k) PRIOR CONVEYANCES.—On application by the State or a political subdivision of the State in which the parcel is located, the Secretary may authorize a transfer of title or a change in use in accordance with subsection (j) with respect to any parcel conveyed under this section or any other law.

(l) SOLID WASTE DISPOSAL SITES.—

(1) CONVEYANCE FOR THE PURPOSES OF SOLID WASTE DISPOSAL.—If the Secretary receives an application for conveyance of a parcel under this section for the purpose of solid waste disposal or for another purpose that the Secretary finds may include the disposal, placement, or release of any hazardous substance, the Secretary may convey the parcel subject only to this subsection.

(2) INVESTIGATION.—

(A) IN GENERAL.—Before any conveyance of a parcel under this subsection, the Secretary shall investigate the parcel to determine whether any hazardous substance is present on the parcel.

(B) ELEMENTS OF AN INVESTIGATION.—An investigation under subparagraph (A) shall include—

(i) a review of any available records of the use of the parcel; and

(ii) all appropriate analyses of the soil, water and air associated with the parcel.

(C) PRESENCE OF A HAZARDOUS SUBSTANCE.—A parcel shall not be conveyed under this subsection if the investigation indicates that any hazardous substance is present on the parcel.

(3) SUBMISSION TO OTHER STATE AND FEDERAL AGENCIES.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant has furnished evidence, satisfactory to the Secretary, that a copy of the application and information concerning the proposed use of the parcel covered by the application has been provided to the Environmental Protection Agency and to all other State and Federal agencies with responsibility for enforcement of Federal and State laws applicable to land used for the disposal, placement, or release of solid waste or any hazardous substance.

(4) WARRANTY.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant gives a warranty that—

(A) use of the parcel covered by the application will be consistent with all applicable Federal and State laws, including laws dealing with the disposal, placement, or release of hazardous substances; and

(B) the applicant will hold the United States harmless from any liability that may arise out of any violation of any such law.

(5) REQUIREMENTS.—A conveyance under this subsection shall be made to the extent that the applicant demonstrates to the Secretary that the

parcel covered by an application meets all applicable State and local requirements and is appropriate in character and reasonable in acreage in order to meet an existing or reasonably anticipated need for solid waste disposal or for another proposed use that the Secretary finds may include the disposal, placement, or release of any hazardous substance.

(6) CONDITIONS.—

(A) IN GENERAL.—A conveyance of a parcel under this subsection shall be subject to the conditions stated in this paragraph.

(B) REVERTER.—

(i) IN GENERAL.—The instrument of conveyance shall provide that the parcel shall revert to the United States unless substantially all of the parcel has been used, on or before the date that is 5 years after the date of conveyance, for the purpose specified in the application, or for other use or uses authorized under subsection (b) with the consent of the Secretary.

(ii) LIMITATION.—No portion of a parcel that has been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or lease of a hazardous substance shall revert to the United States.

(C) PAYMENT TO THE SECRETARY ON FURTHER CONVEYANCE.—If at any time after conveyance any portion of a parcel has not been used for the purpose specified in the application, and the entity to which the parcel was conveyed by the Secretary transfers ownership of the unused portion to any other person or entity, transferee shall be liable to pay the Secretary the fair market value of the transferred portion as of the date of the transfer, including the value of any improvements thereon.

(D) USE OF PAYMENTS.—Subject to the availability of appropriations, all amounts received by the Secretary under subparagraph (C) shall be retained by the Secretary, shall be available to the Secretary for use for the management of National Forest System land, and shall remain available until expended.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 150), as amended, was passed.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 834) to extend the authoirization for the National Historic Preservation Fund, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Historic Preservation Act Amendments of 1999''.

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2005''.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking ''agency.'' and inserting ''agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).''.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking ''Officer;'' and inserting ''Officer; and'';

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.'';

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking ''preservation; and'' and inserting ''preservation, and'';

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking ''programs;'' and inserting ''programs; and'';

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking ''year.'' and inserting ''year;'';

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking ''purposes this Act'' and inserting ''purposes of this Act''; and

(B) by striking ''him:.'' and inserting ''him.'';

(7) in section 108 (16 U.S.C. 470h)) by striking ''(43 U.S.C. 338)'' and inserting ''(43 U.S.C. 1338)'';

(8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council'';

(9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking ''(25 U.S.C. 3001(3) and (9))'' and inserting ''(25 U.S.C. 3001 (3) and (9)))'';

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking ''Officer, and'' and inserting ''Officer; and'';

(11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking ''Except as provided in subsection (b) of this section, no'' and inserting ''No'';

(12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking ''Except as provided in subsection (b) of this section, the'' and inserting ''The'';

(13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking ''organizations, and'' and inserting ''organizations; and''.

(b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking ''subsection 6(c)'' and inserting ''subsection 206(c)''.

Amend the title so as to read: ''A bill to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.''.

The committee amendment in the nature of a substitue was agreed to.

The bill (H.R. 834), as amended, was passed.

CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA

The bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, was considered, ordered to a third reading, read the third time, and passed.

H.R. 1231

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

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of: (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetary; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

IRRIGATION MITIGATION AND RESTORATION PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1444) to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the State of Oregon, Washington, Montana, Idaho, and California, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Irrigation Mitigation and Restoration Partnership Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Irrigation Mitigation and Restoration Partnership Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF THE PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Irrigation Mitigation and Restoration Partnership Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other

appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities, including water and soil conservation districts, in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include the development, improvement, or installation of—

(A) fish screens;

(B) fish passage devices;

(C) other facilities agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(D) inventories by the States on the need and priority for projects described in subparagraphs (A) through (C).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 455), as amended, was passed.

BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

The bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2368

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 ''Bikini Resettlement and Relocation Act of 1999''.

SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund for the People of Bikini, established pursuant to Public Law 97–257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

RELEASE OF REVERSIONARY INTERESTS IN WASHINGTON, UTAH

The bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of lands in Washington County, Utah, to facilitate an anticipated land exchange, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2862

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

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) RELEASE REQUIRED.—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled ''Exchange Parcels, Gardner & State of Utah Property'', dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT, UTAH ACQUIRED BY EXCHANGE

The bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2863

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

SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the City of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the City of St. George.

CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA

The bill (S. 408) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 408

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

SECTION 1. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the City of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

LANDUSKY SCHOOL LOTS TRANSFER

The Senate proceeded to consider the bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, with consideration, a patent for the surface and mineral estates of certain lots, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1218

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

That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1218), aas amended, was passed.

OREGON LAND EXCHANGE ACT OF 1999

The Senate proceeded to consider the bill (S. 1629) to provide for the exchange of certain land in the State of Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oregon Land Exchange Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Clearwater'' means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled ''Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858,'' dated October 30, 1996, and the document entitled ''Agreement to initiate'' with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term ''identified landowners'' means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term ''map'' means the map entitled ''Northeast Oregon Assembled Land Exchange/Triangle Land Exchange'', dated November 5, 1999; and

(4) the term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows:

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow Country, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture

may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

(d) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) of this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1629), as amended, was passed.

ELIM NATIVE CORPORATION LAND RESTORATION

The bill (H.R. 3090) to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 3090

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

SECTION 1. ELIM NATIVE CORPORATION LAND RESTORATION.

Section 19 of the Alaska Native Claims Settlement Act (43 U.S.C. 1618) is amended by adding at the end the following new subsection:

''(c)(1) FINDINGS.—The Congress finds that—

''(A) approximately 350,000 acres of land were withdrawn by Executive orders in 1917 for the use of the United States Bureau of Education and of the Natives of Indigenous Alaskan race;

''(B) these lands comprised the Norton Bay Reservation (later referred to as Norton Bay Native Reserve) and were set aside for the benefit of the Native inhabitants of the Eskimo Village of Elim, Alaska;

''(C) in 1929, 50,000 acres of land were deleted from the Norton Bay Reservation by Executive order.

''(D) the lands were deleted from the Reservation for the benefit of others;

''(E) the deleted lands were not available to the Native inhabitants of Elim under subsection (b) of this section at the time of passage of this Act;

''(F) the deletion of these lands has been and continues to be a source of deep concern to the indigenous people of Elim; and

''(G) until this matter is dealt with, it will continue to be a source of great frustration and sense of loss among the shareholders of the Elim Native Corporation and their descendants.

''(2) WITHDRAWAL.—The lands depicted and designated 'Withdrawal Area' on the map dated October 19, 1999, along with their legal descriptions, on file with the Bureau of Land Management, and entitled 'Land Withdrawal Elim Native Corporation', are hereby withdrawn, subject to valid existing rights, from all forms of appropriation or disposition under the public land laws, including the mining and mineral leasing laws, for a period of 2 years from the date of the enactment of this subsection, for selection by the Elim Native Corporation (hereinafter referred to as 'Elim').

''(3) AUTHORITY TO SELECT AND CONVEY.—Elim is authorized to select in accordance with the rules set out in this paragraph, 50,000 acres of land (hereinafter referred to as 'Conveyance Lands') within the boundary of the Withdrawal Area described in paragraph (2). The Secretary is authorized and directed to convey to Elim in fee the surface and subsurface estates to 50,000 acres of valid selections in the Withdrawal Area, subject to the covenants, reservations, terms and conditions and other provisions of this subsection.

''(A) Elim shall have 2 years from the date of the enactment of this subsection in which to file its selection of no more than 60,000 acres of land from the area described in paragraph (2). The selection application shall be filed with the Bureau of Land Management, Alaska State Office, shall describe a single tract adjacent to United States Survey No. 2548, Alaska, and shall be reasonably compact, contiguous, and in whole sections except when separated by unavailable land or when the remaining entitlement is less than a whole section. Elim shall prioritize its selections made pursuant to this subsection at the time such selections are filed, and such prioritization shall be irrevocable. Any lands selected shall remain withdrawn until conveyed or full entitlement has been achieved.

''(B) The selection filed by Elim pursuant to this subsection shall be subject to valid existing rights and may not supercede prior selections of the State of Alaska, any Native corporation, or valid entries of any private individual unless such selection or entry is relinquished, rejected, or abandoned prior to conveyance to Elim.

''(C) Upon receipt of the Conveyance Lands, Elim shall have all legal rights and privileges as landowner, subject only to the covenants, reservations, terms and conditions specified in this subsection.

''(D) Selection by Elim of lands under this subsection and final conveyance of those lands to Elim shall constitute full satisfaction of any claim of entitlement of Elim with respect to its land entitlement.

''(4) COVENANTS, RESERVATIONS, TERMS, AND CONDITIONS.—The covenants, reservations, terms and conditions set forth in this paragraph and in paragraphs (5) and (6) with respect to the Conveyance Lands shall run with the land and shall be incorporated into the interim conveyance, if any, and patent conveying the lands to Elim.

''(A) Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms, and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the Conveyance Lands for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of Merchantable Timber from the Conveyance Lands for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for sale or permit others to do so. 'Merchantable Timber' means timber that can be harvested and marketed by a prudent operator.

''(B) Public Land Order 5563 of December 16, 1975, which made hot or medicinal springs available to other Native Corporations for selection and conveyance, is hereby modified to the extent necessary to permit the selection by Elim of the lands heretofore encompassed in any withdrawal of hot or medicinal springs and is withdrawn pursuant to this subsection. The Secretary is authorized and directed to convey such selections of hot or medicinal springs (hereinafter referred to as 'hot springs') subject to applicable covenants, reservations, terms and conditions contained in paragraphs (5) and (6).

''(C) Should Elim select and have conveyed to it lands encompassing portions of the Tubutulik River or Clear Creek, or both, Elim shall not permit surface occupancy or knowingly permit any other activity on

those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

''(5) RIGHTS RETAINED BY THE UNITED STATES.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

''(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

''(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

''(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

''(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

''(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

''(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within ¼ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within ¼ mile of the hot springs shall be left in their natural state.

''(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

''(6) GENERAL.—

''(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum of Understanding (hereinafter referred to as the 'MOU') to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within ¼ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

''(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Conveyance Lands, including without limitation, a leasehold interest.

''(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

''(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in nonpermanent structures for a period not to exceed 24 hours without the consent of Elim.

''(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder's agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

''(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

''(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.''.

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: '', notwithstanding an adoption, relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient''.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking ''sole'' and all that follows through ''Stock'' and inserting ''benefit of shareholders, Natives, and descendants of Natives,''.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1797) to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, AK, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION. 1. LAND EXCHANGE WITH CITY OF CRAIG, ALASKA.

(a) At such time as Congress appropriates funds sufficient for the Secretary of Agriculture to acquire non-Federal lands within conservation system units on the Tongass National Forest, the Secretary shall convey to the City of Craig, Alaska, all Federal interests in the lands identified in subsection (b): *Provided*, That the lands conveyed to the City of Craig shall be of equal value to the lands acquired by the Secretary of Agriculture pursuant to this subsection.

(b) The approximately 4,532 acres of Federal lands to be conveyed to the City of Craig are described as follows:

(1) All Federal land in the following described protracted and partially surveyed townships in the Copper River Meridian, Alaska:

(A) Within T. 71 S., R. 81 E—
Section 24, E½;
Section 25, E½, S½ SW¼;
Section 36.
Containing 1360 acres, more or less;
(B) Within T. 71 S., R. 82 E—
Section 19, S½ SW¼;
Section 29, W¼ NW¼, N½ SW¼;
Section 30, All;
Section 31, All.
Containing 1500 acres, more or less; and
(C) Within T. 72 S., R. 82 E—
Section 5, SW¼ NW¼, W½, SW¼;
Section 6, All;
Section 7, NE¼ NE¼;
Section 8, W½, SW¼ SE¼;
Section 17, NW¼ NW¼, E½ NW¼, NE¼ SW¼, W½ NE¼, NW¼ SE¼, S½ SE¼;
Section 20, NE¼.
Containing 1672 acres, more or less.

The committee amendment in the nature of a substitute was agree to.

The bill (S. 1797), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

VALLES CALDERA PRESERVATION ACT

The Senate proceeded to consider the bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the ''Valles Caldera Preservation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the

history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled ''Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico'', as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term ''Baca ranch'' means the lands and facilities described in this section 104(a).

(2) BOARD OF TRUSTEES.—The terms ''Board of Trustees'' and ''Board'' mean the Board of Trustees as describe in section 107.

(3) COMMITTEES OF CONGRESS.—The term ''Committees of Congress'' means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term ''financially self-sustaining'' means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) MULTIPLE USE AND SUSTAINED YIELD.—The term ''multiple use and sustained yield'' has the combined meaning of the terms ''multiple use'' and ''sustained yield of the several products and services'', as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve established under section 105.

(7) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST.—The term ''Trust'' means the Valles Caldera Trust established under section 106.

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled ''Independent Resurvey of the Baca Location No. 1'', made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105–376 (112 Stat. 3389).

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAIL.—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105–376 (112 Stat. 3389).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) PUEBLO OF SANTA CLARA.—

(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary

based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled ''Valles Caldera Fund'' which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled ''an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'' (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(l) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ''Valles Caldera Trust'', and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words ''Valles Caldera Trust'' as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

SEC. 107. BOARD OF TRUSTEES.

(a) IN GENERAL.—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) VOTING TRUSTEES.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided,* That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of

facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided,* That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: *Provided,* That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97–465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): *Provided,* That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the ''Valles Caldera Fund'' established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a

plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—FEDERAL LAND TRANSACTION FACILITATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Land Transaction Facilitation Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 203. DEFINITIONS.

In this title:

(1) EXCEPTIONAL RESOURCE.—The term ''exceptional resource'' means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term ''federally designated area'' means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term ''public land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) PUBLIC NOTICE.—As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section 206. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in

the Treasury of the United States to be known as the ''Federal Land Disposal Account''.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) PRIORITY.—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) BASIS OF SALE.—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.).

(f) TERMINATION.—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6).

SEC. 207. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the ''Santini-Burton Act'') (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 1892), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title; and agree to the amendment of the Senate to the text to the bill (H.R. 1753) entitled ''An Act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes'', with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methane Hydrate Research and Development Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term ''industrial enterprise'' means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(10) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of the enactment of this Act and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of methane hydrate;

(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

(3) not later than 2 years after the date of the enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(A) methane hydrate formation;

(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(C) the consumption of natural gas produced from methane hydrates.

Not more than 25 percent of the individuals serving on the advisory panel shall be Federal employees.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

''(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) The term 'methane hydrate' means—

''(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

''(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002;

(3) $11,000,000 for fiscal year 2003;

(4) $12,000,000 for fiscal year 2004; and

(5) $12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

The Secretary shall enter into an agreement with the National Research Council for such council to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

SEC. 8. REPORTS AND STUDIES.

The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

Mr. MURKOWSKI. Mr. President, we have a number of bills from my Committee on the Calendar that are ready for consideration, but I want to take a moment to say a few words about a bill I think has real potential for addressing the long-term energy needs of our nation. H.R. 1753, the Methane hydrate Research and Development Act of 2000, would establish a small research program with the potential for a major payoff—energy security for the foreseeable future. Methane Hydrates are rigid, ice-like solids of water surrounding a gas molecule, found at low temperatures and high pressures. When melted or depressurized, they release methane, pure natural gas, the same fuel we use to heat our homes and power our economy.

Significant quantities of methane hydrates have been detected all over the world. In the U.S., marine geologists have detected deposits of methane hydrates in deep sea sediments that lie off the coasts of the Carolinas, Louisiana, Texas, California, Oregon, and my home state of Alaska. We've also detected methane hydrates under the permafrost during conventional oil drilling operations in my home state of Alaska. The U.S. Geological Survey estimates that nearly 320,000 trillion cubic feet of natural gas can be extracted from the methane hydrates found in the U.S. alone. Compare that to our existing reserves of cheap, clean natural gas—1,300 trillion cubic feet—and our annual use of natural gas—just 20 trillion cubic feet per year. Even if we can learn to recover just 1 percent of our methane hydrate reserves, we will more than triple our available natural gas reserves and guarantee a source of cheap, secure and clean energy for the next century and well beyond.

The problem is: we need fundamental research on these hydrates to understand how they form, and how the gas molecule can be released in a way that we can use. Even now, methane hydrates pose hazards to conventional oil and gas recovery. Hydrates determine the stability and strength of the sea floor—when the hydrates are destabilized, the resulting gas release can undermine oil platforms and sink drilling ships. Methane hydrates release 160 volumes of gas for every volume of hydrate—and many existing hydrate formations are very unstable. Even a small disturbance—an unintentional landslide—could release massive quantities of gas. Oil platforms in the Caspian Sea have been destroyed as a result of this kind of accidental release.

Methane hydrates also play a significant role in global climate change. Recent scientific research suggests that abrupt climate changes have occurred in the past as a result of release of methane gas from hydrates. They are an important part of the global carbon cycle, which we must ultimately understand in detail if we want to act responsibly to address the risk of climate change. Since natural gas releases fewer carbon atoms per unit of energy, replacing coal and oil usage with natural gas from methane hydrates also reduces our risk of climate change—some experts estimate we can reduce our carbon dioxide emissions by 20 percent just by fuel substitution alone. We can also learn about carbon sequestration through studying how methane hydrates form—perhaps even replacing methane hydrates used for energy with hydrates using carbon dioxide sequestered from the atmosphere.

All of these things point to the need for a fundamental methane hydrate research program of the kind proposed in this bill. I want to thank my good friends and colleagues on the Energy Committee, Senators AKAKA and CRAIG, for their leadership and recognition of the potential for methane hydrates to satisfy our future energy needs, enable our long-term energy security, and help us responsibly address the risk of climate change. Working with our colleagues in the House, we have been able to develop legislation that would authorize $45 million in new funding for research in this important area. Anticipating passage of a bill like this one, the Department of Energy has prepared an excellent multi-year research and development program plan that addresses all of the issues involved—with the goal of safe commercial production of energy from hydrates by 2010.

It is clear that we are not doing enough to explore the possibility of this exciting new energy source. Other nations of the world—Japan, Canada, India, Korea and Norway—are starting ambitious research programs. The Japanese began a drilling project of their own in November 1999, and expect that production can begin within 10 years, maybe sooner. The technology exists—Syntroleum, an Oklahoma company—has recently acquired a patent for a gas hydrate recovery system. All we need now is the sustained research to make it commercially viable.

For those reasons, Mr. President, I am glad that my colleagues here in the

Senate will agree to pass the bill in the form passed by the House two weeks ago, so we can send it to the President for signature and get going on this important research program. Thanks to the leadership of Senators AKAKA and CRAIG, we may look back years from now on this day as the day we broke free of our dependence on foreign oil and guaranteed ourselves a clean energy source for many years to come.

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House to the Senate amendment.

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

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration en bloc of the following Energy Committee matters:

S. 1705, Calendar 492;
S. 1727, Calendar 493;
S. 1836, Calendar 495;
S. 1849, Calendar 496;
S. 1910, Calendar 498;
H.R. 1615, Calendar 499;
H.R. 3063, Calendar 500;
S. 1778, Calendar 508.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, with the exception of S. 1727, which should be withdrawn, and a substitute amendment to S. 1727, which is at the desk, be agreed to, the bills be read three times and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements related to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

CASTLE ROCK RANCH ACQUISITION ACT OF 1999

The Senate proceeded to consider the bill (S. 1705) to direct the Secretary of the Interior to enter into land exchange to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The bill (S. 1705), was passed, as follows:

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 ''Castle Rock Ranch Acquisition Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term ''Monument'' means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) RANCH.—The term ''Ranch'' means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the ''Castle Rock Ranch''.

(3) RESERVE.—The term ''Reserve'' means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) CONSENT OF LANDOWNER.—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—

(1) FEDERAL AND STATE EXCHANGE.—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) STATE AND PRIVATE LANDOWNER EXCHANGE.—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) CONDITION OF EXCHANGE.—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) ADMINISTRATION.—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) NO EXPANSION OF RESERVE.—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) NO EFFECT ON EASEMENTS.—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

PALACE OF THE GOVERNORS EXPANSION ACT

The Senate proceeded to consider the bill (S. 1727) to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1727

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This act may be cited as ''Palace of the Governors Expansion Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in **[**the**]** *the contiguous* United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the ''Smithsonian West.''

(6) The Museum has a extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706.

(B) Pre-Columbian Art.

(C) Historic artifacts including:

(i) Helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

[(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.**]**

[(iv)**]** *(iii)* The field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

[(v)**]** *(iv)* More than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated National Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that there existence is endangered and their preservation is in jeopardy.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

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

(c) CONSTRUCTION OF THE ANNEX.—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints

for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least $8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) Cost of the land at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) Library acquisition expenditures.

(C) Library renovation expenditures.

(D) Palace conservation expenditures.

(E) New Mexico Foundation and other endowment funds.

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of $15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least $8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

The amendment (No. 3099) was agreed to, as follows:

AMENDMENT NO. 3099

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

The bill (S. 1727), as amended, was passed, as follows:

S. 1727

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 ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

Mr. DOMENICI. Mr. President, I am pleased that the Palace of the Governors Annex Act has passed the Senate.

In conjunction with Hispanic Heritage Month, I introduced the Palace of the Governors Expansion Act last October. The palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various native American, Hispanic, and Anglo peoples who have lived in the region for over four centuries.

Since introducing this bill last October, the situation has become an emergency. Walls are crumbling, water pipes are leaking, plumbing is backing up threatening priceless documents.

The bill would authorize the construction of the Palace of the Governors' Annex. It would preserve a priceless collection of Spanish colonial, Iberian colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, NM.

We have all heard of Geronimo. The collection includes a rifle dropped by one of his men during a raid in the Black Range area of western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, NM, railway station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brig. Gen. Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe Trail to occupy the territories of New Mexico and California. As Kearny traveled, he carried a field desk which he used to write letters, diaries, orders, and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D.H. Lawrence, but none of us has seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts.

Where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection designated as a National Treasure by the National Trust for Historic Preservation kept?

In the basement of a 400-year-old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost $32 million. The legislation authorizes a $15 million federal grant if the museum can match the grant on a 50-50 basis.

The Palace of the Governors has acquired a half block behind the current palace. Obtaining this valuable real estate is evidence of the ingenuity and

commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

The Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest, and native American arts and crafts.

I hope the House will act expeditiously on this legislation to save this important collection.

DEADLINE EXTENSION FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

The Senate proceeded to consider the bill (S. 1836) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1836

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The Senate proceeded to consider the bill (S. 1849) to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Clay Creek Wild and Scenic Rivers System Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Study Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled ''White Clay Creek and Its Tributaries Watershed Management Plan'', dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(161) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—

''(A) SEGMENTS.—The 191 miles of river segments of White Clay Creek (including tributaries of the Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania (referred to in this paragraph as the 'Creek'), as depicted on the recommended designation and classification maps, as follows:

''(i) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

''(ii) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

''(iii) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

''(iv) 20.9 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

''(v) 2.1 miles of the west branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

''(vi) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

''(vii) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

''(viii) 27.5 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the confluence of the White Clay Creek with the Christina River, as a recreational river.

''(ix) 1.4 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

''(x) 5.2 miles of Middle Run that flows within the boundaries of the Middle Run Natural Area, as a recreational river.

''(xi) 15.6 miles of Pike Creek, as a recreational river.

''(xii) 38.7 miles of Mill Creek, as a recreational river.

''(B) BOUNDARIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), in lieu of the boundaries provided for in subsection (b), the boundaries of the segments shall be the greater of—

''(I) the 500-year floodplain; or

''(II) 250 feet as measured from the ordinary high water mark on both sides of the segment.

''(ii) EXCEPTIONS.—The boundary limitations described in clause (i) are inapplicable to—

''(I) the areas described in section 4(a) of the White Clay Creek Wild and Scenic Rivers Act; and

''(II) the properties, as generally depicted on the map entitled ''White Clay Creek Wild and Scenic River Study Area Recommended Designated Area'', dated June 1999, on which are located the surface water intakes and water treatment and wastewater treatment facilities of—

''(aa) the City of Newark, Delaware;

''(bb) the corporation known as United Water Delaware; and

''(cc) the Borough of West Grove, Pennsylvania.

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The segments designated by subparagraph (A) shall be administered by the Secretary of the Interior, in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled 'White Clay and Its Tributaries Watershed Management Plan' and dated May 1998.''

SEC. 4. SUBSEQUENT DESIGNATIONS.

(a) IN GENERAL.—Churchman's Marsh, Lamborn Run, and the properties on which the intake structures and pipelines for the proposed Thompson's Station Reservoir may be located shall be considered suitable for designation as components of the National Wild and Scenic Rivers System only at such time as those areas are removed from consideration as locations for the reservoir under the comprehensive plan of the Delaware River Basin Commission.

(b) ASSISTANCE FOR SUBSEQUENT DESIGNATIONS.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall offer assistance to the State of Delaware and New Castle County, Delaware, if an area described in subsection (a) is designated a component of the National Wild and Scenic Rivers System.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—In order to provide for the long-term protection, preservation, and

enhancement of White Clay Creek and its tributaries, the Secretary shall offer to enter into cooperative agreements pursuant to section 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 16 U.S.C. 1882(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the plan entitled ''White Clay Creek and its Tributaries Watershed Management Plan'' and dated May, 1998 (hereinafter referred to as the ''management plan'').

(b) FEDERAL ROLE.—(1) The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the management plan and this paragraph (including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed Federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segments were designated and authorized).

(2) To assist in the implementation of the management plan and to carry out this Act, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by section 3—

(1) shall be consistent with the management plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) COMPREHENSIVE MANAGEMENT PLAN.—The management plan shall be deemed to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(e) STATE REQUIREMENTS.—State and local zoning laws and ordinances, as in effect on the date of enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by section 3 that is not in the National Park System as of the date of enactment of this Act shall not—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

(g) NO LAND ACQUISITION.—The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest for the purpose of carrying out this Act.

The committee amendment in the nature of a substitute was agreed.

The bill (S. 1849), as amended, was passed.

ESTABLISHING WOMEN'S RIGHTS NATIONAL HISTORIC PARK

The Senate proceed to consider the bill (S. 1910) to amend the Act establishing Women's Rights National Historic Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1910

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

SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law **[97–607]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after ''park''; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law **[97–607]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(c)(8)) is amended by striking ''Williams'' and inserting ''Main''.

The bill (S. 1910) as amended was passed.

WILD AND SCENIC RIVERS

The bill (H.R. 1615) amending the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, was considered, ordered to a third reading, read the third time, and passed.

MINERAL LEASING ACT AMENDMENTS

The bill (H.R. 3063) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CASCADE RESERVOIR LAND EXCHANGE

The Senate proceeded to consider the bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

''(b) LAND EXCHANGES.—

''(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

''(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.): and

''(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

''(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1778), as amended, was passed.

NRC FAIRNESS IN FUNDING ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 1627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NRC Fairness in Funding Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

TITLE I—FUNDING

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 30, 2005''; and

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—The aggregate amount of the annual charges collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission for the fiscal year for which the charge is collected, less, with respect to the fiscal year, the sum of—

''(A) any amount appropriated to the Commission from the Nuclear Waste Fund;

''(B) the amount of fees collected under subsection (b); and

''(C)(i) for fiscal years 2001 and 2002, an amount equal to the amount of appropriations made to the Commission from the general fund of the Treasury in response to the request for appropriations referred to in paragraph (5)(A)(ii)''; and

''(ii) for fiscal years 2003 through 2005, to the extent provided in paragraph (5), the costs of activities of the Commission with respect to which a determination is made under paragraph (5).''; and

(B) by adding at the end the following:

''(5) EXCLUDED BUDGET COSTS.—

''(A) IN GENERAL.—In the budget request for fiscal year 2001 and each fiscal year thereafter, the Commission shall—

''(i) determine the activities of the Commission that could not be fairly and equitably funded through assessments of annual charges on a licensee or class of licensee of the Commission; and

''(ii) subject to subparagraph (C), request that funding for the activities described in clause (i) be appropriated to the Commission out of the general fund of the Treasury.

''(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Commission shall consider—

''(i) the extent to which activities of the Commission provide benefits to persons that are not licensees of the Commission; and

''(ii) the extent to which the Commission cannot, as a matter of law, or does not, as a matter of policy, assess fees or charges on a licensee or class of licensee that benefits from the activities.

''(C) MAXIMUM EXCLUDED AMOUNT.—The total amount of costs for which appropriations from the general fund of the Treasury may be sought by the Commission under subparagraph (A)(ii) for any fiscal year shall not exceed—

''(i) for fiscal years 2001 and 2002, 12 percent of the budget authority of the Commission;

''(ii) for fiscal year 2003, 4 percent of the budget authority of the Commission;

''(iii) for fiscal year 2004, 8 percent of the budget authority of the Commission; or

''(iv) for fiscal year 2005, 12 percent of the budget authority of the Commission.''.

SEC. 102. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

TITLE II—OTHER PROVISIONS

SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.''.

Amend the title so as to read: ''An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.''.

AMENDMENTS NOS. 3100 AND 3101, EN BLOC

Mr. SESSIONS. The chairman has two amendments at the desk and I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report by title.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes amendments numbered 3100 and 3101, en bloc.

The amendments en bloc are as follows:

AMENDMENT NO. 3100

(Purpose: To amend the provision extending the authority of the Nuclear Regulatory Commission to collect annual charges and modifying the formula for the charges)

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

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

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

(Purpose: To amend the Atomic Energy Act of 1954 to provide the Nuclear Regulatory Commission authority over former licensees for funding of decommissionings)

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

Mr. SESSIONS. I ask unanimous consent the amendments be agreed to en bloc.

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

The amendments (No. 3100 and 3101), en bloc, were agreed to.

Mr. SESSIONS. I ask unanimous consent that the committee substitute amendment, as amended, be agreed to.

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

Mr. SESSIONS. I ask unanimous consent the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1627), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1769) to the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives;

Resolved, That the bill from the Senate (S. 1769) entitled ''An Act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.''.

Amend the title so as to read ''An Act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering for final passage S. 1769, as amended by the House. I introduced S. 1769 with Chairman HATCH on October 22, 1999 and it passed the Senate on November 5, 1999. This bill will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies. The House amendment is the text of H.R. 3111, a bill to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. I am also glad to support this amendment.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. 2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3,

1999, the AO advised that it would no longer submit this report because ''as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995.'' I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action. The date upon which this reporting requirement was due to lapse was extended in the FY 2000 Consolidated Appropriations Act, H.R. 3194, until May 15, 2000—only a few short weeks away.

AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn with a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

S. 1769 would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, ''Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism,'' released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for ''an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations''. As part of this study, ''a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained.'' Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of S. 1769 would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and would require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act (''ECPA'') of 1986, P.O. 99–508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and S. 1769 would direct the Attorney General to continue providing these specific categories of information. In addition, the bill would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions and using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendments of the House.

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

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent the Senate now proceed to the immediate consideration of H.J. Res. 86.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by Members of the Armed Forces during such war, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The preamble was agreed to.

The joint resolution (H.J. Res. 86) was read the third time and passed.

C.B. KING UNITED STATES COURTHOUSE

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives of the bill (S. 1567) to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the C.B. King United States Courthouse.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1567) entitled ''An Act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the 'C.B. King United States Courthouse'.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the ''C.B. King United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''C.B. King United States Courthouse''.

Amend the title so as to read ''An Act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the 'C.B. King United States Courthouse'.''.

Mr. SESSIONS. I ask unanimous consent the Senate agree to the amendments of the House.

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

COMMENDING THE LIBRARY OF CONGRESS AND ITS STAFF

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 269 reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 269) commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, including a statement of Senator STEVENS.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 269) was agreed to.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that, notwithstanding the adjournment, the Senate committees have from 11 a.m. until 1 p.m. on Thursday, April 20, in order to file legislative matters.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Larry D. Henderson, of Delaware, for a term of two years, and Stephanie Smith Lee, of Virginia, for a term of four years.

The Chair, on behalf of the Democratic leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Dr. Richard V. Burkhauser, of New York, for a term of two years, and Ms. Christine M. Griffin, of Massachusetts, for a term of four years.

ORDERS FOR TUESDAY, APRIL 25, 2000

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 303 until the hour of 9:30 a.m. on Tuesday, April 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin to debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m., with the time equally divided between the two bill managers.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Tuesday, April 25, at 9:30 a.m. and immediately begin debate on the motion to proceed to the victims' rights legislation until 12:30 p.m. At 2:15 p.m., when the Senate reconvenes from the weekly party conference luncheons, the Senate will vote on the motion to invoke cloture on the motion to proceed to S.J. Res 3. If that cloture vote is not invoked, then a second vote will occur on cloture on the marriage penalty bill. It is hoped that cloture will be invoked and debate can begin on the crime victims resolution following the vote.

In addition, the leaders will continue to work to resolve the Democratic objections to the marriage penalty bill.

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, APRIL 25, 2000

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 303.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, April 25, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 2000:

DEPARTMENT OF TRANSPORTATION

PHIL BOYER, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, VICE MARTHA ANNE KREBS.

DEPARTMENT OF STATE

JAMES DONALD WALSH, OF CALIFORNIA, 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 ARGENTINA.

DEPARTMENT OF JUSTICE

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS VICE JOSEPH GEORGE DILEONARDI, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 0000