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Senate

The Senate met at 9:33 a.m., and was called to order by the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio.

PRAYER

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

O God, our Help in ages past, free us to be open to Your gift of hope for years to come. Particularly, we pray for a lively hopefulness for today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You will do today. Help us not to become so familiar with Your customary daily blessings that we lose the sense of expectancy for Your special interventions in the complexities and the challenges of each day.

We praise You for the historic breakthrough in genomic research and the mapping of the human genome announced this week. Thank You for granting humankind another aspect of Your omniscience so we can press on in the diagnosis and healing of disease.

Now today we will continue to expect great things from You, and we will attempt great things for You. In our worries and cares, give us the joy of knowing that You are with us. In our Lord's burden-banishing name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, I have been asked to announce the Senate will immediately resume consideration of the Labor, Health and Human Services, and Education appropriations bill. Under the order, there will be closing remarks by the distinguished Senator from Mississippi, Mr. COCHRAN, on his pending amendment regarding pilot programs for antimicrobial resistance monitoring and prevention. A vote will occur on the Cochran amendment at 9:45 a.m. Following that vote, we will turn to the amendment offered by the distinguished Senator from Arizona, Mr. MCCAIN, regarding the Internet. We will be seeking a time agreement on that amendment.

We ask all Senators who have amendments to offer to come to the floor. We are trying to establish a list so we can proceed to the disposition of this bill. It is hoped that in the next day or so we could have a unanimous consent agreement which will limit pending amendments so we can proceed to conclude action on this bill.

Senator LOTT has asked that the announcement be made that rollcall votes may be expected throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

Cochran amendment No. 3625, to implement pilot programs for antimicrobial resistance monitoring and prevention.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. ROTH. Mr. President, I had originally planned to come to the floor to voice my opposition to this bill and to offer a point of order that it violates rule XVI of the Standing Rules of the Senate. I intended to do so because of two serious failings in it.

First, this bill cuts the program that Congress passed in the 1997 Balanced Budget Act to help States provide health insurance to low-income children and could cost up to 2 million of them their health insurance. The State Children's Health Insurance Program, known by its acronym as S–CHIP, was designed to make health insurance coverage available, at State option, to lower-income, uninsured children.

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

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More than 2 million children have been enrolled in S–CHIP—children who would otherwise lack access to the health insurance coverage that helps them grow and thrive.

When we designed S–CHIP in 1997, States were given specific allotments to cover eligible uninsured children. We designed the program so that those allotments were to be available to individual States for a period of 3 years. This was done to ensure that allotments didn't sit unused. At the end of 3 years, unspent allotments are to be reallocated to other States that have spent their full allotments. The basic idea is to effectively direct available S–CHIP dollars to States willing and able to use them to cover uninsured kids.

We are now coming up upon the first opportunity to reallocate unspent S–CHIP funds. Three years have elapsed since the program was first implemented.

But, instead of thinking through the ramifications of reallocation, today we confront an unexpected and far more fundamental challenge to the future of the S–CHIP program. The appropriations bill before us would cut $1.9 billion in S–CHIP funds from the program, with an unenforceable promise to restore the funds in 2003—a promise which is itself subject to a Budget Act point of order.

This cut represents a dramatic retreat from the commitment the Federal Government extended to uninsured children, their families, and to the States in 1997. S–CHIP was designed to be a stable, guaranteed source of funding to States to cover lower-income, uninsured children. If States cannot count on the federal government to stand by its commitment, there will inevitably be an erosion of State support for participation in the program and aggressive enrollment strategies. As a result, fewer children will receive health insurance coverage.

We have to be very clear that what we are talking about today isn't a technical accounting gimmick that simply moves funds forward. We are talking about a concrete cut in a very real program upon which millions of children depend. The consequences will be no less real. If the provision in the appropriations bill is not removed, the National Governors' Association estimates that as many as 2 million children will be denied access to health insurance coverage.

For that reason, the National Governors' Association strongly and unambiguously opposes the S–CHIP cut included in this appropriations bill.

NGA is not alone in its opposition to the appropriations cut. The community of advocates who work on behalf of children strongly opposes it as well. In fact, all Senators should have received a letter signed by over 80 groups opposing the cut, including the Children's Defense Fund, Families USA, the American Hospital Association, and the American Medical Association. In addition, the Health Insurance Association of America has also written to express its opposition to S–CHIP cuts.

Second, this bill cuts three welfare programs by $1.4 billion. The title XX social services block grant is cut by a whopping 65 percent—from $1.7 billion in funding to $600 million. This is just a quarter of the level we promised to Governors during welfare reform in 1996.

The title XX block grant was enacted in 1981, during the Reagan administration, to provide States with a flexible source of social services funding. Today, title XX funds services to almost 6 million Americans, principally children, people with disabilities, and seniors. In Delaware, we use these funds for a broad range of programs—including helping abused and neglected children and for people who are blind, and for Meals-on-Wheels. These funds go to programs without adequate sources of support and to fill the gaps for the neediest citizens.

These title XX funds are essential. These funds cannot be easily replaced—by States or local governments, or by private charity.

The Labor-HHS-Education appropriations bill would cut these supplemental welfare grants to States by $240 million. In the 1996 welfare reform legislation States took a big, big risk. States exchanged an open-ended Federal entitlement—that is, guaranteed dollars for each person who qualified for welfare—for a fixed block grant.

To provide States with some modest protection, welfare reform contained a provision to provide States with a big population increase and high poverty rates with supplemental welfare grants. The Labor-HHS bill would cut these grants and break that promise.

These welfare program cuts violate the fundamental deal Congress made with the Governors during welfare reform. With these cuts, Congress reneges on its word.

Next year Congress will begin reauthorization of welfare reform. If Congress shows that it is not a dependable partner now, how can we expect States to have confidence in us next year?

Altogether this bill cuts a children's health program and welfare programs by $3.3 billion. This is unquestionably a violation of sound policy.

In the interest of sound policy, in the interest of uninsured children, in the interest of welfare recipients, and in the interest of the States who are working with us to serve these vulnerable individuals, I had no choice but to oppose this bill.

I am not alone in recognizing these problems, Senator MOYNIHAN, Senator HATCH, Senator KENNEDY, Senator GRASSLEY, and Senator GRAHAM all joined me in a letter to our colleagues warning them against supporting this bill because of its inclusion of the provisions I oppose and have just outlined. I know that other Senators opposed them as well and I thank all of them for their support.

However, Mr. President, the Senator from Alaska, the distinguished chairman of the Appropriations Committee, has assured me that these cuts—specifically: (1) The $1.9 billion cut to the State Children's Health Insurance Program located in section 217 on pages 53 and 54 of the bill; (2) the $1.1 billion cut to the title XX social services block grant located in title 2, page 40 of the bill; (3) the $240 million cut to the Temporary Assistance to Needy Families, TANF, program, located in section 216, pages 52 to 53 of the bill; and (4) the $50 million cut to the Welfare-to-Work performance bonus program, located in section 104, pages 21 to 23 of the bill—will be eliminated in their entirety in this bill when it returns from conference.

The ACTING PRESIDENT pro tempore. The Chair is informed that there is supposed to be a vote at 9:45 on the Cochran amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent the vote be postponed until the completion of my remarks; and I ask unanimous consent to proceed for 2 minutes.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, I am surprised at the comments made by the Senator from Delaware to this extent: The 1997 Budget Act puts limits on the amounts that can be appropriated under the pending bill, the Health and Human Services appropriations bill.

In order to have a technical offset against the additions that are in this bill over the 1997 limits, we provided these three technical provisions that give us the right to take the Health and Human Services bill across the floor to conference. We had no intention at all to ever suggest the Congress would enact those provisions. The Finance Committee knew that. All Members knew that. This is a technical situation where, in order to get the bill across the floor until we enact the military construction bill, which contains the waiver of the 1997 provisions with regard to the ceilings for our committee, we had to have this offset.

I assure the Senator that the bill will not come out of conference with these provisions in it. They were never intended to be enacted. No one on our committee supports the elimination of these provisions, and Senator SPECTER was very gracious in allowing us these provisions to comply with the 1997 act.

I assure the Finance Committee that this bill will not come out of committee with these provisions in it. They were never intended to be in it, as the Finance Committee knows.

Mr. ROTH. I thank the chairman of the Appropriations Committee and based on his assurances of these provisions' removal in conference, I withdraw my opposition to this bill. I believe that this is the best way to proceed: We not only protect the programs that I came to the floor to protect, but we also allow this funding bill for many other important programs to forward as well. I thank the Senator from

Alaska for working with me to resolve this impasse.

Mr. KENNEDY. Mr. President, I thank the chairman for his leadership in this area, and I commend Senator MOYNIHAN as well for his commitment to this important program. I believe the understanding we have reached is a satisfactory way to protect this program in conference.

The rescission of funds for children's health insurance would be a serious mistake. It would come at the expense of 12 million uninsured children in low income families across the nation.

It would override the reallocation system established with broad bipartisan support in the original law. It would use the funds to pay for other programs in this year's appropriations bill. While it does promise to restore in the year 2003 the funds taken away this year, the damage would be done long before 2003 arrives. In fact, more than 80 leading organizations have signed a letter urging rejection of this misguided policy.

Low-income working families should not be forced to pay the price for the budget pressures facing congress. Those pressures were created by the budget resolution, and its misguided priorities. The committee was operating under the budget instructions they were given. I believe they had good intentions. Unfortunately, however, this rescission robs needy children, and it is unacceptable.

Strong bipartisan support in the Senate created the Children's Health Insurance Program in 1997. We focused on guaranteeing health insurance to children in working families whose income was too high to be eligible for Medicaid, but too low to be able to afford private insurance. Estimates indicate that more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid in the near future.

This rescission would have established a devastating precedent at precisely the wrong time. The Children's Health Insurance Program is working. Every State is now participating.

Between 1998 and 1999, enrollment numbers doubled from just under 1 million children to 2 million. States, advocacy groups and other leaders are undertaking and planning impressive outreach efforts in the states. Last year, back-to-school campaigns helped dramatically increase enrollment. A month ago, the Governor of Mississippi announced a new campaign to cover all children in that State. We have every reason to expect that this trend will continue, as the programs become more established and States begin to do all they can to enroll eligible children.

If the rescission were enacted, it would penalize needy children in the States that have most actively sought and enrolled eligible children. States could be forced to halt enrollment until more funds are available. That's wrong.

The reallocation mechanism in the original legislation is designed to ensure that dollars remain targeted to uninsured children, regardless of location. Next year is the first year that the reallocation fund would be available. Senators should know that no State loses under current law. All States have the right to their allocations for three years. We have encouraged all States to take advantage of their funds. But, it a State cannot spend all its money, the excess dollars should be used by States that can.

If the Senate were to adopt this rescission, States would be reluctant to expand their programs or actively enroll more children if they feel that future State allotments are unreliable. The National Governors Association has sent us two letters—one just last week—expressing their unified strong opposition for this reason.

We shouldn't second guess the original policy. It was well designed to direct money where it is most clearly needed. The policy was strongly supported when we enacted CHIP, and States have acted in good faith to implement it. It would be wrong for us to change the ground rules now, when so much progress is being made.

We know that lack of insurance is the seventh leading—and most preventable—cause of death in America today. That fact is a national scandal.

The majority of uninsured children with asthma—and one in three uninsured children with recurring ear infections—never see a doctor during the year. That's wrong. No child should have to be hospitalized for an acute asthma attack that could have been avoided. We know that uninsured children are 25 percent more likely to miss school. Children who cannot see the blackboard well or hear their teacher clearly miss lessons even when they are at school. That's wrong. No child should suffer permanent hearing loss and developmental or educational delays because of an untreated infection.

Every child deserves a healthy start in life, and the health security that comes with insurance. And under CHIP and Medicaid, every child will have a legitimate opportunity for health insurance.

Congress should do everything in its power to shore-up these programs, not undermine them. I welcome today's agreement, and I look forward to the continuing effective implementation of this worthwhile program to guarantee good health care for all children.

I ask unanimous consent to print in the RECORD the letter to which I earlier referred and another related correspondence.

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

JUNE 9, 2000.

DEAR SENATOR: We are writing to express our opposition to the taking of $1.9 billion of fiscal year 1998 Children's Health Insurance Program (CHIP) funds by the Senate Appropriations Committee to help fund the fiscal year 2001 Labor, Health and Human Services, and Education Appropriations bill. In effect, the Senate committee action takes unspent funds that would be reallocated to states to provide health insurance to uninsured children and instead promises to restore those funds in fiscal year 2003. While we are appreciative of the efforts of the Senate Appropriations Committee efforts to increase funding for important programs in the Labor, Health and Human Services, and Education Appropriations bill, the use of CHIP funds for this purpose breaches the integrity of the CHIP program and the commitment it represents to the nation's uninsured children.

This taking of CHIP funds is troubling for several reasons. First, the taking of these funds will deprive some states of the funding needed soon to insure children through the program. Second, states have made decisions on how many children they expect to insure through the CHIP program based on the federal funding commitment in the 1997 CHIP legislation. The Senate Appropriations Committee action, if enacted, calls into question the commitment of Congress to this program. Third, states are rapidly increasing enrollment of uninsured children in CHIP but may become reluctant to continue aggressive outreach and enrollment if Congress starts playing budget shell games with the program funds.

We urge, in the strongest possible terms, that Congress restore the funds to the CHIP program that were removed by the Senate Appropriations Committee. We believe that Congress should refrain from looking to this program, designed to serve uninsured children, to alleviate the fiscal difficulties faced by the House and Senate Appropriations as they fund critical programs.

Sincerely,

AIDS Action.
Alliance for Children and Families.
Alliance to End Childhood Lead Poisoning.
American Academy of Pediatrics.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American Association on Mental Retardation.
American College of Osteopathic Pediatricians.
American Dental Hygienists' Association.
American Federation of State, County and Municipal Employees (AFSCME).
American Friends Service Committee.
American Hospital Association.
American Medical Association.
American Music Therapy Association.
American Network of Community Options and Resources.
American Occupational Therapy Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Association of Community Organizations for Reform Now (ACORN)
Association of Jewish Family and Children's Agencies.
Association of Maternal and Child Health Programs.
Bazelon Center of Mental Health Law.
Camp Fire Boys and Girls.
Catholic Charities USA.
Catholic Health Association of the United States.
Center for Budget and Policy Priorities
Center for Community Change.
Center for Women Policy Studies.
Child Welfare League of America.
Children's Defense Fund.
Children's Health Fund.
Church Women United—Washington Office.
Coalition of Labor Union Women.

Communications Workers of America.
Council of State Governments.
Families USA.
Family Voices.
Friends Committee on National Legislation (Quaker).
Generations United.
Girl Scouts of the USA
Jewish Council for Public Affairs.
Lutheran Office for Governmental Affairs, ELCA.
Lutheran Services in America.
McAuley Institute.
Mennonite Central Committee.
National Association for Protection & Advocacy Systems.
National Association for the Education of Young Children.
National Association of Community Health Centers.
National Association of Developmental Disabilities Councils.
National Association of People with AIDS.
National Association of Psychiatric Health Systems.
National Association of Public Hospitals & Health Systems.
National Association of School Psychologists.
National Association of WIC Directors.
National Center of Poverty Law.
National Council of the Churches of Christ in the USA.
National Council of Jewish Women.
National Council of La Raza.
National Council of Senior Citizens.
National Employment Law Project.
National Gay and Lesbian Task Force.
National Head Start Association.
National Health Law Program, Inc.
National Immigration Law Center.
National Mental Health Association.
National Parent Network on Disabilities.
National Partnership for Women and Families.
National Puerto Rican Coalition.
National Therapeutic Recreation Society.
National Urban League.
National Women's Law Center.
Neighbor to Neighbor.
Network—A National Catholic Social Justice Lobby.
Presbyterian Church (USA), Washington Office.
Results, Inc.
The ARC of the United States.
The Episcopal Church.
The Salvation Army.
The United States Conference of Mayors.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations.
United Cerebral Palsy.
United Church of Christ Office for Church in Society.
United Jewish Communities.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 11, 2000.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee, Washington, DC.

DEAR CHAIRMAN STEVENS AND SENATOR BYRD: As you consider the fiscal 2001 Labor, Health and Human Services, and Education appropriations bill, we are writing to emphasize our highest funding priorities. The nation's Governors urge you to meet your commitments to the most critical programs affecting human investments and needs.

Specifically, we strongly urge you to meet the commitment to the Title XX/Social Services Block Grant (SSBG), and restore the reductions in funding and flexibility for the program to the level that was agreed to in the 1996 welfare reform law. Under the 1996 welfare reform law, SSBG was authorized at $2.38 billion for fiscal 2001 and states were provided the flexibility to transfer up to 10 percent of their Temporary Assistance for Needy Families (TANF) block grant funds into SSBG. Since that time, funding has consistently been cut and flexibility has been restricted. Governors view SSBG as one of the highest priorities among human service programs, and are adamantly opposed to further reductions in funding, such as those approved by the Senate Labor, Health and Human Services, and Education Subcommittee. Such a drastic reduction in the federal commitment to SSBG will cause a dramatic disruption in the delivery of the most critical human services.

Additionally, the Governors strongly urge you to reject proposals that would rescind funding from the State Children's Health Insurance Program (S–CHIP). The funding structure of S–CHIP provides long-term stability to the program. Rescinding funds from S–CHIP, as proposed by the subcommittee, will undermine states' continued progress in providing access to much needed health insurance coverage. We urge you to protect this critical program for our nation's children.

The nation's Governors also urge you to maintain your commitments to other key state and local programs that provide vital health and human services to vulnerable families and children including Temporary Assistance for Needy Families (TANF) and Medicaid. Reductions in the federal commitment to these programs would adversely affect millions of Americans, with the greatest impact on those in the greatest need.

Additionally, the Governors urge strong support for education programs. Education is the most important issue facing our states and the nation. Governors oppose any reductions in these critical programs. Governors also ask Congress to meet its commitment to fully fund the federal portion of the Individuals with Disabilities Education Act (IDEA).

Finally, we urge you to reverse the delays in funding for key state health and human services programs that were enacted as part of the fiscal 2000 omnibus appropriations package last fall. With enactment of that bill, a portion of the funding made available to states for several programs, including SSBG, Children and Families Services, and the Substance Abuse and Mental Health Services program, will not be made available until September 29, 2000. The nation's Governors are deeply concerned about the effect this delay will have on the delivery of services to the nation's neediest populations.

We appreciate your consideration of our views and look forward to working with you as you seek to meet the many needs within the subcommittee's jurisdiction.

Sincerely,
GOVERNOR MIKE HUCKABEE,
Chairman, Human Resources Committee.
GOVERNOR JAMES B. HUNT,
Vice Chairman, Human Resources Committee.

Mr. BAYH. Mr. President, I rise today in support of the colloquy that just occurred in which Senator STEVENS promised to return the $1.9 billion taken from the State Children's Health Insurance Program, S-CHIP, to fund the programs in the Labor Health and Human Services and Education Appropriations bill, during conference. I thank Senators ROTH, STEVENS, MOYNIHAN and BYRD for recognizing the importance of S-CHIP and the federal promise to the states.

I applaud this agreement. This program allows states, like Indiana, to continue to enroll and provide services to children in low-income families. In Indiana, over 120,000 additional children have been enrolled in ''Hoosier Healthwise'' since S-CHIP was implemented in 1998. The removal of this funding would have had a devastating impact on Indiana. For every $1 million in federal funding taken from Indiana, 830 children would not be covered by Hoosier Healthwise. These children would be unlikely to obtain quality health care.

This is not an issue that only affects Indiana. Thirty-five Senators from both political parties joined with me and Senator VOINOVICH to send a letter to Senators LOTT and DASCHLE urging them to work to restore the $1.9 billion taken from the program. The National Governors' Association stated in a letter to the leadership that ''The Governors are united in their opposition to the proposed cuts in S-CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent.'' We are grateful to Senators LOTT and DASCHLE for recognizing the need for this funding to be restored.

The Labor Health and Human Services and Education Appropriations Bill contains worthy programs but funding for those programs should not have come from important efforts such as the State Children's Health Insurance Program. I am pleased that this issue will be resolved in the conference.

Mr. President I ask unanimous consent that letters from Senators, Governors, and 80 advocacy groups be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TRENT LOTT,
Majority Leader, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the State Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other

programs in the Labor, Health and Human Services, and Education Appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu; Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K. Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry; Barbara Boxer.

U.S. SENATE,
Washington, DC, June 20, 2000.

Hon. SENATOR TOM DASCHLE,
Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MINORITY LEADER: It has been brought to our attention that the Senate Appropriations Committee has decided to redirect $1.9 billion from the Sate Children's Health Insurance Program (SCHIP) to fund other programs in the Labor, Health and Human Services, and Education Appropriation bill. We are concerned that this reduction in funding will threaten SCHIP services in many of our communities in addition to setting a dangerous precedent for the federal government's commitment to this critical state program, and we urge you to reconsider this decision.

The States have pursued aggressive enrollment efforts and successfully increased the number of children they serve. Failing to maintain this promise would make it impossible for states to continue aggressive enrollment strategies designed to insure millions of uninsured children. Governors are relying on all of the funding in this program to continue SCHIP services. All states' SCHIP programs could be at risk if the federal government sets this dangerous precedent by failing to uphold its funding commitment to the program. If the federal commitment is not upheld, it is likely fewer children will be covered by the program.

Therefore, we urge you to work to restore the SCHIP dollars being used to fund other programs in the Labor, health and Human Services, and Education appropriation bill. While many of the programs contained within the bill are worthy, they should not be funded at the expense of SCHIP. We look forward to working with you to address this issue.

Sincerely,

Evan Bayh; Lincoln D. Chafee; Carl Levin; George V. Voinovich; Richard H. Bryan; Ted Kennedy; Jim Jeffords; Joe Lieberman; Chris Dodd; Mike Enzi; Conrad Burns; Kent Conrad; Mike DeWine; Paul S. Sarbanes; Gordon Smith; Mary L. Landrieu, Bill Frist; Olympia Snowe; Blanche L. Lincoln; Tim Johnson; John Breaux; Daniel K. Akaka; Max Baucus; Dick Lugar; Charles Schumer; Paul Wellstone; Chuck Robb; Kay Bailey Hutchison; Jay Rockefeller; Bob Graham; Jesse Helms; John Edwards; Bob Kerrey; John McCain; John F. Kerry, Barbara Boxer.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, June 21, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER AND SENATOR DASCHLE: I am writing to make clear the strong opposition of the nation's Governors to cuts in funding for key state health and human services programs as contained in the Labor, Health and Human Services, and Education appropriations bill for fiscal 2001. By proposing cuts in the State Children's Health Insurance Program (S–CHIP), Social Services Block Grant (SSBG) and Temporary Assistance for Needy Families (TANF), Congress is breaking commitments made to the states, and the nation's Governors urge you to restore funds to these vital programs.

The Governors' are united in their opposition to the proposed cuts in S–CHIP. This is not a formula fight; this is a weakening of the state-federal partnership that is so vital to the success of this program. It sets a truly disturbing precedent. It is already causing some states to reevaluate the speed of their efforts to expand their programs to reach more children.

The proposed cuts in S–CHIP, SSBG and TANF will cause a disruption in crucial services to the most vulnerable citizens throughout the country—from assistance for individuals moving from welfare to work, to health care for uninsured children, to protective services for children and the elderly. In all three of these programs, Congress has made a commitment to Governors that they can rely on guaranteed, mandatory federal funding. In order to continue with the positive progress made in recent years in moving individuals from welfare to work, increasing the number of children placed in adoptive homes from foster care, and insuring more children in need, Governors must be able to rely on their federal partners.

The nation's Governors strongly urge you to reject these cuts and uphold the historic state-federal partnership for serving individuals in need.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

PARRIS N. GLENDENING,
Governor.

OFFICE OF THE GOVERNOR,
Indianapolis, IN, May 23, 2000.

Hon. EVAN BAYH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAYH: During the last several weeks, a great deal of national attention has been focused on Indiana's Hoosier Healthwise program, our statewide initiative that has received funding from the State's Children's Health Insurance Program (SCHIP) since 1998. I was delighted when Kathy Gifford, the State's Medicaid Director, testified last Tuesday before the House Ways and Means Subcommittee on Human Resources on Indiana's success in insuring low-income children—some 120,000 new enrollees since July 1998.

In her testimony, Ms. Gifford also raised two issues of serious concern to me and of great importance to Indiana's children. First, she described how Indiana faces a decrease in its fiscal year (FY) 2000 SCHIP allotment that will impede the State's ability to continue insuring low-income children. She also voiced concern that the Senate Appropriations Committee voted last week to redirect funds from the SCHIP account to fund other programs in the Labor-HHS-Education Appropriations Bill for FY 2001.

From its inception, the SCHIP program has put Indiana at a funding disadvantage. State allocations are based on unreliable Current Population Survey (CPS) data that underestimates the number of eligible Hoosier children. My administration is now undertaking its own survey of 10,000 Hoosier families to produce more accurate data on the number uninsured persons in our state.

After 18 months of implementation, Indiana's Hoosier Healthwise enrollment already exceeded the CPS-derived estimate for the number of uninsured children below the age of 18 living in families up to 150 percent of the federal poverty level. In January 2000, eligibility was expanded to cover children in families at up to 200 percent of poverty, which will greatly add to the current total enrollment of 330,000 young Hoosiers.

Indiana's success has placed it among a handful of states that will have spent all of their first-year SCHIP allotment (FY 1998) by the end of this fiscal year (FY 2000). However, due to the faulty allotment calculations, Indiana stands to lose 10 percent of its current SCHIP funding this year. In fact, Indiana is one of just two states that will have spent their entire 1998 program allotments and experience a cut in funds. Most other states that will have fully expended their allotments will receive an increase of at least 12 percent. So long as the data on which the allocations are based remains out of line with the true need for children's health insurance in Indiana, Hoosier Healthwise could continue to lose funding even as we enroll more kids.

Indiana has demonstrated its commitment to implement SCHIP, but is losing federal funds. Other states that have not shown the same enrollment success are slated to get increased allotments. This inequity fails to maximize the funds available to provide coverage for America's children. I also note Indiana's commitment of $47 million of its tobacco settlement over two years to Hoosier Healthwise as evidence of our resolve to help children lead heathlier and happier lives. However, any decrease in federal SCHIP funding at this time threatens the great strides we have made to improve the health and lives of the children of our state.

The Senate Appropriations Committee's decision to ''borrow'' any unspent 1998 SCHIP program dollars to pay for other programs in the Labor-HHS-Education Appropriations Bill will make matters worse. These unspent dollars (estimated by the Health Care Financing Administration to be $1.9 billion), would otherwise be required under the SCHIP law to be redistributed to states, like Indiana, that had fully expended their entire FY 1998 SCHIP allocations. The effort to redirect money away from our nation's children now, to pay it back in 2003, after the current SCHIP program expires the previous year, defies common sense. SCHIP is not a permanently authorized program; if Congress cuts these funds, health coverage for thousands of children in Indiana and millions across the country may be jeopardized.

I implore you to work with other members of the Indiana Congressional Delegation to protect Indiana's health care gains and the State Children's Health Insurance Program. With your help, we are hoping to at least avoid any reduction of federal SCHIP support below the FY 1999 level of $70.2 million.

Thank you for any consideration you may give to our request for assistance.

Sincerely,

FRANK O'BANNON.

Mr. GRAHAM. Mr. President, as our distinguished colleague from Delaware has so eloquently said, the cuts which

this Labor/HHS appropriations bill imposes upon several of our most important social programs are simply unacceptable.

In 1996, I stood with Chairman ROTH as the Senate Finance Committee joined the House Ways and Means Committee in authorizing the social services block grant at $2.38 billion through 2003. This authorization was a part of our commitment to the states in the welfare reform laws.

The social service block grant allocates important funds to our states, enabling them to provide valuable services to our most needy citizens.

Because of this block grant, senior citizens receive Meals on Wheels. Neglected children receive foster care and adoption services. Working parents receive day care for their children and adult day care for their aging parents. Those being abused receive protective help.

These services have become an integral part of our communities, expanding and enriching the lives of our young and old, our poor and vulnerable.

If the social services block grant is cut to the draconian level appropriated by this bill . . . well, the future of these vital services is in grave danger.

We have already reneged once on this commitment—in 1998, when in an 11th hour budgetary slight-of-hand, we used title XX funds to finance our road and highway spending.

We revisited this topic again last year when, despite a vote of 59–37 in favor of restoring title XX to its authorized level of $2.38 billion, the social services block grant was again the victim of an end-game mugging, leaving only $1.7 billion of available funds.

The $1.1 billion cut to SSBG in the Senate Labor, Health and Human Services, and Education bill would have forced our states to operate with a budget that has been cut by 65%.

We return to the Floor time and time again on this issue because Congress continues to break the commitments it has made to our states.

We slash these important programs under the guise of fiscal prudence and we perpetuate the illusion that we are not ''breaking the budget caps.''

But, what we are really doing is robbing Peter to pay Paul.

And, that means that we are not only breaking our promise to the states, we are reneging on the commitment that we made to our most vulnerable Americans.

It is imperative that these monies be restored, and that the funding of the social services block grant be restored to the authorized level of $1.7 billion.

I, along with Senators GRASSLEY, JEFFORDS, ROCKEFELLER, VOINOVICH, MOYNIHAN, WELLSTONE, and KENNEDY, was prepared to offer an amendment to restore funding to the social services block grant.

I am pleased that the Senator from Alaska has alleviated that need.

I appreciate the leadership Senator STEVENS is showing today by pledging to restore these funds to our important SSBG, S–CHIP and TANF programs.

I hope that this act represents the end of the long string of broken promises that we have made to states, localities, and most of all, our citizens in need.

Mr. HATCH. Mr. President, I would like to take just a few minutes to express my extreme pleasure with the agreement reached by the Chairman of the Finance Committee, Senator ROTH, and the Chairman of the Appropriations Committee, Senator STEVENS, restoring funding for the Children's Health Insurance Program.

I am delighted that an agreement has been reached by the two chairmen on restoring funding—not only for the CHIP program—but also for the Social Services Block Grant program.

These two important programs affect the lives of millions of Americans daily and are critically important in my home state of Utah.

As the original sponsor of the child health program, I was particularly concerned about the committee provision and—not only its potential impact on children already enrolled in CHIP—but especially on those children who are eligible but not yet enrolled.

This is why I wanted to come to the floor and personally thank the distinguished Chairman of the Appropriations Committee for agreeing to restore the $1.9 billion in federal spending for CHIP as well as the $1.1 billion reduction in the Social Services Block Grant.

Moreover, I understand that the Chairman has also agreed to restore $240 million in funding for the Temporary Aid for Needy Families program. This is also an important improvement to the committee bill.

I want to commend Senator STEVENS for working with us on the Finance Committee in resolving this very difficult funding issue.

Moreover, I want to commend our chairman, Senator ROTH, for his steadfast leadership in leading the charge at preserving the underlying funding for these critically important programs.

I can appreciate the difficult work that the Chairman and all the Members on the Appropriations Committee have faced in crafting a bill that addresses the needs of the American people while complying with the fiscal constraints necessary to balance the federal budget.

It is not an easy task recognizing the numerous demands placed on the committee by many worthy programs and causes.

As one of the original sponsors of the CHIP legislation, I am particularly concerned about any mid-course changes to this important program that could undermine our ability to enroll eligible children.

In my state of Utah, nearly 18,000 kids have benefitted from CHIP.

Had the committee provision been enacted, the Utah CHIP program would have seen a $1.7 million reduction in its fiscal year 1998 allocation.

And, as we now know, one of the critical problems facing the program has been the outreach effort to enroll eligible children.

Clearly, we do not want to undermine the success we have had to date in which there are now more than two million children enrolled nationwide.

As with any new initiative, it takes time to get these programs up and running. This is especially true in view of the fact that CHIP is administered at the state level and, therefore, it takes more time to get these programs fully operational.

I have heard from many constituents who are concerned about these proposed funding cuts.

They point out to me that there is a substantial lead time required to establish the outreach necessary to sign up new enrollees. That work is underway.

I am very proud of the job Utah is doing under the leadership of our Governor Mike Leavitt and with the help of many, many community organizations doing such excellent work in the field—but we are not there yet.

That is why the proposed cuts could have been so harmful.

Mr. President, the CHIP program has been a resounding success across the country with all fifty states providing some form of CHIP services to eligible children.

It has truly been remarkable the level of support we have seen from many groups across the country opposed to the proposed CHIP funding reductions.

Not only has there been strong, bipartisan support in the Senate against the reductions, but we also have heard from the National Governors Association and scores of other advocacy organizations including the American Hospital Association, the Children's Defense Fund, and the Girl Scouts of the USA expressing strong opposition to any reductions in CHIP funding.

Once again, I thank Senator STEVENS and Senator ROTH for this agreement as it sends a clear signal that CHIP is, indeed, fulfilling its mission to America's youth.

Thank you Mr. President and I yield the floor.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. MOYNIHAN. Mr. President, I join my colleagues in opposition to two key provisions which should not have been included in this appropriations bill. I commend my colleagues, particularly Chairman STEVENS and Chairman ROTH, for reaching an understanding that the funds taken by these provisions will be entirely restored in the conference report on the Labor/HHS appropriations bill.

The first provision relates to the State Children's Health Insurance Program (SCHIP) we created in 1997. Put simply, it will prevent uninsured, low-income children from receiving health care services they need and may even jeopardize the future of this critically

important children's health program. Enrollment in SCHIP has been increasing—doubling from just under 1 million to 2 million children between 1998 and 1999. But the SCHIP funding cut included in the Labor-HHS bill will undermine this progress and discourage State efforts to increase enrollment. If the precedent is set for using these funds as offsets, States could not rely on the future availability of their SCHIP allotments.

The second provision is a massive unwarranted cut in funds for the Social Services Block Grant, from $1.7 billion to $600 million. SSBG is a most flexible source of social services funding. The States and local communities decide, within broad parameters, which needs to address. Among many things, SSBG supports:

Help for the home-bound elderly;
Assistance for adoptive families;
Elder abuse prevention; and
Foster care for abused children.

In my own State of New York, we use most of our SSBG funds to provide child protective services and for day care. There is no reason to, in the words of the President, ''bankrupt'' SSBG.

I recognize that the Labor-HHS Appropriations Subcommittee faced very difficult decisions in light of the unreasonably low allocation it received. These problems were created by the FY 2001 Budget Resolution which underfunded this and other appropriations measures while providing for a large tax cut. This tax cut, if merited, should not be paid for by limiting insurance coverage for low-income children and reducing help to the aged and disabled.

With the Congressional Budget Office expected to increase its estimate of the on-budget surplus, there is no good reason for these two provisions.●

AMENDMENT NO. 3625

Mr. KENNEDY. Mr. President, I join my colleagues, Senator COCHRAN and Senator FRIST, in supporting this important amendment that will provide $25 million for CDC's programs on antimicrobial resistance. Deadly microbes are becoming increasingly resistant to the antibiotics that we have relied on to fight infections for more than half a century. Already, drug-resistant infections claim the lives of 14,000 Americans every year—meaning that every hour of every day, a family suffers the tragedy of losing a loved one to an infection that not long ago could have been cured with a pill. At a time when scientists are making amazing new discoveries in genetic medicine, it is a tragic irony that we are losing our battle against some of humanity's most ancient disease foes.

The amendment that we have introduced will strengthen the nation's defenses against disease-causing microbes that are becoming resistant to existing medications. The new resources will be used for research into the best ways to control the spread of resistant infections. The amendment will also fund education programs to make certain that doctors know when to prescribe antibiotics—and when not to. In addition, the extra funds provided by the amendment will help hospitals and clinics establish disease control programs to halt the spread of resistant infections in patients. Finally, new resources will strengthen the nation's public health agencies, which are the front line in the fight against disease. By fortifying these defenses, we can provide the country with increased protection against disease outbreaks of all types, including deliberate bioterrorist attack. I urge my colleagues to approve this amendment.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3625. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. BYRD. Mr. President, may we have order in the Well?

The PRESIDING OFFICER (Mr. CRAPO). The Senate will come to order.

Mr. BYRD. Will the Chair call for order in the Well?

The PRESIDING OFFICER. The Senators in the Well will please remove their conversations from the Well.

Mr. BYRD. Mr. President, I don't believe all the Senators heard the Chair.

The PRESIDING OFFICER. Will all Senators in the Well please remove their conversations. Senators desiring to speak should clear the Well.

Mr. BYRD. I thank the Chair.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—96

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

NOT VOTING—4

Baucus	Moynihan
Inouye	Schumer

The amendment (No. 3625) was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senate will now return to consideration of amendment No. 3610. The Senator from New Hampshire.

AMENDMENT NO. 3628 TO AMENDMENT NO. 3610

(Purpose: To prohibit funds for the purchase of fetal tissue)

Mr. SMITH of New Hampshire. Mr. President, I offer a second-degree amendment to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 3628 to amendment No. 3610.

At the appropriate place, add the following:

''SEC. . PURCHASE OF FETAL TISSUE.

''None of the funds made available in this Act may be used to pay, reimburse, or otherwise compensate, directly or indirectly, any abortion provider, fetal tissue procurement contractor, or tissue resource source, for fetal tissue, or the cost of collecting, transferring, or otherwise processing fetal tissue, if such fetal tissue is obtained from induced abortions.''.

Several Senators addressed the Chair.

Mr. SMITH of New Hampshire. Mr. President, do I still have the floor?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator HARKIN is recognized.

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

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

Mr. SPECTER. Mr. President, at the outset, I ask all Senators who have an interest in offering amendments to come to the floor so we can proceed to move this bill forward. At the moment, we have three amendments which are pending, which are up for consideration. We have the amendment offered by the distinguished Senator from New Hampshire, Mr. SMITH, and he is prepared to withdraw his amendment in the nature of a second-degree amendment to Senator MCCAIN's amendment on a consent agreement that his amendment will not be second degreed.

The distinguished Senator from Nevada, Mr. REID, has an interest in debating his amendment only for a few

minutes later but having it listed for a vote later today.

Senator MCCAIN is prepared to debate his amendment briefly now and then when Senator LEAHY is available to debate his amendment at greater length.

I ask unanimous consent that there be no second-degree amendment to the SMITH amendment—the distinguished Senator from Iowa says there cannot be an agreement on the pending SMITH amendment. Until we clarify that, my suggestion is that we proceed with debate on Senator SMITH's amendment at this time for however long that takes and then proceed to debate Senator MCCAIN's amendment for however long that takes. We will try to get the procedures worked out.

In the interim, we will be considering the amendment by Senator KERRY from Massachusetts. Again, I ask anybody who has an amendment to offer to come to the floor as promptly as possible.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator HARKIN and Senator SPECTER were here yesterday. There was relatively no business conducted because there were no amendments offered. It is now Tuesday, and we are going to get tremendous pressure from the two leaders to move this bill along.

Tomorrow will be Wednesday. On Thursday, people will be talking about leaving here. I think everyone should be put on notice that there may not be an opportunity to offer all these amendments that people want to offer on this very important piece of legislation unless they start coming down today. We need people to offer amendments on this legislation.

Is that fair to say, I ask the Chairman?

Mr. SPECTER. I thank the Senator from Nevada for his comments. In the absence of a vote on Monday, it was hard to find business; we could not find it yesterday. We have had a vote. Senators are in town and on campus. When the Senator from Nevada talks about finishing the bill this week, the majority leader told me last week that this bill would be finished, if we had to work through Saturday. That is specifically what Senator LOTT said. That is when he anticipated starting the bill about Wednesday of this week.

The majority leader would like to finish this bill no later than tomorrow so that he could start on other business, perhaps the Interior bill on Thursday. So I say that what the Senator from Nevada has announced is exactly right, that if Senators want their amendments to be considered, now is the time.

Mr. REID. I also say to the Senator, the two managers of the bill are going to try to have a time for setting forth what amendments people want to offer—not that it would be a filing deadline—so we have a finite list of amendments we can look at. We hope the two managers can agree on some time later that we can do that.

I also ask permission—Senator HOLLINGS has been here all morning. He has 7 minutes he wishes to use as in morning business. I hope, after Senator SMITH speaks and Senator MCCAIN speaks, that Senator HOLLINGS may be recognized to introduce a bill for 7 minutes.

Mr. SPECTER. If the Senator would yield, on the first point, we have sought to get a list of amendments. We will hopefully seek a unanimous consent agreement by the end of the day as to the amendments which are going to be offered. And we will accommodate the distinguished Senator from South Carolina, although I have never heard Senator HOLLINGS speak for as little as 7 minutes. I am looking forward to that speech myself.

Mr. President, I suggest we proceed now with Senator SMITH, Senator MCCAIN, and then Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3628

Mr. SMITH of New Hampshire. Mr. President, the amendment I have offered is a very simple one. It says that none of the funds made available in this act may be used to pay—either directly or indirectly—reimburse, or otherwise compensate any abortion provider, fetal tissue procurement contractor, or tissue resource source for fetal tissue or the cost of collecting, transferring, or otherwise processing fetal tissue if that tissue is obtained from induced abortions.

So this amendment is not going to shut down any research using fetal tissue. Some will say that, but that is not the case. It will not do that.

I believe it is morally wrong to take the life of an innocent child, an unborn child, in order to advance the health needs of another human being because that child has given no consent for that. So, to be perfectly honest, it would be fine with me if fetal tissue research, using elective abortions, were abolished, but that is not what this amendment is about.

I am absolutely in favor of using fetal tissue obtained from spontaneous abortions or miscarriages. There is a difference between a miscarriage and an induced abortion. The difference is that one innocent human life was not deliberately destroyed for the sake of another. In fact, Georgetown Hospital currently conducts research using only spontaneous abortions—very successfully I might add.

So this is a reasonable amendment. I am hoping I will be able to work with the other side on this issue to come to some conclusion so it will not be a huge controversy on this bill. We have been working with the distinguished Senator from Pennsylvania on that.

But I want to make it clear I am not prohibiting the use of aborted fetuses for research. I am only advocating that Federal taxpayer funds should not be used to pay an abortion clinic or middleman who acts as a fetal tissue procurement contractor for such tissue.

Let me repeat this important point. My amendment allows the Federal Government to use fetal tissue from induced abortions, but they cannot pay an abortion provider or a middleman for that tissue, which includes his costs associated with preservation, storage, processing, and so on, because, according to the NIH, there does not seem to be a necessity for a middleman.

So the amendment I am offering is really quite simple: No purchasing of fetal tissue from induced abortions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3610

Mr. MCCAIN. Mr. President, the amendment I have pending, following the disposition of the Smith amendment, requires that the schools and libraries that are taking advantage of universal service subsidies for Internet connection deploy blocking or filtering software to screen out obscene material and child pornography for children and child pornography on all computers. The decisions would be made by the local school boards and library boards.

The Senator from Vermont, Mr. LEAHY, has asked to speak on this issue and requests that we begin that sometime around noon.

So if it is agreeable to the Senator from Pennsylvania and the Senator from Iowa, perhaps we could have an hour equally divided between myself and Senator LEAHY. I think that would be—actually, we will ask Senator LEAHY's staff if that is agreeable to him and then ask for a UC on that.

Mr. REID. If I could respond, Senator HARKIN didn't get the information, I was just told. Senator LEAHY has notified us he may want to second degree the McCain amendment, so we cannot agree to a time agreement.

Mr. MCCAIN. That is fine. So I will not ask for a unanimous consent agreement on time, but the way I understand it, we now have a Smith amendment to be disposed of first.

I want to make it clear that I do not wish to impede the progress of this bill. I paid attention to the Senator from Pennsylvania, and I am very much in favor of a reasonable time agreement on this amendment.

Mr. REID. Will the Senator yield?

Mr. MCCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. I am confident that when Senator LEAHY can devote his full attention to the matter, something can be worked out. He is ranking member of the Judiciary Committee, and I believe they are in executive session, or if not executive session, something very important, and he had to leave the floor. He said he will be able to be back here in approximately an hour to work on this. So we will protect him until then and see what happens when he arrives.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection?

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I see my dear friend from South Carolina waiting to illuminate all of us, so I will yield the floor at this time and pursue debate on this amendment at such time as Senator LEAHY is available.

I yield the floor.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding the Senator from Arizona could not ask for the yeas and nays because his amendment is not pending. Is that true?

The PRESIDING OFFICER. The Senator's amendment is pending with an amendment pending also in the second degree. Therefore, he can ask for the yeas and nays only by unanimous consent.

Mr. REID. I appreciate the Chair's help.

The PRESIDING OFFICER. The Senator from South Carolina.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 2793 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, Senator WYDEN is on his way to offer an amendment. We are renewing our call for Members who have amendments to offer to come to the floor. We have an extensive list of proposed amendments. Again, I emphasize the urgency of this request at this moment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have two amendments here that are ready to be offered. Will the manager tell me why I can't offer these at this time?

Mr. SPECTER. By all means, we look forward to them being offered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

AMENDMENT NO. 3629

(Purpose: To express the sense of the Senate concerning needlestick injury prevention)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3629.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report 600,000–800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(5) OSHA's November 1999 Compliance Directive has helped clarify the duty of employers to use safer needle devices to protect their workers. However, millions of State and local government employees are not covered by OSHA's bloodborne pathogen standard and are not protected against the hazards of needlesticks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

AMENDMENT NO. 3630

(Purpose: To provide for the establishment of a clearinghouse on safe needle technology)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3630.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ''employer'' means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term ''engineered sharps injury protections'' means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term ''needleless system'' means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term ''sharp'' means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term ''sharps injury'' means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

Mr. REID. Mr. President, I spoke about these two amendments at some length yesterday. I will abbreviate what I said yesterday. Every year, 600,000 injuries occur as a result of nurses and other health care professionals being stuck accidentally by needles. It is not because of any negligence on their part. It is because of the dangerousness of their work.

Approximately every 35 seconds, someone—usually a nurse—is stuck with a needle. It is estimated that the number of reported cases is underestimated. It is probably every 15 seconds, 24 hours a day, 7 days a week, that these individuals are injured. So we have at least 20 diseases that are transmitted very easily by being stuck with needles.

I gave the account yesterday of two nurses. We could have given hundreds of thousands of different examples, but we gave two people—one was a woman from Reno, NV, and the other a woman from Massachusetts—whose lives were dramatically altered as a result of being stuck with needles while being nurses. One of them takes 21 pills a day; the other takes 22 pills a day. They are very, very ill—HIV and hepatitis C.

The purpose of these amendments is to have there be a standard established so that this, in fact, will not take place in the future. There are already needleless instruments that can be used, which work just as well. The only problem is they are a little bit more expensive, and the health care system wants to save every penny, so they don't use them. In the short term and in the long term, money would be saved if, in fact, we used these new devices.

The lost time from individuals being stuck with these needles is very significant. People become disabled very quickly. So we need to stop this practice and have the Federal Government join with the private sector, in effect, to do away with needles as we now know them.

I would be happy to answer any questions Senators may have. This is something that has been debated in the past. It should become effective immediately.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, with respect to the first amendment by the Senator from Nevada, a sense of the Senate respecting legislation to eliminate or minimize the significant risk of needlestick injury to health care workers, it is my understanding that the Senator from Nevada has such legislation which is pending, and it is obviously a very worthwhile objective. It is my view that we ought to move such legislation as promptly as possible. There is a serious problem and, to the extent it can be eliminated or minimized, I am all for it. We would accept this amendment.

Mr. REID. I appreciate the managers accepting this sense-of-the-Senate amendment. I look forward to working with the Senators on the underlying legislation pending in this regard.

Mr. SPECTER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3629) was agreed to.

Mr. SPECTER. Mr. President, the second amendment offered by the Senator from Nevada to add $10 million to the National Institute for Occupational Safety and Health that would come from administrative costs, is what we think a worthwhile objective. We are candid to say that the charges to administration are now very heavy.

So it would be my intention to accept this amendment, subject to the understanding that we are going to have to work out in conference where the funding will come from. After a while, the administrative costs deduction is so overburdened that it becomes intolerable, but subject to that limitation, we will be prepared to accept the amendment on this side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, coming back to the amendment offered by the Senator from Nevada for $10 million to be added to the National Institute for Occupational Safety and Health out of administrative costs, we are prepared to take it at this time. Again, this is subject to the understanding that there is quite a bit of money taken out of administrative costs, and this is something we will have to work out in conference.

The PRESIDING OFFICER. Without objection, amendment No. 3630 is agreed to.

The amendment (No. 3630) was agreed to.

AMENDMENT NO. 3626, WITHDRAWN

Mr. REID. Mr. President, there are some other amendments that I have in relation to this subject. I ask unanimous consent that they be withdrawn.

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

Amendment 3626 is withdrawn.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3632

Mr. WYDEN. Mr. President, very shortly I will be sending to the desk an amendment to deal with an issue of extraordinary importance; that is, the question of pharmaceuticals that get to the market to a great extent through taxpayer-funded research.

From the very beginning of this debate on prescription drugs, I teamed up with Senator OLYMPIA SNOWE of Maine on this issue. I believe this prescription drug issue is so extraordinarily important that it has to be pursued in a bipartisan fashion.

We have seen that there is an enormous interest in this country on the question of prescription drugs, and it has become a heated and contentious debate. In an effort to try to ensure this discussion was bipartisan at every level, in developing the amendment I will very shortly offer, I consulted at some length with the chairman of the subcommittee, Senator SPECTER of Pennsylvania, as well as Senator HARKIN, the ranking minority member.

Because he is on the floor, at this time I would especially like to thank Chairman SPECTER and his staff for all the efforts to work with us on this matter. Chairman SPECTER has been very gracious as well as his staff—I see Bettilou Taylor here—in making time to work with us on an amendment that I believe will be acceptable to both the majority and the minority when I send it to the desk.

In this discussion of the question of pharmaceuticals that get to market largely through taxpayer funds, I think it was said very clearly by Congressman BILL THOMAS, the chairman of the House Ways and Means Subcommittee on Health, and a member of the Republican leadership: ''When taxpayers' money is being spent, there ought to be a return on that investment.''

I am going to repeat that because I think it says it very well. Congressman BILL THOMAS, chairman of the House Ways and Means Committee subcommittee said: ''When taxpayers' money is being spent, there ought to be a return on that investment.''

I think what is critical at this point is that taxpayers and citizens of this country understand just how extensive the Federal investment in these pharmaceuticals is.

We all understand that the development of prescription medicine in this country is a risky business. You are going to have some successful investments. You also are going to have some dry holes. That is the nature of the free enterprise system. That is what entrepreneurship is all about. It is about risk taking, and it is about focusing on bright, creative ideas in the private marketplace. Particularly in the pharmaceutical sector, this approach has lead to nothing less than a revolution. So many of the medicines of today are central to keeping people well, and keeping folks healthy. They help to hold down blood pressure and cholesterol. As a result of those medicines, we end up very often seeing massive savings that would otherwise be incurred by what is called Part A of the Medicare program—the hospital portion of the program.

This exciting revolution in the pharmaceutical sector is one that we all appreciate. However, today we want to take special note of the fact that the taxpayers have contributed in a very significant way to that revolution.

According to the Joint Economic Committee, Federal research was instrumental in the development of 15 of the 21 drugs considered to have the highest therapeutic impact on society which were introduced between 1965 and 1992. Of those 15 pharmaceuticals, 7 have specific ties to the National Institutes of Health. Of those seven pharmaceuticals with direct connections to

the National Institutes of Health, three had more than $1 billion in sales in 1994, and in 1995.

Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 3632:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, this amendment is very specific in that it directs the National Institutes of Health to bring to the Senate by March 31, 2001, a specific proposal for ensuring that research funded by the taxpayer be recognized in the development of pharmaceuticals, and that the companies that benefit from that research pay reasonable rates of return on the investment by the taxpayer.

I believe it is fair to all parties—to entrepreneurs, to researchers, to those in the pharmaceutical sector—and to all sides because it recognizes that this is a difficult issue.

There are some technical questions with respect to how this is done. In particular, the nature of the pharmaceutical discovery is one that has to be thought through very carefully. But at the same time acceptance of this amendment would bring a sense of urgency to this issue.

The Congress has a long history on this question. But the fact is that for some years there has not been adequate recognition of the fact that the taxpayer has done much of the heavy lifting in getting these pharmaceuticals to market. With this amendment we will ensure when the taxpayers play a significant role in a blockbuster drug that ends up producing very significant profits for an individual company that the taxpayers' investment will be recognized.

I am just going to take a few minutes on this matter and use an example with which I think we are familiar in the Congress but which has special ramifications for folks in my part of the United States, and that is the drug Taxol.

Before I do, I will ask unanimous consent to make a modest change, but a very important one, that also includes the Appropriations Committee.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

AMENDMENT NO. 3632, AS MODIFIED

Mr. WYDEN. I send the modification to my amendment to the desk.

The PRESIDING OFFICER. It is so modified.

The amendment (No. 3632), as modified, is as follows:

At the end of title II insert the following:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committees on Appropriations and on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

Mr. WYDEN. Mr. President, I want to cite one example of a blockbuster drug that makes the case for why this amendment is so important. That drug is Taxol, a breakthrough drug used to fight cancer in women. It was originally made from the bark of the Pacific Yew tree. The National Institutes of Health developed this drug which last year produced $1.5 billion in sales for the Bristol-Myers Squibb Company.

Let me repeat that. This was a drug that was developed by the National Institutes of Health. This was not a drug that came about through the genius of the private sector. It was a drug developed at the National Institutes of Health by dedicated scientists who worked hard and were pushing with every ounce of their strength to come up with new products to help women.

I want to outline specifically what they did in this case because it is a very clear illustration of why this amendment is needed. With respect to Taxol, the National Institutes of Health did the initial collection and recollection of the bark of the Pacific Yew, which is the material from which the drug came. The National Institutes of Health performed all biological screening in both cell culture and animal tumor systems. The NIH did the chemical purification, isolation, and structure identification. The National Institutes of Health did large-scale production from bark collection through the preparation of material for human use. NIH developed and produced suitable intravenous drug formulations. They did the preclinical toxicology, they filed the Investigational New Drug Application, and they sponsored all the activities, including the efforts directed towards total and partial synthesis of the drug.

By the end of the fiscal year of 1992, NIH had invested $32 million. NIH could not manufacture the drug for commercial purposes, so it competitively bid to find a company to manufacture the drug. The Bristol-Myers Squibb Company was able to get exclusive rights to go forward with this pharmaceutical in the marketplace.

Frankly, at hearings I held in 1993, the company really could not specify what they had done at all, other than the preclinical work and research into alternatives.

So I come back to the fundamental proposition: Why is it that a pharmaceutical that was developed by the National Institutes of Health and resulted in $1.5 billion in sales in 1999 for Bristol-Myers Squibb resulted in no return on investment to the American taxpayer? This drug produced an enormous gain for an individual pharmaceutical company, yet the American taxpayer did not share in that gain. We are responsible to the taxpayer to be good financial stewards of their assets—in a sense the taxpayer saw their research walk out the door without adequate compensation for that massive taxpayer investment.

There are other examples of NIH research leading to block buster drugs.

One of those drugs found using NIH research and with more than $1 billion in sales is Prozac. The basic research in the development of Prozac was performed in the 1950s and 1960s by external researchers funded by NIH and researchers in NIH labs. Eli Lilly and Company developed Prozac based on this research.

In 1998, Prozac was third on the list of the top 200 brand-name prescription drugs in terms of units sold. Other drugs that relied on publicly-funded research were also on that list including Imitrex, Mevacor, and Zovirax.

Cisplatin is an anti-cancer drug discovered by a biophysicist at Michigan State University. National Cancer Institute scientists completed the pharmacology, toxicology, formulation, production and clinical trials. Michigan State University then licensed its patent to Bristol-Myers Squibb and the drug is used today to treat several types of cancer.

All of my colleagues have met with constituents suffering from diseases that we are so close to finding cures for. Diabetes and Parkinson's are just two areas that come to mind.

In this day of biomedical breakthroughs, it is important that the taxpayer not only see results of the research, but share in the gain that the multi-national drug companies also receive.

I have come to the floor, I think, now on more than 30 occasions to focus on the need for bipartisanship on this issue. Senator DASCHLE, in my view, has done yeoman's work, trying to bring people together. I hope we can, as we are seeking to do in this amendment, address these issues in a bipartisan fashion and particularly look to those areas with respect to prescription medicine that are going to be key for the future.

We know that absolutely vital to the health of this country is the research done at the National Institutes of Health. We have had many supporters in this body who have championed the cause of additional funding for NIH. I am especially appreciative of the work done by Senator MACK, for example, Senator HARKIN, and Senator SPECTER. They have been a bipartisan juggernaut, working for additional funding for research at the National Institutes of Health.

We also ought to recognize that when blockbuster drugs get to market as a result of that taxpayer-funded research, we have responsibilities to the taxpayers. We are stewards of their funds. It does not pass the smell test at

a townhall meeting to say that if the taxpayers spend vast sums for federally funded research and a company then makes huge profits in the private sector, the taxpayers get no return on that investment.

What we are making clear in this amendment is that Federal research should not be let go cheaply. It is important that taxpayers have a right to receive reimbursement when a blockbuster drug gets to market largely with their funds.

What this does is ensure, in a timely way, that the National Institutes of Health get to the Senate and the relevant committees a specific proposal to ensure, as Congressman BILL THOMAS, chairman of the House Ways and Means Subcommittee on Health, said recently:

> Where taxpayers' money is being spent, there ought to be a return on that investment.

That is what this amendment does. Because of the Government's increased role in pharmaceutical development, with so many of the breakthrough drugs, particularly the cancer drugs, coming about because the taxpayer has paid for medically significant research, this amendment, in my view, addresses one of the important issues in the health care arena.

I want to wrap up by expressing my appreciation to Senator SPECTER and Senator HARKIN. If this amendment is adopted, I believe early next year we will have a specific game plan, a roadmap to ensure that taxpayers' interests are protected when they have done the heavy lifting in pharmaceutical development while, at the same time, having been fair to the entrepreneurs and pharmaceutical firms and others that work in this area.

I hope this amendment will be accepted by the majority and the minority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oregon for this amendment. I think it is a good amendment and it puts the finger on a source of potential funding which would be fair and just. The National Institutes of Health have engaged in extraordinary research and have had phenomenal results. To the extent that research has resulted in profits to private companies, it is a fair request; it is fair to ask that the Federal Government share in those proceeds.

During the course of the past several years, our subcommittee has taken the lead on substantially increasing the funding for the National Institutes of Health. Four years ago, we raised the funding by almost $1 billion; 3 years ago, by $2 billion; last year, by $2.2 billion; and this year, $2.7 billion. We seek to bring the total funding for the National Institutes of Health to $20.5 billion.

Where we can find that private industry has benefited and made a profit, a fair return ought to be given to the NIH. It is preeminently reasonable to have that sort of provision in law, to ask the Director of the National Institutes of Health to make that report to the appropriate committees.

We are also considering the funding in terms of how much is spent for administrative costs. In the subcommittee, we are going to be directing inquiries to the recipients of NIH funds as to how much is being allocated for overhead and administrative costs. This is an effort to increase the moneys which may be available for research.

Phenomenal results have been achieved on a variety of ailments. Parkinson's is now perhaps as close to 5 years from being solved. There have been significant advances on Alzheimer's and heart disease. I printed the whole list in the RECORD during my opening statement.

I am glad to accept the amendment offered by the distinguished Senator from Oregon.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3632, as modified.

The amendment (No. 3632), as modified, was agreed to.

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

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 3633

(Purpose: To increase funding for Impact Aid basic support payments and to provide an offset)

Mr. INHOFE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. MURKOWSKI, and Mr. SESSIONS, proposes an amendment numbered 3633.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> At the end of title III, insert the following:
>
> **SEC. ____. IMPACT AID.**
>
> Notwithstanding any other provision of this Act—
>
> (1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,108,200,000;
>
> (2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $896,200,000; and
>
> (3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, this amendment addresses a subject with which we are all very familiar. In the early fifties, we put together a very good and effective Federal program to reimburse the States for revenue that was lost because of Federal activities—whether it was a military base or Indian reservation—anytime those properties were taken off the tax rolls. Yet that particular type of activity brought in additional students. It was set up to reimburse the local school districts.

It is called impact aid. It is one of the oldest Federal education programs dating back to the fifties. The rationale for compensation is Federal activity deprives local school districts of the ability to collect sufficient property and sales tax, even though the school district is obligated to provide free public education.

Since the early eighties, impact aid has not been fully funded despite the obligation of the Federal Government to make local school districts whole. We introduced some time ago a resolution that would do that very thing. It has the support of quite a number of Members of the Senate. In fact, I have a letter signed by a large number of Senators. I ask unanimous consent it be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, May 9, 2000.

Hon. ARLEN SPECTER,
Chairman, Labor, HHS, Education, and Related Agencies Subcommittee.

Hon. TOM HARKIN,
Ranking Member, Labor, HHS, Education and Related Agencies Subcommittee.

DEAR SENATORS SPECTER AND HARKIN: We recognize and appreciate the support you have shown in the past for the Impact Aid program. As you know, this vital funding source for local school districts began experiencing a shortfall in the early 1980's due to budget constraints. As a result, critical needs have been and continue to be unmet.

We also recognize that although the budget is in balance and there are now surpluses as opposed to deficits, funds are not unlimited. However, we would remind you that the Impact Aid program is an obligation of the Federal Government to make local school districts whole for federal activities which preclude them from collecting the necessary revenues to adequately fund their schools. Thus, we would like to propose annual increases in Section 8003(b) of the Impact Aid program of 12% until it is fully funded in FY 2004. Specifically, we would propose funding the program at 64% in FY 2001, 76% in FY 2002; 88% in FY 2003; and 100% in FY 2004.

A 12% increase in Section 8003(b) of the Impact Aid program in FY 2001, which constitutes the largest portion of Impact Aid dollars, would not only provide needed dollars to our local school districts, but would send a strong signal that the Federal Government is committed to fully funding this important education program. In some cases, every one dollar of Federal Impact Aid frees up one local dollar to purchase buses, do building maintenance or hire additional staff to lower pupil teacher ratios. However, there

are school districts that do not have the ability to make up the Impact Aid deficit because either they cannot afford it or there are restrictions on the local taxing authority which prevent them from increasing sales or property taxes to compensate for the lack of federal contribution. In these cases, needed infrastructure repairs, replacement of buses and textbooks or additional personnel just do not happen because there is no money. Continued under funding of this program puts a unreasonable and unfair burden on our schools. This inequity must be resolved.

We believe a phased-in full funding schedule is not only doable but is fiscally responsible. Thus, we would respectfully ask that you fund Section 8003(b) of the Impact Air program at a minimum of 64%. Listed below, are proposed funding levels for those sections of the Impact Aid program that are of most concern to our states.

[In millions]

	FY 2000 actual	Proposed FY 0000
Basic Support—8003(b)	$737.2	$896.2
Federal prop—8002	32.0	35.0
Special Ed—8003(d)	50.0	53.0
Construction—8007	10.1	10.1
Heavily Impacted—8007(f)	72.2	82.0
Facilities Maint—8008	5.0	5.0
Totals	906.5	[1] 1.08

[1] Billion.

Thank you.

Sincerely.

Jim Inhofe; George V. Voinovich; Dick Lugar; Jeff Sessions; Wayne Allard; Herb Kohl; Paul Wellstone; John Edwards; Olympia Snowe; Mike DeWine; Ben Nighthorse Campbell; Fred Thompson; Rod Grams; Peter G. Fitzgerald; Jesse Helms; Daniel P. Moynihan; Thad Cochran; Susan Collins.

Mr. INHOFE. Mr. President, my language would actually fully fund impact aid to all school districts in the country by fiscal year 2004. The effect it would have this year would be approximately $78.2 million. In discussing this with both the majority and the minority, I realized the offset we are suggesting; that is, to take it out of administrative overhead, is something that has already been done. I recognize that once they get to conference, they are going to have to shuffle these things around and see what actually can be done.

While I recognize that in the House and Senate bills there is an increase in impact aid, it does not have anything in the future that will reach full funding. I have a list here. Not one of the 50 States is 100 percent. Yet these are funds taken from the States due to Federal activities.

What I would like, perhaps with the understanding and the agreement of the chairman of the committee and the ranking member, is to go ahead and adopt this amendment which says, in the 4-year period, impact aid will be fully funded; however, there is to be an understanding it has to go into conference along with some other requests to see what actually can be worked out.

I want to have a colloquy with the chairman of the committee so we can have this understanding. The State of Pennsylvania is actually at 11 percent of being fully funded, which is not nearly as well as Oklahoma, which is at 37 percent. This is something that is an equity issue. It is not a distinction of 50 percent or 60 percent of full impact aid funding or 10 percent. It is an equity issue.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Oklahoma for offering this amendment because there is no doubt that the appropriations for impact aid are very important. As a basic matter of fairness to the States, this obligation ought to be undertaken by the Federal Government. It is candidly like many obligations the Federal Government ought to undertake which the Federal Government has not undertaken. One of the most notable examples is special education.

I have discussed this matter with my colleague from Oklahoma and think it worth putting into the RECORD the advances which the subcommittee, and now the full committee, have made on this important subject.

Last year, the total impact aid was $906.4 million. The request by the administration, according to information provided to me, is only $770 million. The House of Representatives in its bill has allocated $985 million. So the Senate is some $45 million higher now than is the House of Representatives.

I do recognize, as I said privately to the Senator from Oklahoma, the importance of this account and the desirability of increasing the funding.

We are prepared to accept the amendment on the understanding, as I discussed privately with Senator INHOFE and now state publicly for the record, that the funding comes out of administrative costs, and that is an item which has already been hit very hard.

A few moments ago, when the Senator from Nevada offered an amendment to add $10 million for NIOSH, we accepted the amendment, stating candidly, openly, that we would do our best in conference. That is the same thing I have told the distinguished Senator from Oklahoma: That we recognize the importance, the validity of the purpose, and we will do our best, but we are going to have to work out a great many complicated matters. On that state of the record, we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. While I support improving impact aid around the country, we are getting to the point where we accepted a $10 million cut in administrative costs, and we accepted some more before that, did we not?

Mr. SPECTER. We did.

Mr. HARKIN. Now we are going to accept $78 million in administrative costs, which we know we can't do?

I know I have some people on this side of the aisle who want to come over and offer amendments that will cut administrative costs.

I just ask my friend, the chairman, are we just going to accept them then? Are we going to accept every amendment that comes over that cuts administrative costs to increase education or whatever it might be? If we are going to do that, then I have no objection to the amendment of the Senator from Oklahoma. But if we are going to pick and choose, well, then, maybe we ought to think about which amendments and how we are going to balance these off between maybe amendments on that side and amendments on this side.

Are we going to have a $100 million cutoff or a $150 million cutoff on administrative costs and say we will take the first ones out of the block up to that point? Where do we draw the line?

We are going to have Senators on this side of the aisle come over here and offer amendments of the same magnitude, and they are going to take it out of administrative costs. I ask, will we just accept them?

Mr. SPECTER. Mr. President, if I may respond to my distinguished comanager, my view is, we will take a look at each one of them on an individual basis. We will assess the validity of the items, and we will accept them if they are valid. I do not know exactly what the cutoff figure is. I discussed candidly with the Senator from Oklahoma the difficulties of looking at $78 million.

Mr. HARKIN. That is a big item.

Mr. SPECTER. It is a very big item. The Senator from Oklahoma knows we will do our best.

Mr. INHOFE. Let me reclaim the floor, if I may, and respond to the Senator from Iowa.

For the first 30 years of this program, it was fully funded. I do not believe the Senator was in the Chamber when I first started talking about it. This is a reimbursement back to the States of money they have been deprived of as a result of Federal activity. That is a distinction between this and other programs.

For the Senator's State of Iowa, for example, you are getting 20 percent of what you would get if it were fully funded. It is an equity issue. Certainly, I have the understanding from the chairman—and I talked to the Senator from Nevada—and I recognize that when this gets into conference, there is going to be a problem weaving and sorting. But I cannot imagine any other program that would have a higher priority than this, to ultimately say it is our intent to get this fully funded back to where it was prior to the 1980s.

For that reason, I believe it has merit above some of the other programs that are coming. This is a reimbursement we agreed to back in the 1950s.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Inhofe amendment No. 3633.

Mr. McCAIN. Mr. President, I have a parliamentary inquiry. Where is the McCain amendment in the order of succession?

The PRESIDING OFFICER. It has been temporarily laid aside.

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

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

AMENDMENT NO. 3633, AS MODIFIED

Mr. INHOFE. Mr. President, I send my amendment back to the desk as modified and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title III, insert the following:

SEC. ___. IMPACT AID.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,065,000,000;

(2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $853,000,000; and

(3) amounts made available for the administrative and related expenses of the Departments of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

Mr. INHOFE. Mr. President, even though I believe we need to have a specific time in the future when Impact Aid is fully funded, I recognize there will have to be some kind of discipline in the number of amendments that are coming up to the Labor-HHS appropriations bill. For that reason, I have modified the amount down so that in the first year it will be $35 million as opposed to $78.2 million. I believe this has been agreed to on both sides.

Mr. HATCH. Mr. President, I rise today in strong support of the amendment offered by my colleague from Oklahoma, Senator INHOFE, to increase funds for the Impact Aid program. I have been a long time supporter of this vital program.

The Impact Aid program helps compensate states, like Utah, which are adversely affected by a federal presence. This program allocates funds to school districts where there are substantial concentrations of children whose parents both live and work on federally connected property and kids who parents either live or work on federally connected property. This is an extremely important program in Utah, especially in the southern part of my state.

Some may ask why this program is needed. The answer is simple. When the federal government owns or controls property, that property is lost to the tax base of state and local governments. The Impact Aid program was established for the purpose of compensating school districts for the tax revenue they lose given a federal presence.

I note with dismay and frustration that the Clinton Administration routinely eliminates portions of the Impact Aid program in its annual budget recommendations. Fortunately, however, this important program has been maintained and consistently funded. For that, I want to recognize the assistance of Senator SPECTER, Senator STEVENS, and the other members of the Appropriations Committee. Congress has kept this program viable.

Impact Aid is a vital program for Utah for many reasons. Utah needs every dollar it can get for our schools. Utah is a ''worst case scenario'' when it comes to the issue of school finance. We have the largest percentage of school age population in the country and the lowest percentage of working age adults. Because of this we have the lowest per-pupil expenditure in the country, despite the fact that our state allocates an extraordinary percentage of its tax revenue to education. Moreover, the adverse impact of a low per-pupil expenditure is felt over and over again because per pupil expenditure has become a factor in the funding formulas for a number of federal education programs.

To make matters worse, about 70 percent of Utah's land is federally connected. We have military bases, parks, forests, wilderness, BLM land, reservations, and, of course, a relatively new 1.7 million acre national monument.

If the Federal Government is going to own or control this much land in Utah, we need a fully funded Impact Aid program to offset the tax revenue losses to our schools. The federal government cannot improve education if they give with one hand and take away with the other. That is what the Clinton administration seems to be doing—advocating education funds only for those initiatives it has proposed, but financially starving federal education programs that send money directly to Utah school districts.

I am pleased to join my colleagues in support of the Impact Aid program. I urge senators to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3633, as modified.

The amendment (No. 3633), as modified, was agreed to.

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

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3610

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it is my understanding that I will speak on my amendment and the time of the vote will be decided by the managers of the bill. I will speak on my amendment at this time and then probably will not need additional time, depending on the desires of the managers of the bill.

The purpose of this amendment is to protect America's children from exposure to obscene material, child pornography, or other material deemed inappropriate for minors while accessing the Internet from a school or library receiving federal Universal Service assistance by requiring such schools and libraries to deploy blocking or filtering technology on computers used by minors, and to block general access to obscene material, and child pornography on all computers. The amendment further requires that schools and libraries block child pornography on all computers.

The last few years have seen a dramatic expansion in Internet connections. The Internet connects more than 29 million host computers in more than 250 countries. Currently, the Internet is growing at a rate of approximately 40 percent to 50 percent annually. Some estimates of the number of U.S. Internet users are as high as 62 million.

Section 254 of the Telecommunications Act of 1996 added a new subsidy to the traditional Universal Service program, commonly referred to as the Schools and Libraries Discount, or e-rate. As implemented by the FCC, the e-rate is a $2.25 billion annual subsidy aimed at connecting schools and libraries to the Internet. This subsidy is funded through higher phone bills to customers.

There are approximately 86,000 public schools in the United States. In the first program year of the e-rate, 68,220 public schools participated in the program. That is approximately 68 percent of all public schools. Participation increased by 15 percent in the second year, from July 1, 1999 to June 30, 2000, with 78,722 public schools listed on funded applications. That is approximately 82 percent of all public schools. Simply put, the e-rate program helped connect one million classrooms to the Internet. Private school participation in the program has resulted in more than 80,000 additional American classrooms wired to the Internet. Statistics on libraries participating in the program mirror these dramatic numbers.

I lay out these statistics because they represent both the tremendous

promise and the exponential danger that wiring America's children to the Internet poses. Certainly, the Internet represents previously unimaginable education and information opportunities for our Nation's school children. However, there are also some very real risks. Pornography, including obscene material, child pornography, and indecent material is widely available on the Internet. This material may be accessed directly, or may turn up as the product of a general Internet search. Seemingly innocuous keyword searches like ''Barbie doll,'' ''playground,'' ''boy'' and ''girl'' can turn up some of the most offensive and shocking pornography imaginable. Though, due to the amorphous nature of the Internet, it is difficult to precisely establish the amount of pornography available on the Internet. According to US News & World Report, there are ''at least 40,000 sex-oriented sites on the Web.'' This number does not include Usenet newsgroups, and pornographic spam.

Many who oppose efforts to protect children from exposure to pornography over the Internet dismiss such efforts as moralizing, as if it isn't enough to argue for the protection of innocence. Mr. President, I am content to make my stand on the vital importance of sheltering the purity of our children's moral innocence. However, the need to protect our children exceeds the basic moral argument. Natural sexual development occurs gradually, throughout childhood. Exposure of children to pornography distorts this natural development. As Dr. Mary Anne Layden, Director of Education at the University of Pennsylvania School of Cognitive Learning testified before the Commerce Committee, children's exposure to pornography accelerates and warps normal sexual development by shaping sexual perspective through exposure to sexual information and imagery. Dr. Layden stated: ''The result is a set of distorted beliefs about human sexuality. These shared distorted beliefs include: pathological behavior is normal, is common, hurts no one, and is socially acceptable, the female body is for male entertainment, sex is not about intimacy and sex is the basis of self-esteem.''

Alarmingly, the threat to children posed by unrestricted Internet access is not limited to exposure to simple pornography. As we have seen through an increasing flurry of shocking media reports, the Internet has become the tool of choice for pedophiles who utilize the Internet to lure and seduce children into illegal and abusive sexual activity. Pedophiles are using this technology to trade in child pornography, and to lure and seduce our children. In many cases, such activity is the product of individuals, taking advantage of the anonymity provided by the Internet to stalk children through chatrooms, and by e-mail. However, an increasingly disturbing trend is that of highly organized, and technologically sophisticated groups of pedophiles who utilize advanced technology to trade in child pornography, and to sexually exploit and abuse children.

In 1996, the country was shocked by a tragic story of the sexual exploitation of a young child in California. The San Francisco Chronicle reported an international ring of pedophiles operating through an on-line chat room known as the ''Orchid Club.'' Sadly, this case was an ominous precursor of underscoring both the technological sophistication of on-line predators, and the unique challenge of protecting children in an environment of a global communications medium. The Chronicle reported that: ''The case appears to be the first incident where pornography on the Internet has been linked to an incident of child molestation that was transmitted on-line . . . Prosecutors said members produced and traded child pornography involving victims as young as five years old, swapped stories of having sex with minors and in one instance chatted online while two suspects molested a 10-year-old girl.'' Sixteen men were indicted, including individuals from across the United States, Australia, Canada, and Finland.

In 1998, the U.S Customs Service, in coordination with law enforcement officials from 13 other countries, conducted a raid on the ''Wonderland Club.'' The price of membership in the Wonderland Club was high. In order to ''join'' the Wonderland Club of lowlifes, prospective members had to provide 10,000 images of child pornography, which were then digitally cross-referenced against the club's data base of more than 500,000 images of children to ensure their originality. According to Time Magazine:

> The images depict everything from sexual abuse to actual rape of children—some as young as 18 months old. ''Some club members in the U.S., Canada, Europe and Australia . . . owned production facilities and transmitted live child-sex shows over the Web. Club members directed the sex acts by sending instruction to the producers via Wondernet chat rooms. ''They had standards,'' said a law enforcement official involved in the case. ''The only thing they banned was snuff pictures, the actual killing of somebody.''

As we wire America's children to the Internet, we are inviting these low lifes to prey upon our children in every classroom and library in America.

If this isn't enough, the Internet has now become the tool of choice for disseminating information and propaganda promoting racism, anti-Semitism, extremism, and how-to manuals on everything from drugs to bombs.

Rapid Internet growth has provided an opportunity for those promoting hate to reach a much wider and broader audience. Children are uniquely susceptible to these messages of hate, and make no mistake about it, they are the targets of these messages. Through Internet access, our schools and libraries, places where we intend our children to develop their social skills, tolerance, where they should be learning to appreciate the wonder and beauty of diversity, instead they can be exposed to extremely hateful and dangerous information, and material they may otherwise go through their entire lives without being exposed to. According to the New York Times: ''They (hate groups) peddle hatred to children, with brightly colored Web pages featuring a coloring book of white supremacist symbols and a crossword puzzle full of racist clues.''

Media propaganda has always been used as a means for spreading the toxic message of hate. Magazines, pamphlets, movies, music and other means have been their traditional tools for those seeking to feed the darker side of our human nature. However, the Internet has changed the rules and the nature of this sinister game. With the growth of the World Wide Web, these evil groups are able to deliver a multimedia hate message through every computer, and into the minds of every child, in every classroom, and library in America. Images of burning crosses, Neo-Nazi propaganda, every imaginable message of division and hatred are just one click away from our children. The Seattle Post-Intelligencer reported in an article entitled ''Nazism on the Internet'':

> Many sites operated by neo-nazis, skinhead, Ku Klux Klan members and followers of radical religious sects are growing more sophisticated, offering inviting Web environments that are designed to be attractive to children and young adults.

The software filtering industry estimates that about 180 new hate or discrimination pages, 2,500 to 7,500 adult sites, 400 sites dedicated to violence, 1,250 dedicated to weapons, and 50 are murder-suicide sites are added to the Web every week.

Manuals on bomb-making, weapons purchases, drug making and purchasing, are widespread on the Internet. Simple word searches using ''marijuana,'' enables kids to access Web sites instructing them on how to cultivate, buy, and consume drugs. During the Commerce Committee hearing on my bill, the Children's Internet Protection Act, a representative of the BATF stated: ''The Bureau of Alcohol, Tobacco and Firearms recently ran a simple Internet query of pipe bomb, using several commonly used search engines. This query produced nearly three million ''hits'' of Web sites containing information on pipe bombs.'' Literature such as the ''Terrorist's Handbook'' is easily available on-line, and provides readers with instruction on everything from how to build guns and bombs, to lists of suppliers for the chemicals, and other ingredients necessary to construct such devices. Web sites such as (www.overthrow.comldrugznbombz.-html) offers the ''School Stopper's Textbook,'' touted as ''A Guide to Disruptive Revolutionary Tactics for High-Schoolers.''

There are now approximately ninety different blocking, or filtering software solutions that parents and educators may choose from to address just about

every different value or need relating to child safety on the Internet.

Due to the sheer size of the Internet, and the place at which it changes, some have argued that it is impossible to keep blocking lists current and comprehensive. Others have argued filtering systems are too arbitrary, that filtering by keyword may result in blocking both harmful sites, as well as useful sites. There was a time when there was some legitimacy to these claims. However, that time has passed.

According to Peter Nickerson, CEO of Net Nanny Software:

> A general perception exists that Internet filtering is seriously flawed and in many situations unusable. It is also perceived that schools and libraries don't want filtering. These notions are naive and based largely on problems associated with earlier versions of client-based software that are admittedly crude and ineffective. Though some poor filtering products still exist, filtering has gone through an extensive evolution and is not only good at protecting children but also well-received and in high demand.

When a school or library accepts federal dollars through the Universal Service fund, they become a partner with the federal government in pursuing the compelling interest of protecting children. The Supreme Court has made it clear that schools have the authority to remove inappropriate books from school libraries. The Internet is simply another method for making information available in a school or library. It is no more than a technological extension of the book stack. As such, the same principles affirmed by the Court apply to restricting children's access to material, over the Internet, in a school.

At its core, this amendment to a spending bill, amending 254(h) of the Communications Act of 1934 to require, as a contingency for receipt of a federal subsidy, certain measures to restrict children's access to child pornography, obscene material, and other harmful material via school and library computers, and that all users be restricted from accessing child pornography. Local officials are granted the authority to determine what technology is used to achieve this end, and policies for determining how such technology is used. There is ample precedent for conditioning receipt of federal assistance.

Libraries place many restrictions on what patrons may do while on the premises. The simplest example of this are the strict rules implemented by libraries to maintain a quiet atmosphere for reading and study. Patrons are not permitted to give speeches, make public statements, sing, speak loudly, etc. Further, it is the exclusive authority of the library to make affirmative decisions regarding what books, magazines, or other material is placed on library shelves, or otherwise made available to patrons. According to Jay Sekulow, of the American Center for Law and Justice:

> Libraries impose many restrictions on the use of their systems which demonstrate that the library is not available to the general public. Additionally, an open forum by government designation becomes, 'open' because it allows the general public into its facility for First Amendment activities. Like in the National Endowment for the Arts v. Finley, decision, the government purchase of books (like buying art) does not create a public forum.

Mr. President, currently, roughly 30 percent of U.S. households are wired to the Internet, with some smaller number of those households wired with children in the home. With full implementation of the E-rate program, there will be an explosion of children going on-line. This is an unprecedented egalitarian opportunity for access to educational and informational resources by America's children. Equally, this reality represents an unprecedented risk to the safety and innocence of our nation's most precious resources, the sanctity of childhood.

The first line of defense is parents. Parents must be involved in their children's lives. They must make it a point to know what their kids are doing online, the games they are playing, the web sites and chat rooms they are visiting, whom they are talking to.

But parents need help. Currently, for most children, their Internet activities will occur outside the home. Parents, taxpayers, deserve to have a realistic faith that, when they entrust their children to our nation's schools and libraries, that this trust will not betrayed.

Mr. President, Dr. Carl Jung, in 1913, spoke of the importance of childhood in shaping values, and the implications for future generations. Jung said: ''The little world of childhood with its familiar surroundings is a model of the greater world. The more intensively the family has stamped its character upon the child, the more it will tend to feel and see its earlier miniature world again in the bigger world of adulthood.''

As I look upon the landscape of America today, of our children, growing up in a culture of darkness, of a mass media that floods their innocent minds with images of gratuitous sex and senseless violence, as I contemplate the likes of predators who stalk our children through this new technology, of pornographers and hate mongers who seek to invade the sanctity of the innocence of childhood to stamp their dark values on our children, I wonder what the future world of adulthood will look like if we do not act swiftly and decisively to build an inviolable wall around our precious children.

This bill was passed last year by voice vote. I hope we can dispense with it, and I also hope Members of this body understand that what is happening in schools and libraries all over America, in many cases, is an unacceptable situation.

We are not trying to impose any standards from the Federal Government or from this body. We are asking the schools and libraries to impose standards according to community standards, according to what the local library board and school board thinks is appropriate, just as those decisions are made about printed material in schools and libraries. I think this is an important issue. The testimony before the Commerce Committee was alarming and very disturbing.

Obviously, we do not intend to invade the sanctity of the home nor tell parents what they should and should not do regarding their children. But I believe when taxpayer dollars are involved, the Federal Government then has a role to play.

As a proud conservative, I hope we will pass this legislation quickly, and that it will be enacted into law. The sooner the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I renew my request for our colleagues who have amendments to offer them. I was informed about an hour ago that one of our colleagues was on his way to offer an amendment. We are very anxious to have Senators come to the floor.

In the absence of any Senator who seeks recognition, 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I ask the Senator from Pennsylvania and the Senator from Iowa whether or not I should lay down my amendment, and then set it aside when other Members come out. I am pleased to come into play here, if that would help.

Mr. SPECTER. Mr. President, if the Senator will yield, we would be delighted.

Mr. WELLSTONE. I thank my colleague for that response.

I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3631

(Purpose: To increase funding for part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota (Mr. WELLSTONE), for himself, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, and Mr. REED of Rhode Island, proposes an amendment numbered 3631.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . PART A OF TITLE I.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part A of title I of the Elementary and Secondary Education Act of 1965 shall be $10,000,000,000.

Mr. SPECTER. Mr. President, may I inquire of the Senator about what the amendment relates?

Mr. WELLSTONE. Mr. President, this amendment increases the appropriations of title I, part A, to $10 billion. Actually, the Health, Education, Labor, and Pensions Committee unanimously voted to authorize this to the $15 billion level. I think right now we are at $8.36 billion. This is an amendment to get us at least part way there.

I come to the floor today to speak on the agreement that has been reached regarding some of the spending cuts in the Labor-HHS Appropriations bill. It is my understanding that Senator STEVENS has agreed to drop certain provisions of this bill in conference; in particular, I understand that the 1.9 billion dollar S-CHIP cut, the 240 million dollar TANF cut, the 50 million dollar welfare-to-work performance bonus, and the 1.1 billion dollar cut to the Social Service Block Grant (SSBG) will all now be restored in conference.

I would like to thank my colleagues, particularly Senator STEVENS, Senator ROTH, and Senator GRAHAM, for ensuring that the funding for these critical programs is restored. However, I also feel that it is important to stand up today and remind all of my colleagues that it never should have come to this—none of these programs should have ever seen their funding streams reduced in the first place. In particular, the proposed 1.1 billion dollar cut to the SSBG, a cut that would have reduced the block grant to just 600,000 dollars, should never have made it into this bill.

I have to say how disappointed I was to learn that the FY 2001 Labor-HHS Appropriations bill contained such enormous funding cuts to the Social Services Block Grant, cuts of more than 1 billion dollars. And while I find it deeply disturbing that such cuts would be proposed under any circumstances, I find it even more deeply disturbing that these cuts were proposed as part of the FY 2001 Labor-HHS Appropriations since we had this exact debate last year. In the FY 2000 Labor-HHS Appropriations, the SSBG faced cuts of just over 1 billion dollars. At that time, Senator GRAHAM of Florida and I offered an amendment to restore SSBG funding, and in my mind, the question was settled. When asked, ''Should we reduce funding to the SSBG?'' the overwhelming response was, no, absolutely not. At that time, fifty-seven Senators said that the services their states provide using SSBG funds—services like Meals on Wheels, congregate dining, assisted living for the elderly and the disabled, foster care services, and child care services, to name only a few—are important to the people in their communities and that they did not want to see these funds cut.

I ask you, why then did the SSBG face such enormous cuts again this year? This program is simply too important, and it is critical that we set a new standard by which the SSBG is always funded first, not last, never as an afterthought, never as the result of intensive last-minute lobbying and negotiation, and by which the SSBG is always funded to the full statutory amount.

As many of my colleagues already know, the SSBG is a flexible funding stream that states use to pay for a wide variety of services and programs for many of their most vulnerable citizens. The states have a tremendous amount of leeway in how they use their SSBG funds, and this is one funding stream they are able to use to try to develop innovative and creative programs to help the poor and needy. SSBG funds can be spent to serve people with incomes up to 200 percent of the federal poverty level, and the money need only be used to help people achieve and maintain economic self-support and self-sufficiency, and to prevent, reduce, or eliminate dependency. SSBG funds may be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based non-institutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the very old and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX (20) of the Social Security Act specifies that 1.7 billion dollars is to be provided to the States through the SSBG for FY 2001. However, in spite of its status as a mandatory program, the SSBG has been raided repeatedly over the years to fund other priorities. Beginning in 1996, as part of the welfare ''reform'' law, the SSBG was cut by 15 percent, from 2.8 billion dollars to 2.38 billion dollars, for fiscal years 1997 through 2002, after which point its funding was supposed to go back to 2.8 billion dollars. The states reluctantly accepted these cuts, and only after they obtained a commitment from Congress that we would provide stable funding for the block grant in the future.

As it turns out, the lifespan on that particular Congressional commitment was only two years, because by 1998, we were back to raid the SSBG again when the highway bill cut funding for the block grant further, to 1.7 billion dollars for fiscal year 2001 and each year after that. And now here we are again, with our hand in the cookie jar, trying to raid the SSBG one more time. The FY 2001 Senate Labor-HHS Appropriations bill that came out of committee proposed slashing funding for this block grant yet again, this time to only 600 million dollars, a cut of more than one billion dollars. If this proposed cut were enacted, funding for the SSBG will be almost 80 percent lower in 2001 than it was in 1995. Mr. President, I feel certain that by no stretch of anyone's imagination does an 80 percent cut qualify as the stable funding we promised the states in 1996.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, ''these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in administering social programs.'' Couple this with the nearly 2 billion dollars the Labor-HHS Appropriations bill proposed cutting from S-CHIP, another block grant critical to the states' ability to provide services for vulnerable citizens, and I think the states could take only one message away from this bill as it came to the Senate floor: Don't make long-term investments in these social service programs, because you simply can't count on the federal government to keep up their end of the bargain.

SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposed slashing these funds, we sent a clear, and I believe extremely damaging, message to the states. I think we told them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we were to go back on our word and break our commitment to the states—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

Each year, SSBG funds are used by the states to provide critical support

services to millions of vulnerable people. In 1998, for example, according to the Center on Budget and Policy Priorities, roughly 10 percent of SSBG funds were spent on programs that provided child care for low- and moderate-income families, while another 18 percent of SSBG funds were spent on services to protect children from abuse and to provide foster care to children.

Other SSBG funds were used to provide services to low- and moderate-income elderly, truly some of our most vulnerable community members. Services provided to this population through the SSBG include home-based care and assisted living services intended to help many elderly people stay out of institutions, so that they can continue to live with dignity in their own homes, where they feel safe and comfortable. In many cases, the costs the federal government would incur if SSBG funded services were withdrawn and these individuals forced into nursing homes instead would far exceed the savings generated by slashing this important block grant. In some states, SSBG funds are also used to pay for protective services to prevent abuse, neglect, and exploitation of vulnerable seniors. No other program provides significant funding for those services.

Additionally, the SSBG helps to fund support services for nearly half a million people with mental retardation and other physical and mental disabilities. The services provided with SSBG funds include transportation assistance, adult day care programs, early intervention, crisis intervention, respite care, and employment and independent living services. Again, these are services that help keep vulnerable people in their own homes and out of costly institutionalized settings, allowing them to live their lives with dignity and respect.

In my own state of Minnesota, SSBG funds are used to provide an enormous range of important services. For example, some counties use SSBG to augment child care for low-income single women and families. Yet even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut SSBG funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who's just gotten off welfare and is trying to make ends meet while she starts working at her new job, when she loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic ''home chore'' services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money than will be saved by reducing the SSBG.

When speaking with people in Minnesota about how they use their SSBG funds, I learned that SSBG money is also sometimes used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they're not so isolated in their home (a ride to the senior center, perhaps). There's no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling. Basically, the way it's been explained to me, Minnesota counties typically rely on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

When I asked people in Minnesota to explain to me exactly what kinds of services they provide with SSBG funds, I was amazed by what I heard. Rex Holzemer, who works for Hennepin County, which is the county where Minneapolis is located, gave me several short case examples from the county's social services areas that are supported by SSBG funds. He told me about:

An 84-year old widow who was neglected and financially exploited by tenants in her duplex who had isolated her socially and taken over her financial affairs, including cashing her Social Security checks. When a social worker intervened, he found this woman emaciated and unaware of her circumstances. The woman was hospitalized and subsequently transferred to a care setting. Adult Protection arranged for a conservatorship, and as part of a court-supervised settlement, the perpetrators agreed to pay back the bulk of the money.

Rex also told me about an 8-year old girl with autism, behavior problems and a sleep disorder, who was provided temporary crisis transitional care while her parents worked to modify her physical environment at home. The crisis service provided special training on appropriate behavioral interventions for the parents and other caregivers, which produced positive behavioral outcomes for the child, thereby avoiding inpatient hospitalization and/or out-of-home placement.

Then there is the case of a 48-year old woman with schizophrenia who called looking for help finding a living situation that would offer her some needed supervision. She was referred to several community transitional programs, but was unable to follow through due to her illness. The intake worker connected her with an outreach case manager who helped this woman stabilize her life. She was referred to a psychiatrist, found crisis housing, and ultimately moved into her own apartment with only periodic supportive services.

Or how about the case of a child born addicted to cocaine, who Child Protective Services had to place into foster care? The child's mother has never been able to pass drug testing as required by the court-ordered child protection plan. The child's 25-year old father, who has mild functional impairments, worked intensively with the Developmental Disabilities Parent Support Project for eight months to learn appropriate parenting skills. Due to the progress the father made, the child was transferred at age one from foster care into the father's home.

And what about the two-parent family with four children that was overwhelmed by the needs of their 15-year old son who was violent and out-of-control? The mother had been assaulted several times by the son, and had finally asked that the child be placed out of the home. The county was able to provide intensive in-home therapy with the entire family. The son also received individual therapy and participated in after-school programming. The parents were provided with training on appropriate behavioral interventions through the in-home counseling and were ultimately able to manage their son within the home, averting the need for out-of-home placement.

In each of these cases, Hennepin County drew on SSBG funds to provide services to people who desperately needed help. And in each of these cases, because the county was able to provide assistance, vulnerable individuals were able to stay out of institutions, with their families, in safe, comfortable settings. But if the Labor-HHS bill is enacted with the proposed SSBG cuts, Hennepin County will have to reduce exactly these kinds of services. And it isn't just urban counties that rely on SSBG funds, but many of our rural Minnesota counties also use SSBG funds to provide critically important services.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota, a rural Minnesota county, also told me how her county uses its SSBG funds. Sue explained that her county counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. The vulnerable adults they help with SSBG money tend to be elderly

people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they're supposed to. Oftentimes these people aren't eligible for medical assistance, so there's not another source of funding available to them when they're living in the community.

What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and ''chore services''—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who otherwise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG by more than 65 percent.

Dave Haley, from the Ramsey County Department of Human Services, the county where St. Paul is located, also told me about how his county spends their SSBG money:

The first example Dave gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than a billion dollars.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Because of recent budget cuts to the SSBG, Ramsey County has already reduced a wide range of services: homemaker services; chemical dependency and mental health counseling services; budget counseling and money management for adults with chemical dependency or mental health issues; chemical dependency education and prevention services; parenting support programs for families in the child protection system; parenting support programs for teenage mothers; targeted efforts in neighborhoods with high rates for child abuse and neglect; monthly grants to help families with a developmentally disabled child continue to provide in-home care for that child; and semi-independent living programs for elderly and disabled individuals to live in their homes and not have to move into residential treatment facilities. These are programs that have already been cut. If SSBG funding is cut further, Ramsey County will be forced to additionally reduce funding for Meals on Wheels, transportation services for seniors, outpatient mental health services, sexual abuse services, employment and training programs, and social adjustment programs for Hmong and Lao immigrants. If the proposed SSBG funds cuts are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? You tell me, who should be the one who goes to bed hungry, or sick and alone, or just plain afraid that they won't make it through tomorrow?

I have to explain that this program is particularly important to my own state of Minnesota, where the proposed cut to the SSBG will have an immediate and deeply felt effect. Minnesota communities are supposed to receive 30 million dollars in FY 2001 under the current law; if the allocation is cut to 600 million dollars as proposed, Minnesota will lose more than 19 million dollars in funding, nearly two-thirds of its grant, receiving only 10.4 million dollars in FY 2001. Most states would feel similar cuts if SSBG funding were to be cut from 1.7 billion dollars to just 600 million dollars.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add or subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books, which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, meals-on-wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMSA grant to fund mental health services. Furthermore, because the law governing the flow of SSBG funds in Minnesota would actually have to be rewritten to offset the federal funding cuts, the state would not be able to make up the funding shortfall to the counties until the Minnesota legislature comes into session next year and passes new legislation.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes.

Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds, since states will be able to transfer up to 4.25 percent of their surplus to SSBG. Except, according to an analysis done by the Center on Budget and Policy Priorities, there are 37 states that wouldn't be able to offset the funding cuts proposed in the Labor-HHS Appropriations bill by transferring TANF funds. More importantly, though, we send the wrong message to the states when we tell them to rob Peter to pay Paul. States should not have to steal funds from one social services funding stream, in this case TANF, to replace funds rescinded from another social services funding stream, the SSBG.

In this era of prosperity, of enormous budget surpluses and huge government windfall, of tax breaks and increased defense spending, it simply defies logic

to further reduce SSBG funding. Now is the time for us to invest in meeting the needs of our most vulnerable citizens—the very young and the very old, the disabled, and the poor. It would be a terrible breach of faith with the states, but more importantly with the people who live in those states, if we continue to raid the Social Services Block Grant.

And while I am pleased that my colleagues have pledged to restore funding to this program, as well as several other critically important social service programs, I would just say again that it should never have come to this in the first place. These programs are too important to our most vulnerable citizens, and we have a responsibility to see to it that they are funded first, not last. It should simply be a matter of course that these programs are always fully funded, and the fact it isn't, that we still have to come out here year after year to fight the same fight to protect these programs, is ridiculous. In this era of budget surpluses and tax cuts, the fact that programs to aid the elderly, the disabled, the young, and the poor as somehow continue to remain vulnerable to spending cuts ridiculous. I am pleased that we now have the budget chairman's promise to restore these cuts, although I hope that other, equally important programs don't fall victim to these funding reduction in their stead in conference. It is crucial that we maintain our end of the deal we struck with the states, and with the people who live in those states, and protect these programs. Again, I thank Senator STEVENS, Senator ROTH, and Senator GRAHAM for their efforts to protect these programs, and hope that we see a final Appropriations bill that fully funds all of these critical programs that serve our most vulnerable citizens.

I thank Senators HARKIN and SPECTER, and also Senator STEVENS and Senator GRAHAM of Florida, for their work.

My understanding is we will be able to get this resolved; that we will be able in the conference committee to work hard to restore the funding for the social services block grant program.

I ask my colleague from Iowa; is that correct?

Mr. HARKIN. Yes. I think all of us are committed on this side. I don't speak for the Senator from Pennsylvania. But in my conversations with him, I understand that he is committed to replacing the social services block grant. Clearly, we cannot live with those. We are going to restore those in conference.

It was simply a matter of trying to get our bill together to meet the budget requirements because SSBGs were not fully funded. I can assure the Senator from Minnesota that they will be funded fully in conference.

Mr. WELLSTONE. I thank my colleague. I say to both Senators that there are two issues here that are important to me. I understand the pressure under which both of my colleagues have labored. I thank them for their support.

We went through this debate last year, and we had a vote. I came out here with Senator GRAHAM on an amendment to restore the funding.

The notion that we would actually be cutting the block grant program—which is Meals on Wheels, child care services, and help and assisted living, help for people to stay at home, elderly people to stay at home, people with disabilities to stay at home—to me is so shortsighted.

There is very moving testimony from a lot of people in Minnesota in the human services area who talk with great passion about what these cuts would mean—especially in a State such as Minnesota where we automatically pass this money directly to the county level. We wouldn't be able to make up for it. The consequences of these proposed cuts in the block grant program would be just unbelievable. To cut the social services block grant program by over $1 billion would have a very harsh impact.

I have complete confidence that this funding will be restored in conference committee. This is all about the heart and soul of the Senate.

I do not believe with a flush economy, and yet another revised estimate of the amount of money we are going to have for surplus, that we would be cutting these kinds of programs that are so important to vulnerable citizens around the country. In particular, I speak for people in Minnesota.

The health committee voted unanimously to increase the authorization of title I to $15 billion. Right now, this bill we are considering provides for $8.36 billion. That is a little more than 50 percent of what we called for in the authorizing committee.

The interesting thing is this was a unanimous vote in the health committee. This is about a $400 million increase from last year. That is what we have here in the appropriations bill on the floor. The House gave almost no increase to this valuable program. This amendment says: Look; let's at least bump this up to $10 billion.

I point out at the very beginning that the title I program is one of the most important education programs that we support at the Federal level; and the title I program allocates money back to our communities to help those students who are especially disadvantaged. The title I program is a very targeted program. It goes to the lowest income school districts—be they urban, rural, or inner suburban. The title I program allocates money back to our local communities and our local school districts to provide assistance for children, whether it be more assistance for reading, whether it be more help vis-a-vis prekindergarten, or whether it be afterschool programs.

I also want to point out to my colleagues that the title I program is funded at best at about one-third of the level, so we really haven't even come close to backing up this mission and this commitment to children with the resources. I have great appreciation for what my colleagues have done in this appropriations bill, but for some reason title I really stays very low.

Again, our committee, the HELP committee, unanimously voted to authorize this up to $15 billion.

Mr. SPECTER. Will the Senator from Minnesota yield for an inquiry?

Mr. WELLSTONE. I am happy to.

Mr. SPECTER. We have another amendment that is ready to go. We will set Senator WELLSTONE's aside, obviously.

How much longer does the Senator from Minnesota anticipate he wishes to speak?

Mr. WELLSTONE. Mr. President, I have just begun. In the spirit of cooperating with management, I am pleased to lay the amendment aside if the Senator wishes. But I will say to my colleague, I probably need about half an hour to make my case.

Mr. SPECTER. Mr. President, the purpose of the inquiry was not to ask the Senator from Minnesota to abbreviate his comments in any way. But it would help us, in the orderly management of the bill, if we could have another amendment introduced now so we can get the process rolling, and then, if it is acceptable to the Senator from Minnesota, I would ask him to yield for 5 minutes with the right to resume his presentation at the end of that time.

Mr. WELLSTONE. Mr. President, I thank the Senator from Pennsylvania. That will be fine with me.

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

Mr. SPECTER. Mr. President, I ask unanimous consent the pending business be set aside so the Senator from Pennsylvania may offer an amendment.

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

AMENDMENT NO. 3635

(Purpose: Relating to universal telecommunications service for schools and libraries)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3635.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Neighborhood Children's Internet Protection Act''.

SEC. 602. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

''(1) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

''(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

''(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

''(A) has—

''(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

''(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

''(B)(i) has adopted and implemented an Internet use policy that addresses—

''(I) access by minors to inappropriate matter on the Internet and World Wide Web;

''(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

''(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

''(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

''(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

''(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

''(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making such determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.''.

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (1), all telecommunications''.

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 603. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of the enactment of this Act, the Federal Communications Commission shall adopt rules implementing this title and the amendments made by this title.

Mr. SANTORUM. Mr. President, I thank both my colleagues, my colleague from Pennsylvania and my colleague from Minnesota, for allowing me just a few minutes, at least 5 minutes, to explain the subject matter of this amendment.

I heard the Senator from Arizona, Mr. MCCAIN, talking about Internet protection. Let me say I commend his work as chairman of the Commerce Committee in pursuing this area because it is an important area, to provide needed protections for children in libraries and schools, to have a program in place to deal with the issues of pornography and violence and the other things that have opened up on the Internet.

I have nothing but words of praise for the Senator from Arizona and for the work he has initiated. In fact, the amendment I have just introduced uses his language pretty much as the base of the amendment. But in looking at this issue, now, for the past several years—and I have young children; I am very concerned about their access to the Internet—talking to people from both libraries and schools, and others who are interested in the subject area, I believe the McCain amendment, while I think it goes so far, can in fact and should go further.

In this respect, as the Senator himself mentioned, there are maybe 100 filtering software packages out there. Some are good, some are not so good; some are state of the art, some are not. His amendment does not require anyone to buy state-of-the-art filtering software. It just says you have to buy filtering software or blocking software.

In fact, even the state of the art does not include some of the things about which I am very concerned. One of the real concerns I have is chat rooms. When you talk about pedophiles and people who prey on people via the Internet, they do it principally through these chat rooms. I am not aware of very much software that blocks chat rooms.

So you have a lot of things in addition to sites that maybe are pornographic or violent, or other problems you find on the Internet, that may be blocked with some of these software packages. But it doesn't get to the scope of the dangers on the Internet.

What I have suggested in my amendment is that, in the alternative, we require local communities, schools—anyone who participates in the e-rate, the same premise on which Senator MCCAIN's amendment is based—that they develop a policy that there be local hearings and public notice, and there be a community effort put together for the community to get involved and make the decision on a community basis on how they are going to deal in a comprehensive way with this. In fact, we list several things in the amendment that must be covered by this local policy.

The policy is then reviewed by the FCC simply to determine whether the school district, for example, has met the criteria and actually has a policy in place to deal with the areas specified in the legislation. If the community decides they do not want to go through public notice, they don't want to have hearings, they don't want to go through this process of developing a local plan, then Senator MCCAIN's amendment falls into line; they must buy filtering software. So we keep his amendment as sort of the hammer to encourage localities to do that.

I think what Senator MCCAIN said was absolutely right. Most of these communities are already buying software. I have been through hundreds of schools and have talked about this issue. Most of them understand the dangers out there and, in fact, have developed or are in the process of developing a program to deal with this problem. What we want to do is provide some guidance to them, some encouragement to them, and in the case of Senator MCCAIN's underlying amendment, which again is part of our amendment that I have just filed, it is a hammer that says: If you don't provide a comprehensive local approach, then you have to buy the software.

To me, it is a philosophical argument. It says: Should we have Washington come down and hammer you and say here is what you have to do, or should we have a program that says: Here is the problem. Local parents and teachers and community, you go out and bring the community together and do the hard work of democracy, which is to work together to come up with a solution to the problem. I am hopeful we can do that.

I just say briefly, my amendment, the bill I have introduced which is S. 1545, which is the text of this amendment, has been endorsed by the American Association of School Administrators, American Association of Education Service Agencies, International Society for Technology in Education, National Rural Education Association, the American Library Association, the National Education Association, the Consortium for School Networking, and the Catholic Conference. They all support my amendment. That is about

as wide a cross-section as you can get. And I would add someone very local. On this issue, Dr. Laura Schlesinger also supports our approach as the alternative to the McCain amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my colleague from Vermont, Senator LEAHY, asked for a few moments to speak in regard to this issue before us.

I ask unanimous consent the Senator from Vermont be allowed to speak and I then follow him.

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

Mr. LEAHY. Mr. President, I thank my good friend from Minnesota for his customary courtesy.

Over the past decade, the Internet has grown, as we know, from relative obscurity to what is today, both an essential commercial tool and increasingly an essential educational tool. With that expansion, we have had some remarkable gains. We have also seen new dangers for our children. Congress has reacted. We struggle with legislation that will protect the free flow of information, as required by the first amendment, while at the same time we shield our children from some of the inappropriate material that can be found on the Internet.

The distinguished Senator from Arizona, Mr. MCCAIN, spoke of his concern. I share his concern that much of the material available on the Internet may not be appropriate for children. I commend the Senator from Arizona for his good-faith effort to find a solution, but I cannot support the proposal he has urged. This amendment, his proposal, would require schools and libraries to certify, install, and enforce an Internet filtering program under the supervision of the Federal Communications Commission, and also under threat both of losing their e-rate discounts in the future and the financial liability of reimbursing discounted funds they have already spent.

In my view, as well intentioned as it might be, the amendment would substantially harm and not help the children of this Nation. I do not support it.

We have to tread cautiously and carefully in this arena but also understand a lot of schools and libraries have found a pretty practical way of doing this.

For example, many schools and libraries put their screens in the main reading room. One has to assume not too many kids are going to go pulling up inappropriate things on the web sites when their teachers, their parents, and everybody else are walking back and forth and looking over their shoulder saying: What are you looking at? It is one thing if you are looking at NASA's home page. It is another thing if you are looking at wicked dungeons or something, if there is such a thing.

Past legislative efforts to protect children by imposing content-based restrictions on the Internet have failed to respect our first amendment principles and pass constitutional muster. In 1997, the Supreme Court unanimously struck down the Communications Decency Act, which this body approved 84–16.

Just last week, the Third Circuit Court of Appeals held that the Child Online Protection Act is likely an unconstitutional, content-based restriction on protected speech.

I opposed this legislation—in fact, I was the only vote against it when it was offered as an amendment to the Internet Tax Freedom Act, S. 442, and spoke against it when it was included in the Omnibus Appropriations measure in October 1998. I predicted the courts would rule as they have done.

The McCain amendment to H.R. 4577 is likely to go the way of its predecessors. First, the amendment would require that schools and libraries obtaining e-rate discounts for telecommunications services use blocking and filtering software that makes inaccessible obscene material and child pornography, even if local authorities determine that other strategies are more appropriate for both students and library patrons. As the National Association of Independent Schools noted in commenting on this proposal last year:

> * * * it is an individual school's decision to determine how best to address this issue in a way that is commensurate with its mission and philosophy—whether it be part of the teaching and learning process, the inclusion of appropriate use policies or enforceable language in parent/student enrollment contracts, or even filters. It is certainly not the role of the federal government to proscribe a course of action that interferes with what is decidedly a local matter.

Second, the amendment would invite the FCC to be the de facto national censor, collecting from schools and libraries around the country so-called ''certifications'' that they are implementing blocking and filtering programs on their computers with Internet access. The FCC would be responsible for policing these schools and libraries to ensure that they are fulfilling the promises they make in the certifications, and are in fact blocking computer access to obscene material and child pornography. The FCC would also be the ultimate enforcer in the scheme outlined in the amendment since the FCC has the responsibility for determining when the schools and libraries have failed to comply with the filtering requirements of the law and when ''the provision of services at discount rates . . . shall cease . . . by reason of the failure of a school to comply with the requirements.''

We should not underestimate the power this would place in the FCC since the e-rate is a valuable privilege, particularly for schools and libraries in poor areas and in rural areas with high costs for telecommunications services. The e-rate, passed as part of the 1996 Telecommunications Act, provides schools and libraries with deep discounts in telephone services and Internet access. Protecting children from viewing or receiving potentially inappropriate information is of the utmost importance. Yet, to ensure their continued eligibility for the e-rate, and to avoid having to reimburse past financial discounts, we can anticipate that schools and libraries will go overboard and block out material deemed by some to be inappropriate. Would, for example, online chat rooms focused on the works of Vladimir Nabokov and including discussion of the classic Lolita be off limits, let alone the work itself, since some may view it as pornographic? The film version of this book had a very difficult time finding a distributor due to the nature of the subject matter.

School boards and libraries faced with the risk of losing their e-rate can be expected to implement highly restrictive programs. This broad ''self-censoring'' imposed by the McCain amendment on schools and libraries will lead to a chilling of free speech to the detriment of our nation's children and library patrons.

Another consequence will be to remake the FCC into an updated version of the Meese Commission on pornography, but with far greater enforcement powers and coercive effect.

As part of the certification process mandated in the amendment, we can expect schools and libraries to submit their plans for Internet filtering to the Commission for guidance on whether the proposals are acceptable. In practical terms, this would require the FCC to make literally thousands of determinations as to what constitutes ''obscene'' or ''child pornography'' in order to provide comfort to schools and libraries seeking guidance. The financial risks are too great for schools and libraries to simply wait for the FCC to find their filtering and compliance plan to be insufficient. This will, in the end, defeat the local decision-making to which this amendment pays lip service.

On the contrary, the amendment if enacted may lead to the Orwellian nightmare fully realized. The FCC, an unelected administrative agency, will be in the position to regulate the dissemination of knowledge and control what our children can read, view, and learn at school or at the library.

Taken as a whole, the problematic aspects of the McCain amendment will harm schools and libraries and decrease the value of the Internet as an important educational tool. By requiring a certification to the FCC, the amendment places yet another regulatory burden on financially strapped schools and libraries.

The distinguished Senator from Utah and I have put forward a proposal that addresses this problem and avoids the pitfalls inherent to the McCain amendment. We offered this proposal as an amendment to S. 254, the juvenile justice bill, and it was agreed to on May 13, 1999, by a vote of 100–0. Our Internet filtering proposal would leave the solution to protecting children in schools and libraries from inappropriate online materials to local school boards and

communities. It would require Internet Service Providers with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering systems that will prevent minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

This Internet filtering proposal seems to be a sensible thing to do. As I said, it passed 100–0. Unfortunately, progress on this proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children—which is why that bill passed the Senate by an overwhelming majority over a year ago.

I would like to see us go back to our filtering proposal. We have already voted on it. It is a workable solution. It would bring about what we want to do.

I commend Senator MCCAIN for his leadership and dedication to the subject. I hope we will work together on the issue. We share an appreciation of the Internet as an educational tool, we appreciate it as a venue for free speech, but we also are concerned about protecting our children from inappropriate material whether they are at home, at school, or in the library.

Ultimately, it is not going to be just a question of passing a law to do this. I suggest parents do with their children today what my parents did with my brother, sister, and me when we were growing up: Pay some attention to what their children read.

I was fortunate. I began reading when I was 4, but I had parents who actually talked about what I might read. Parents may want to spend some time on the Internet with their children. There is software that can help to protect their children, and parents should work with that. They ought to take a greater interest in what they are doing and not just assume Congress can somehow pass laws that keep getting knocked down, justifiably so, under the first amendment. Rather, they can work with the tools we can give for their children.

I thank my dear friend from Minnesota for his courtesy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleagues, Senators SPECTER and HARKIN, are we to go until 12:30 p.m. and then break for the caucuses; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I can in 4 minutes start to describe a little bit of this amendment. I ask unanimous consent that when we come back from the caucuses, my amendment be in order. I will not be able to do this in 4 minutes. Other colleagues have spoken.

Mr. HARKIN. Reserving the right to object, Mr. President, I understand the Senator requested when we come back at 2:15 p.m. that he be recognized to continue to speak on his amendment. The amendment has been laid down; is that correct?

Mr. WELLSTONE. That is correct.

Mr. HARKIN. I modify that unanimous consent request to ask unanimous consent that when the Senator finishes speaking on his amendment, Senator BINGAMAN be allowed to then offer his amendment at this point in time.

Mr. SPECTER. Mr. President, the sequencing suggested by the Senator from Iowa is fine. That will move the bill along. The Senator from Minnesota has laid down his amendment. We have a number of amendments pending at the present time. Subject to the wishes of the majority leader, it is our hope to vote late this afternoon on a number of amendments. That sequencing, as articulated by Senator HARKIN, is fine.

Mr. WELLSTONE. I say to both of my colleagues, I appreciate there are a number of amendments. I will take time just to make sure colleagues know what this amendment is about. I do not intend to take a long time on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, having been a teacher for years, in 1 minute I do not know how to summarize an amendment that is all about education and kids.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:27 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—continued

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

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

AMENDMENT NO. 3631

Mr. GREGG. Will the Senator yield for a question?

Mr. WELLSTONE. Yes.

Mr. GREGG. Will the Senator from Minnesota be interested in entering into a time agreement on his amendment?

Mr. WELLSTONE. I say to my colleague, I do not think it will probably be necessary. At least on my part, I think within a half an hour I can make my case for the amendment.

Mr. GREGG. If the Senator is agreeable, we agree that his amendment will be debated for 45 minutes, 30 minutes to his side and 15 minutes in opposition.

Mr. WELLSTONE. Mr. President, I would be pleased to accommodate my colleague.

Mr. GREGG. I ask unanimous consent that that be the case.

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

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I would like to send an amendment to the desk that I ask be laid aside, if I could.

Mr. GREGG. Reserving the right to object.

Mr. WELLSTONE. This is just an amendment to be filed.

The PRESIDING OFFICER. The amendment will be numbered.

Mr. WELLSTONE. If I could clarify——

Mr. GREGG. Reserving the right to object, are you requesting there be no second degrees?

Mr. WELLSTONE. That is correct.

Mr. GREGG. Or you just filed one?

Mr. WELLSTONE. Yes.

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

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

Mr. GREGG. Mr. President, I have no objection to the request of the Senator from Minnesota that there be no second degrees to his amendment as part of the language which was just agreed to relative to the timeframe on his amendment.

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

Mr. WELLSTONE. Mr. President and colleagues—Democrats and Republicans alike—just for a little bit of context for this amendment, this amendment deals with an increase in funding not to where we should be but at least a step forward for the title I program.

When the HELP Committee authorized the title I program, we actually voted to increase the authorization of title I to $15 billion. The interesting thing is that every Democrat and every Republican on the HELP Committee supported this increase. Every Democrat and every Republican supported the increase to authorize up to $15 billion.

As a matter of fact, during the floor debate on May 1, the majority leader himself, Senator LOTT, said:

This is a $15 billion reauthorization bill. Good work has been done by this committee.

We have a budget resolution that doesn't work. We are not able to adequately fund important priorities. Given the emphasis on tax cuts, given the significant allocation of money for the Pentagon, we have robbed ourselves of our capacity to invest in children and in education.

What this amendment does is essentially say that the appropriation would go from $8.36 billion for title I up to $10 billion for title I. Right now, all we have in this appropriations bill is a $400 million increase, when the HELP Committee authorized $15 billion. We are trying to bump up the appropriation so we can do better for our children.

What I was saying on the floor earlier is important: The title I program is one of the heart-and-soul Federal programs. This is targeted money that goes to primarily low- and moderate-income communities and low- and moderate-income students. It is assistance for the schools and the school districts for more reading instruction, for afterschool programs, for prekindergarten programs, for more teaching assistance. It is a very important program. The title I program has made a difference, even as severely underfunded as it is.

One of the reasons I bring this amendment to the floor—I have continued, week after week, month after month, it seems year after year, to come to the floor and talk about the need to provide more funding for the title I program—is that right now this program is funded, maybe, at the 30–35 percent level, so that 65 or 70 percent of the children who could benefit don't benefit. These children come from primarily low-income families. These are kids who have been severely disadvantaged. We are trying to give these schools and the teachers and, most importantly, the children some additional help so they can do better.

In my State of Minnesota, for example, typically the situation is that if a school has less than 65 percent of the students on a free or reduced school lunch program—say it is only 60 percent—there is no money for the school because we have run out of the money. We have run out of financial assistance.

The HELP Committee Democrats and Republicans are on record saying we ought to authorize this to $15 billion. The majority leader came out and said: Authorize the $15 billion; good work. But we have a budget resolution that has so constrained the work of appropriators that we have not made the investment in education. This is precisely the opposite direction of where Americans want us to go. People want more investment in education. Over 60 percent of the American people say that we spend too little on education. The Federal share has gone from 12 cents to 7 cents on the dollar.

The title I program is a flexible program that allows our school districts to use this money to provide help for these children so they can do better. One hundred percent of major city schools use title I funds to provide professional development and new technology, 76 percent of title I funding to support afterschool activities. Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Sixty-eight percent of the school districts use title I funds to support preschool programs. Again, if we look at Rand Corporation studies and others, they tell us that even as a vastly underfunded program, title I is making a difference.

In my own home State of Minnesota, the Brainerd public school district, which is in greater Minnesota—that means outside the metro area—has a 70 to 80 percent success rate in accelerating students in the bottom 20 percent of their class to at least average in their classes following 1 year of title I-supported reading programs.

We are funding title I at only one-third the level of what is needed to help children in this country. Forty percent of America's fourth graders are still reading below grade level. Forty-eight percent of students from high-income families will graduate from college; the percentage from low-income families who will graduate from college is 7 percent. At the very time that we know that a college education is the key to economic success, more than at any other time in the history of our country during the years of our lives, only 7 percent of children from low-income families will graduate from college.

There are dramatic differences in terms of the resources of school districts. My friend Jonathan Kozol, who continues to write beautiful, powerful, and important books about children, sent me some figures from the New York metropolitan area where in the city maybe it is $8,000 per pupil per year that is spent, and in some of the suburbs it is as high as $23,000 per pupil. There are dramatic differences in terms of which schools are wired and which schools aren't; which schools have the technology, which schools don't; which schools can recruit teachers and pay much better salaries, which schools can't; which schools have the support services for students, which schools don't; which schools have the best textbooks and the best lab facilities and which schools do not.

I will only say this one more time because it sounds so much like preaching, but this is the best point I can make as a Senator. It came from my visit to the South Bronx to the Mott Haven community about 2 weeks ago with Jonathan Kozol, meeting with the children at PS–30 and with Ms. Rosa, the principal. My colleagues would love this woman. She will not give up on these children.

I say to my colleagues, vote for this amendment for some additional help for title I which means additional help for these children, not because if you invest in these children when they are younger and give them this help they are more likely to graduate from high school, that is true; not because if they graduate from high school they are less likely to wind up in prison, that is true; not because if you invest in these children and provide a little bit more help, say, for example, in reading, that they are more likely to graduate and more likely to be productive and more likely to contribute to our economy, that is true. I am telling the Senate, this amendment deserves our support because the vast majority of these children are all under 4 feet tall. They are all beautiful. They deserve our support, and we ought to be nice to them. That is why we should vote for this.

I believe this is a theological, spiritual amendment. I do not understand how it can be that we are not investing more money in education and children. I cannot understand why, when we have some proven programs that are so targeted and so helpful to vulnerable children in this country, they are so vastly underfunded. I do not understand our distorted priorities.

We seem to have plenty of money for tax cuts, even tax cuts for wealthy and high-income families. We have plenty of money for the Pentagon. Fine. OK. But why can't we, when we are talking about surpluses and about an economy that is booming, make more of an investment in programs that provide support for these children.

What about our national vow of equal opportunity for every child? I don't get it. I don't get it any longer. I have been a Senator for almost 10 years. I do not understand how it can be, when the polls show that people want us to invest more in education, when we have record economic performance and we are talking about surpluses and not deficits, and when we all go to schools and we are with children—and we all like to have our pictures taken with children—that we cannot make more of an investment in these children?

I am not talking about a new program. I am not talking about a program that has not had a proven record of success. I am talking about the title I program. I am talking about a program that is vastly underfunded. I am just saying we ought to at least get the appropriation up to $10 billion.

I reserve the remainder of my time just to hear what my colleagues might say in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes. The Senator from Minnesota has 19 minutes.

Mr. GREGG. Mr. President, let me make a couple of points on title I generally. Title I is one of those programs which was conceived as an excellent

idea and which has accomplished many things. Unfortunately, it hasn't accomplished one of its most critical goals.

When title I was originally created, the purpose was to get low-income children into the educational system in schools which would have the capacity to teach them and the ability to teach them at a level that was equal with their peers. The concern was that many low-income children weren't getting fair treatment in the school system. That was a good idea. Unfortunately, the way it has worked out over the last 35 years, it has not proven to be such a great success. In the last 35 years, we have spent $120 billion on title I, attempting to educate and give a better chance in life to low-income kids. The problem, however, is that we have accomplished very little.

Most low-income kids today are not getting any better education than they were getting 10 years ago, 20 years ago. Their academic achievement levels are actually stagnant or they have dropped. We have seen that instead of improving the academic capability of these children, we continue to send these children through school systems that essentially end up passing them through the system and not giving them the skills they need to compete in America, to take part in the American dream.

The statistics are fairly staggering. I think I have some of them here. Just off the top of my head—I believe I recall most of them—over 7,000 schools that have title I kids in them have been identified as failing—not by the Federal Government but by the school systems themselves, generally. We know that in our schools where we have children who are under title I, low-income kids, those children are learning at at least two grade levels less than their peers—in the area of math, for example. We know that children in the third and fourth grades who are low-income are consistently at least a grade or two grades behind their peers. We know that low-income fourth graders are simply not able to compete with other fourth graders who are not low-income. We know that in our high schools we are seeing the child who has been a low-income child, who is qualified for title I dollars, who has gone through the system—it turns out that their skills are right at the bottom of their classes in many cases and as a matter of average. The achievement gap really has been dramatic. Yet we have spent all this money to try to improve their achievement.

So we as Republicans, in the markup of the title I bill this year, the ESEA bill, attempted to try to address the problem. We put forward a whole series of ideas, the purpose of which was to improve the academic achievement of the low-income child. Instead of warehousing these children and moving them through the system, we would actually expect and demand that for these Federal dollars we received results.

One of the suggestions we made was called Straight A's, where we said to the local school districts: Your results on low-income kids hasn't been that good; maybe it is because the programs are too categorical. We will let you merge them and put them into a flexible program. But if you take the money under this scenario, you have to prove there has been academic achievement by low-income kids; that the gap between low-income kids and kids who are not low-income is closing—not by reducing the abilities of the higher income kids or the average children in the school system but by actually improving the capability of the low-income child.

Another suggestion we made was called portability, where we said that the low-income child in a failing school should not have to stay in that school; They should be able to move to another public school system, and the dollars that are allocated for the purpose of trying to help that child out should follow the child to the different school. That is called portability.

The reason we suggested that is that the present title I program is structured so the money goes to the administrators and the schools; it doesn't go to the kids. In fact, in cities such as Philadelphia, if you aren't in a school where 70 percent of the kids are low income, you get no dollars from title I. So maybe if you have a low-income child attending a school where, say, 50 percent of the kids are low income, that school will get no title I money. That is true in a lot of different cities across this country. In fact, there is a threshold of 35 percent, I think, where, if you are in a school with only 35 percent low-income kids, that school absolutely gets no money. Other cities have adjusted that. In Philadelphia, as I said, it is up to 70 percent.

The practical effect, under the law as presently structured, is that a lot of the dollars that should be going to children are not going to them. A lot of the low-income kids who should be getting assistance dollars for tutorial help or special needs help are not getting them; those dollars don't flow to that child. So we end up with a system where the dollars flow to the school and the administrators but not to the children.

We suggested that we actually have the dollars go with the child, and if the child goes from school to school—or if they decide to do so and their parents want to get involved and make that decision—let the dollars that are supposed to support the child also go from school to school.

We have put forward a whole lot of ideas. Those are only some of them. We also have something called ''choice'' for public schools, where parents will be able to move their children from school to school. We have the Teacher Empowerment Act, which affects the title I kids, which comes out of the ESEA bill, to try to improve teacher capability. We have a whole set of ideas to make title I work better. That is the bottom line.

What the Senator from Minnesota has suggested is that in a program that has already spent $120 billion over 30 years and has produced negative results in the area of academic achievement for children, it should today arbitrarily get an additional $10 billion. In this bill, we already increase that funding significantly. But this $10 billion should be on top of what is already in title I.

Unfortunately, what would happen is the same thing that has happened to the $120 billion. It would end up being spent and going to bureaucracy and going into school systems. It would not necessarily end up giving children a better education—especially low-income children—because we have already proven fairly definitively that the present system isn't doing that.

So rather than breaking the budget by adding $10 billion which is not offset—and it is subject to a budget point of order, by the way—what we should do is reform title I and reform the ESEA bill. We tried to do that. We brought the bill to the floor, and, unfortunately, a number of Senators wanted to put extraneous matter on it, and, as a result, it got all balled up and wasn't able to be moved. But the point here is that until we get fundamental reform of title I and until we get fundamental reform under the new ESEA authorization, putting another $10 billion into this system is not going to help.

Therefore, I oppose this, first, on the budgetary grounds that it is not offset and therefore is a $10 billion increase that has no way to be paid for; second, on the grounds that it probably won't accomplish what the sponsor would like to accomplish, which is to improve the achievement of low-income kids.

Until we require that low-income kids' academic achievement goes up for the dollars we are spending on them and put in place systems that are going to give the local school districts the capacity of accomplishing that and to give them the flexibility of Straight A's, or portability, or the parents the chance to participate through public school choice, there is really no point in making this type of huge increase in funding in this program—especially on top of the fact that this committee has already significantly increased funding for this program in this bill.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope the Senator from New Hampshire and all Senators understand this point clearly. This amendment does not call for an additional $10 billion in appropriations. This amendment just simply says we should go from $8.36 billion to $10 billion—a slight increase. It is not an additional $10 billion.

Second, my colleague from New Hampshire and every Republican Senator and every Democratic Senator on the health committee voted to authorize title I to $15 billion.

Can I repeat that?

Every single Member of the health committee—Democrat and Republican alike—voted to authorize title I to $15 billion, and the majority leader came out here on the floor and said:

This is a $15 billion reauthorization bill; Good work has been done by this committee.

If my colleague thought that the title I program was such a miserable failure—and I intend to certainly take that argument on in a moment since I don't think there is a shred of evidence to support it—then I don't understand why my colleague and all the Republicans on the health committee and the majority leader said that they supported an authorization up to $15 billion. This amendment just tries to get it from $8.36 billion up to $10 billion.

Third, in regard to the Elementary and Secondary Education Act, I sure would like for you folks to bring that bill out to the floor. I have been waiting for my Republican colleagues to bring the Elementary and Secondary Education Act to the floor. I have a lot of amendments. I am ready for the debate on education. You pulled the bill from the floor, and I would love it if you would bring it back.

My colleague, the Senator from New Hampshire, talks about how the title I program has been such a miserable failure. The largest gains in test scores over the past 30 years have been made by poor and minority students. One-third to one-half of the gap between affluent whites and their poor and minority counterparts closed during this time. The Center on Education Policy 2000 report, a study by the Rand Corporation, linked these gains to title I and other investments in education and social programs. The final report of the National Assessment of Title I by the U.S. Department of Education showed that national assessment of education progress scores for 9-year-olds in the Nation's highest poverty schools have increased over the past 10 years by nine points in reading and eight points in math.

The Council of Greater City Schools shows that 24 of the Nation's largest schools were able to decrease the number of fourth grade title I students achieving in the lowest percentile by 14 percent in reading, and 10 percent in math.

I say to my colleague from New Hampshire that is pretty remarkable, given the fact we don't even fund this program except at a 30-percent level. We severely underfund the program. We make hardly any investments in pre-K education.

The Federal Government and the Senate ought to be a player in getting money to the local communities so we can have not custodial but development child care—so that when children come to kindergarten they are not so far behind.

We don't make that investment.

We don't make the investment in health coverage. We still have millions of children without health care coverage. When they come to school with abscessed teeth, they cannot learn. Is it any wonder? They live in communities where their parents can't afford housing, and they have to move three, four, or five times a year because we don't make the investment in affordable housing.

My colleagues, in the face of our failure to do anything about the grinding poverty in the country, in the face of our failure to invest in the title I program, in the face of our miserable failure to invest in education, my colleague from New Hampshire comes out here and says this has been a miserable failure when I can cite reports showing that title I has made a real difference.

Colleagues, 46 percent of title I funds go to the poorest 15 percent of all schools in America.

When the Senator from New Hampshire says—and I agree with him—that it is just outrageous if a school has a 60-percent low-income population and there may be no money, this is why: Because it is so severely underfunded.

We have one group of low-income children in a zero sum game relationship to another group of low-income children.

It is severely underfunded. Seventy-five percent of title I funds go to schools where the majority of children are poor. The General Accounting Office estimates that title I has increased funding to schools serving poor children by 77 percent. It is going up.

This is a targeted investment that can make a huge difference. Yet even with the increases, we are only reaching one-third of the children who could use our help.

By the way, I would like to say this to every Senator before you vote on this amendment. If your staff is looking at this debate, and they are going to be reporting back to you on how to vote, I will tell you: Go back to your States and meet with the educators. Talk to people in your school districts. They will tell you they need more money for the title I program. They will tell you they are interested in a whole range of issues. Senator BINGAMAN is going to be talking about some of those.

Again, just looking at where the money goes, 100 percent of the city schools use title I funds to provide professional development and new technology. Does that sound like a flawed program? Ninety-seven percent use title I funds to support afterschool activities. Does that sound like a mistake? Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Do you want to vote against that? Sixty-eight percent use title I funds to support preschool programs. Do you want to vote against that?

The title I program has been a remarkably good program given the realities of these children's lives.

I didn't quite add it up. But I think what my colleague from New Hampshire was saying is we spent $4 billion a year, or thereabouts, for title I programs over the last 30 years. I say to the Senator that is not a bad investment. The largest group of poor citizens in the United States of America are poor children. There are 14 million poor children in America today. Twenty percent of all the children in our country are growing up poor today. Fifty percent of those children are children of color. I don't think it is too much to provide a little bit more help for these children.

When you go to these schools, you meet people who do not give up. You meet principals and teachers who do not give up on these kids. You wonder how they do it. But they are so dedicated. And the largest part of title I money goes to the children of the youngest ages.

I will repeat what I said before. Make the investment and provide the additional help for these children because they are small. They are little. Most of them are under 4 feet tall. They are beautiful. We ought to help them.

I rest my case, although I reserve the remainder of my time.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes remaining. The Senator from Minnesota has 10½ minutes remaining.

Mr. GREGG. Mr. President, the Senator from Minnesota has made a couple of points to which I think I need to respond. First, the reason the authorization bill is not on the floor is because Senators from the other side decided to put a political agenda on that bill. The unanimous consents which were requested by the majority leader to limit the number of amendments to that bill and make them education amendments and thus complete that bill were rejected by the other side.

Second, yes, we strongly supported increasing funding for title I, if it was reauthorized under a bill which was student centered. The problem with the present law is it is not student centered. It is bureaucracy centered.

I am not surprised the other side of the aisle is defending the bureaucracy-centered bill. It was their idea in the first place. Our position is we should look for academic achievement. We should not leave these children behind. The Senator says these are poor children. Yes, they are poor children. Regretably, they are poor children caught in the cycle of poverty for generation after generation because their educational system has failed them for generation after generation, even though we spent $120 billion on title I. Child after child has come out of the system unable to compete with their peers because their academic achievement has been so low.

What we suggest is a proposal which is child centered, which is flexible, which is targeted on academic achievement, and which has accountability standards which will work so these children are not left behind.

The Senator on the other side of the aisle makes the argument these children are being left behind not only because they are educationally underfunded but because they have all sorts of other concerns. Yes, there is no question about that. But when we look at school systems that work, because they demand achievement from the children they are serving, the same children, then we know success in this area is possible. We can look at our Catholic school systems in which the same population is served. Yet they accomplish good things with those students' academic achievement.

The statement there has been a great increase in academic achievement among low-income kids is simply not accurate. What has happened is the academic achievement of low-income kids has finally gotten back to the level it was in 1992. From the period 1992 to 1998, the gap in academic achievement between African American and white students actually grew. The same was the case for Hispanic students and white students; it actually grew in a number of the most critical States that have a large population of African American and Spanish students.

The simple fact is, we have not been serving these kids effectively. We do not have a program that serves these kids effectively.

The Senator from Minnesota is right on one count. It is not $10 billion he is proposing this year, but over a 5-year budget it would add up to approximately $10 billion. I stand corrected.

I join the Senator from Minnesota. If he is willing to put forward a program that is child centered, dedicated to academic achievement, giving the local schools accountability and flexibility, then we should talk about dramatic increases in funding because we would get something for the dollars that would be effectively used. But to simply put more money in here on top of money that has been already increased outside the budget priorities which we have already set—and remember there are other major budget priorities in this bill that have been paid for, such as special needs, special ed kids—it is just not appropriate. That is why I oppose this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague for his remarks. I always enjoy discussions with him on education. I don't want to try to score debate points. I cannot resist, though, saying to my colleague, on the Elementary and Secondary Education Act, when he says that we pulled the bill because the minority wanted to impose a political agenda, it is interesting; a political agenda means the minority wanted to put some amendments on this bill that they, the majority, didn't want to have to vote on; therefore, it becomes a political agenda.

Mr. GREGG. Will the Senator yield on that point?

Mr. WELLSTONE. I will be pleased to yield, if the Senator will be brief. I will yield on my time because I know he has no time. But I want to reserve a little time.

Mr. GREGG. I wonder if the Senator believes campaign finance and gun issues, which are not relevant to schools, are issues which we should have been debating on the ESEA bill or should we hold them for another agenda?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 9 minutes remaining.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, first of all, the campaign finance reform amendment of course was initiated by Senator MCCAIN, a well-known Republican, and Senator FEINGOLD, a well-known Democrat. I support the amendment. Do you want to know something. The more I think about it, the more I think it is very relevant to education, because I think if we don't clean up this sick system, the way in which big money dominates, then we are never going to have Senators voting for children and education. They are going to continue to vote for the big, huge, economic interests. So I say, actually I can't think of a more important amendment to an education bill.

This is the debate we have been having. The Senate, over the years, has been a very special institution. Part of it is because of the Senators' right to debate and the Senators' right to introduce amendments. That is what the Senate is about. It is not a political agenda, I say to my colleague. It is just an agenda that makes my colleague from New Hampshire and other Republicans uncomfortable. They don't want to vote on campaign finance reform or sensible gun control measures. I would argue, in case anybody has taken a look at violence in the schools, that sensible gun control amendments are very relevant to the lives of children, very relevant to education.

As to the title I program, I want to respond to my colleague's comments about the achievement of low-income children. Honest to goodness, first my colleague came out and said it has been a miserable failure; it hasn't work. Then I cited study after study showing title I has made a difference. Then my colleague retreats and comes back with another argument which is: Well, yes, low-income children are now doing better in some of the reading scores and mathematics scores, but they are only getting back to the 1993 level.

The truth is, here you have a title I program that is vastly underfunded—30-percent level. Here you have a House of Representatives and Senate, too dominated by the way in which money dominates politics, that have been unwilling to make the investment in children, unwilling to make the investment in their skills and intellect and character and, I argue, the health of children, and therefore there are too many poor children. I think it is a scandal that the poorest group of citizens in America today is children. Too many children literally grow up under the most difficult circumstances. Therefore, is anybody surprised the title I program does not perform a miracle?

The title I program does not mean those children succeed, I say to my colleague from Iowa, who come from poor communities, whose parents are not high income, who had none of the encouragement, none of the great preschool programs other children have, who live in families who have to move four times because they cannot afford the housing, who live in neighborhoods where there is too much violence, who don't have an adequate diet, who don't have adequate health care. Guess what, those children don't yet do as well in reading scores and mathematics scores. And you want to pin that on the title I program, even though the title I program has helped them do a little better?

If any Senator wants to vote against this amendment on the basis of that kind of argument, so be it. But I certainly hope you will not.

Finally, I get a little nervous with all this discussion about accountability and achievement because I think my good friend from New Hampshire has the causality backwards. He is putting the cart before the horse. Absolutely, let's put the focus on achievement. Let's put the focus on accountability. But this is my question. Don't you think, at the same time that we put the focus on the achievement, and the same time we put the focus on the accountability, we also need to make sure every child has the same opportunity to achieve? Why is it my colleagues are so silent on that point? They want to rush to vouchers, they want to rush to privatizing education, they want to rush to saying all these children have to achieve and we are going to hold everybody accountable if your children don't achieve. But they don't want to make sure every child has the same opportunity to achieve.

Let's not hold our children responsible for our failure to invest in their achievement and their future. This title I program is but one small program that doesn't lead to heaven on Earth, but makes it a little bit better Earth on Earth for some of these children.

I say to my colleagues, I think we ought to vote for this amendment. I think we ought to do better by these children. This amendment, in its own small way, just going from $8.3 billion to $10 billion, not even close to the $50 billion that the HELP Committee unanimously voted to authorize appropriations up to, at least makes a bit of a difference.

Your school districts are for this, your principals and teachers in the

trenches are for this, and most importantly, we ought to provide these children with some additional help. They deserve it.

I yield the floor, and I reserve the remainder of my time.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire has 1 minute remaining. The Senator from Minnesota has 3 minutes remaining.

Mr. WELLSTONE. I yield the Senator from New Hampshire 30 seconds of my time.

Mr. GREGG. That is very generous of the Senator from Minnesota. I appreciate it.

Mr. WELLSTONE. I yield the Senator from Iowa 1 minute of my time.

Mr. GREGG. Mr. President, did I understand the Senator from Minnesota to say he would be willing, if I were to propound a unanimous consent request that we go to the ESEA bill with 5 amendments on both sides, that the amendments be relevant, and we have final passage—the Senator would agree to that?

Mr. WELLSTONE. That is an easy question.

Mr. REID. Was this a unanimous consent request?

Mr. GREGG. I was asking if he was agreeing that would be an acceptable approach.

Mr. WELLSTONE. My answer would certainly be no, since I talked about what the Senate was about and talked about those other amendments are terribly important amendments that affect the lives of children.

Mr. GREGG. I simply state the reason we do not have the authorization levels we should have on the ESEA is that we have not passed ESEA, and the reason we have not passed ESEA is that we have been unable to debate on this floor the issue of education. We have had debate on the issue of campaign finance, on the issue of guns, on the issue of prescription drugs, but not on the issue of education, which is too bad, because the bill out of committee was a good bill and, by the way, it did not demand the States do anything. It set up a set of options for the States which the States could then follow. They could choose to use portability, they could choose to use Straight A's or they could choose the present law. It gave the States total flexibility. The goal was to get the academic achievement of low-income kids up. That should be our goal as a Senate, and that was our goal when we reported out the bill.

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

Mr. HARKIN. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota has 2½ minutes. The Senator from New Hampshire has 16 seconds remaining.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me a little bit of time. I appreciate what the Senator from Minnesota said a while ago. He is absolutely right. We are blaming these kids.

Title I: Do my colleagues know how much each kid gets from title I? Somewhere between $400 and $600 a year. Go to the best schools in America in high-income areas where they have nice houses and high incomes. Do my colleagues know what they are spending on kids there? Six to eight thousand dollars. Yet we are going to put $400 to $600 into some of the kids who have the poorest lives.

As the Senator said, they move around a lot. They have been denied the opportunity since they have been born, and we expect all these great results from $400 to $600 per student.

If the Senator from New Hampshire wants to propose we spend $6,000 on each one of those poor kids, then maybe we will see them start to advance more rapidly, but on $400 to $600 we are not going to do it. The Senator's amendment would only get that up just a little bit more. We are still way behind in what we ought to be doing in this country to help low-income students attain the same opportunity in education as kids from better, higher income areas are getting. The Senator from Minnesota is right on with this amendment.

Mr. WELLSTONE. How much time do I have left?

The PRESIDING OFFICER. One minute 30 seconds.

Mr. WELLSTONE. I yield 30 seconds to my colleague from New Hampshire.

Mr. GREGG. This abundance of generosity has carried me away. I yield my time back if the Senator wishes to yield his time back, even the additional time the Senator has yielded.

Mr. WELLSTONE. I yield back the remainder of my time. I ask for the yeas and nays.

Mr. GREGG. I raise a point of order against the pending WELLSTONE amendment No. 3631 in that it violates the Budget Act.

Mr. WELLSTONE. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the vote in relation to this motion occur at 5 p.m. and that there be 4 minutes equally divided for explanation prior to the vote.

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

Mr. GREGG. I move to table the motion to waive.

The PRESIDING OFFICER. The Senator from New Hampshire moves—

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we need to make sure we understand what is happening here.

The PRESIDING OFFICER. Is the Senator raising an objection?

Mr. REID. There is nothing pending.

Mr. HARKIN. He asked unanimous consent to set the amendment aside.

Mr. REID. I do not object to that.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

Mr. REID. Reserving the right to object. The Senator from New Hampshire asked to set the amendment aside, and the time was set for a vote.

Mr. GREGG. On the motion to waive the point of order.

Mr. REID. He did not make his offer to table; is that right?

Mr. GREGG. Correct.

Mr. REID. We are soon going to proceed with an amendment by the Senator from New Mexico.

Mr. GREGG. That is correct.

Mr. REID. Mr. President, I want to make sure everyone understands the challenge made by the Senator from New Hampshire. We, the minority, are willing to take that at any time. There was an education bill on the floor that we did not have anything to do with pulling. We are willing to start debating the education bill 10 minutes from now, 10 days from now. We have a lot of things about which we want to talk regarding education.

The Senator says there is something keeping this education bill from going forward. It is not our fault. We are willing to spend whatever time is necessary to complete debate on the education bill that was before this body for a short time earlier this year. We want to debate the education issue.

For people to say it got pulled because we wanted to talk about campaign finance reform, you bet we do. We still want to talk about campaign finance reform. But we want to talk about education issues also. The fact that we have an education bill on the floor does not mean we cannot talk about other issues. We would be willing to have the education bill come back, and we have a lot of education issues we would bring up immediately.

Mr. GREGG. Mr. President, did the unanimous consent request get approved and was the amendment laid aside?

The PRESIDING OFFICER. Both unanimous consent requests have been approved. The amendment was laid aside, and the vote is scheduled for 5 o'clock.

Mr. GREGG. If I may engage the assistant leader from Nevada in a colloquy, I am interested in knowing

whether the assistant leader would agree to a unanimous consent request that would bring back the ESEA bill as reported out of committee with five relevant amendments on both sides, with a vote on final passage. If the Senator is agreeable to that, I am willing to walk down the hallway and probably get it signed onto by the majority leader.

Mr. REID. Mr. President, this is interesting, I say to my friend from New Hampshire. We are in the Senate. My friend from New Hampshire has had wide experience in government. He served in the House of Representatives. We had the pleasure of serving together. He was Governor of the State of New Hampshire and has been a Senator for many years. He understands what the Senate is about as well as anybody in this Chamber. That is, we have had rules which have engaged this Senate for over 200 years, and they have worked well. We are the envy of the world, how our legislative body has worked for more than 200 years.

What I am saying to my friend from New Hampshire is, yes, we are willing to bring the education bill back today, tomorrow, any other time, but we do not need these self-imposed constraints. We are not the House of Representatives. We are the Senate. We have the ability to amend bills that come before this body. Had we been allowed the opportunity to treat the elementary and secondary education bill as legislation has been treated for two centuries in this body, we would have been long since completed with that and would have been on to other issues.

No one should think we are afraid to debate education issues. We have a lot of education issues to debate. The Senator from New Mexico and I have worked for 3 years on high school dropouts. I am not proud of the fact that the State of Nevada leads the Nation in high school dropouts. We lead the Nation. But we are not the only State that has a problem. Every State in this Union has a problem with high school dropouts.

In the United States, 3,000 children drop out of high school every day; 500,000 a year. I want to talk on the Elementary and Secondary Education Act about what we can do to keep kids in school.

The Senator from New Mexico will have an amendment that passed the Senate 3 years ago. Last year, on a strictly partisan vote, our amendment was killed in the Senate. Democrats voted for it. Republicans voted against our dropout amendment. It is really ''radical.'' I am saying that facetiously. What it would do is create, in the Department of Education, a dropout czar, someone who could look at programs that are working around the country and have challenge grants in various States, if they were interested in the program. We would not jam anything down anyone's throat. A simple program such as that was defeated.

We would be happy to ask unanimous consent—as Senator DASCHLE has done on other occasions—to resume consideration of the elementary and secondary education bill, and that following the two amendments previously ordered, the Senate consider the following first-degree amendments, subject to relevant second-degree amendments, and that they may be considered in an alternating fashion as the sponsors become available, and that they all be limited to 1 hour each equally divided in the usual form——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection——

Mr. REID. I have not propounded my request yet, Mr. President.

We would have Senator SANTORUM offer an amendment dealing with IDEA funding; Senator BINGAMAN, one on accountability; Senator HUTCHISON, one on same-sex schools; Senator DODD, afterschool programs; Senator GREGG, afterschool programs; Senator HARKIN, school modernization; Senator VOINOVICH, IDEA funding; Senator MIKULSKI, dealing with technology; Senator STEVENS, physical education; Senator WELLSTONE, educational testing; Senator GRAMS, educational testing; Senator REED of Rhode Island, dealing with parents; Senator KYL, bilingual education; Senator LAUTENBERG, school safety, dealing with guns. We would be willing to do this right now. It would take about 10 or 12 hours. And I say——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. There are Republicans and Democrats on this list. We would do it in alternating fashion. They believe strongly in their education issues. We believe strongly in our education issues.

I say that is what we should do. That would bring the education issue to the forefront of this body, as it should have been brought to the forefront of this body a long time ago.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire

Mr. GREGG. If we are going to propound unanimous-consent requests, I propound a unanimous consent request as follows: That we proceed to the Elementary and Secondary Education Act, as reported out of the HELP Committee, at such time as the leader shall determine is appropriate, in consultation with the Democratic leader; that both sides be allowed to offer, I will make it seven amendments to the Elementary and Secondary Education Act; that the amendments shall be relevant, and that there shall be a vote on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Well now, the Senator from New Hampshire said that he wanted a unanimous-consent request that we would go to ESEA, at a time to be determined by the majority leader——

Mr. GREGG. In consultation——

Mr. HARKIN. In consultation with the minority leader.

Well, we have asked the majority leader. The minority leader has propounded this unanimous consent request in the past. We are not running the floor. The Republicans are running the floor, not the Democrats.

Mr. GREGG. Mr. President, is debate appropriate?

The PRESIDING OFFICER. The Senator from New Hampshire, having propounded the unanimous consent request, has the floor.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. It is the Republican side that is running the floor that schedules the bills, not the Democrats.

My friend from New Hampshire just said he would be willing to have seven amendments on either side.

Mr. GREGG. Relevant.

Mr. HARKIN. Oh, relevant amendments. See, there you go.

The last ESEA bill we had up was 4 years ago. We had amendments offered on the Republican side that were not relevant. We didn't say anything. We debated them. We debated them and we voted on them. Oh, but now they don't want to do that. The Republicans say: It has to be relevant. And they will preclude us from offering amendments on that bill that are relevant—maybe not to education but relevant to what is happening in America today. Yet they do not want to do that.

We would agree to time limits. Senator DASCHLE has here: 1 hour each, equally divided. That is 14 hours. In 14 hours, we could be done with the Elementary and Secondary Education Act.

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. GREGG. I would be willing to agree to time limits also: 1 hour on each relevant amendment.

Mr. HARKIN. All amendments that are offered here, seven on each side?

Mr. GREGG. In my unanimous-consent request.

Mr. HARKIN. To these seven amendments?

Mr. GREGG. It is my unanimous-consent request to which I am agreeing. You already have that in your request. I was just trying to be accommodating to your time constraints.

Mr. HARKIN. You can have whatever seven you want, and we will take our seven amendments.

Mr. GREGG. As long as they are relevant.

Mr. HARKIN. I reclaim my time. The Senator says: Relevant.

Mr. REID. Will the Senator yield without losing his right to the floor?

Mr. GREGG. I want to debate education, not national policy.

Mr. HARKIN. Yes, I yield without losing my right to the floor.

Mr. REID. One of the amendments, the Senator is aware, the Lautenberg amendment, deals with gun safety.

Are you aware there are precedents for gun control amendments to education bills? In fact, is the Senator aware that in 1994, Senator GRAMM of Texas offered an amendment on mandatory sentences for criminals who use guns, and it was put to a vote on the education bill that year?

Mr. HARKIN. That is right.

Mr. REID. I say to my friend, doesn't it seem logical and sensible to the Senator from Iowa that with all the deaths in schools related to guns, on an education bill we should have a conversation about gun safety in schools?

Mr. HARKIN. To this Senator, it makes eminently good sense. We are talking about education and safety in education. Senator LAUTENBERG has an amendment on gun safety. That is what the Republicans do not want to vote on. Yet the Senator from New Hampshire said: Relevant amendments. I am looking at the list of amendments we have. They all deal with education in one form or another.

Mr. GREGG. Then the Senator should have no objection to my offer.

Mr. HARKIN. If the Senator from New Hampshire would agree that school safety and guns is a relevant amendment, we can make an agreement right now. Will the Senator agree to that?

Mr. GREGG. I do not make that ruling. It would be up to the Parliamentarian to determine what a relevant amendment is.

Mr. HARKIN. No. A unanimous consent that the Lautenberg amendment is relevant.

Mr. GREGG. I will not make that decision. The offer is very reasonable. We are willing to debate relevant amendments on education. There are a lot of relevant amendments on education that deal with guns. All you have to do is make it relevant and you can involve a gun issue. There is no question, for example, if you want to offer an amendment that deals with using title I money for the purposes of allowing people to put in some sort of screening system for going into a school relative to guns, that is a very relevant amendment, I would presume. But I am not the one who makes that decision. The Parliamentarian makes the decision.

Mr. HARKIN. No. But a unanimous consent.

Mr. GREGG. I am perfectly willing to make an adjustment, to give you a timeframe, so we can have a timeframe on the debate. We can have relevant amendments, 1 hour on each amendment. I have gone up to seven amendments now because the Senator from Nevada made a good case that we might not have gotten the amendment of the Senator from New Mexico into the mix. So that is seven amendments on each side and a vote on final passage—that is 14 hours—we vote on final passage, leaving it to the majority leader to call the issue to the floor. I think we could have a deal.

Mr. HARKIN. Mr. President, I find it interesting, my friend from New Hampshire making this argument. Four years ago, when the Senator from Texas offered a gun amendment on the Elementary and Secondary Education Act, I didn't hear a peep from my friend from New Hampshire, not a word. But now, when we want to address the issue of school violence and guns, the Senator from New Hampshire says: Oh, well, now we can't discuss that. It is not relevant.

The Senator from New Hampshire knows, as well as I do, there is no rule in the Senate that demands relevancy. That is the House. That is why we are the great deliberative body that we are. We can debate and discuss things. If the Senator wants to go back to the House, where they have a Rules Committee, and they only discuss issues that the Rules Committee says are relevant—that is the House of Representatives. This is the Senate. We do not have such a rule. Thank God we do not because it allows us, as Senators, to have the kind of open and free debate and discussion that I think distinguishes the Senate from the House of Representatives. That allows us a time to cool things down, as Thomas Jefferson said.

We are willing to bring up the Elementary and Secondary Education Act and agree to a time limit. We could be done in 1 day. But the Republicans do not want to vote on the gun issue.

They don't want to have to belly up to the bar and vote to keep guns out of the hands of kids. They don't want to have that amendment. Therefore, all of the rest of the Elementary and Secondary Education Act is held hostage by the refusal on the Republican side to allow even 1 hour of debate and an up-or-down vote on the Lautenberg amendment. That is the essence of it right now. As my friend from Nevada said, we are willing to go to the Elementary and Secondary Education Act right now with a time limit, debate them, vote them up or down. It is the other side that won't let that happen.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we know there are other things to do, but there is nothing more important to the American people—I know there is nothing more important to the people of the State of Nevada—than to do something about education. The Senator from Iowa talked about guns. Of course, they don't want to debate that issue, even though we did more than a year ago. Remember the clamor here that we had to do something as a result of the Columbine killings. Then we had a series of killings by guns in schools. We just recently had one in Florida where a boy was sent home because he was dropping water balloons. He came back and killed the teacher. There was no safety lock on that gun. It was laying around. Some felon had it. I don't know who had it. Anyway, the kid was able to get it.

The majority's argument is simply a smokescreen. Of course, they don't want to talk about gun safety. They also don't want to vote on other priority issues such as modernizing schools. The average school in America is almost 50 years old. In Nevada, because we have to build one new school a month, we also need some help building schools, renovating schools. We have a tremendously difficult problem. People think of Nevada as the most rural place in America. It is the most urban place in America. Over 90 percent of the people live in two communities: Reno and Las Vegas. We have the seventh largest school district in America, with over 230,000 students. We need some help. The majority does not want to modernize the schools.

Wouldn't it be great if we could do something about afterschool programs? That is where kids get in trouble, latchkey children, without sufficient supervision. We have amendments, some of which were read by the Senator and I, that deal with afterschool programs. We want to do something about having not only more teachers but better teachers. That is what we want to consider. That is why we want to talk about education.

The Senator from New Mexico is shortly going to offer an amendment dealing with quality education. If not now, he will do it later. I know it is something he has talked about. Yes, Senator LAUTENBERG wants to offer an amendment joined by numerous others. He is the lead sponsor to deal with safety in schools, more accountability. If the majority doesn't think that guns in schools and school safety are priorities for the American people, then they have not been reading the papers. They have not been reading their own mail that comes from home. These are important issues.

All we are asking is that the pending business, Order No. 491, a bill to extend programs and activities under the Elementary and Secondary Education Act, be the order of the day; that it be called off the calendar and we get back to working on it. It is the pending business right now. It is here in the Senate calendar of business. We should get back to that. We offered strict time agreements on all amendments, and then we get the retort from our friend from New Hampshire: Relevant, relevant.

We know what happens here. We know who controls what goes on. It is the majority. If they don't want something, it is not relevant. We are adults. We know how things work around here. We give them the title of the amendments; we tell them what they are about. We limit the time on them. I don't know what we could do that would be more fair and would allow this agenda to move along.

We want the opportunity to vote. We don't want the opportunity to debate for more than a half hour. A half hour is all we get. We feel very confident that our priorities are the needs of the majority of the people of this country. We are not afraid to vote on them.

The real reason the majority doesn't want to vote on these proposals is because we are going to win. People over there are going to vote with us. We are going to win. There are only 45 of us. We know we can't win unless we get support from the majority. We will get support from the majority. This is a procedural effort to block the education agenda of the minority from going forward. It is too bad.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I don't want to prolong this ad nauseam because it is sort of an internal debate. I know the Senator from New Mexico has an amendment he wants to offer.

I will make a couple of points in response to the Senator from Nevada, who always eloquently presents the minority's position.

The fact is, all the amendments he talked about in the area of education are amendments which we are perfectly willing to get into. We got into them in committee, and we are happy to get into them on the floor. I suspect they would have no problem being found as relevant—school construction, after-school programs, safe schools. In fact, we have done a great deal in the area of all of these accounts. On the Safe Schools Program, aftershool programs, we have increased funding dramatically in both those proposals.

We have brought forward an ESEA bill in a creative and imaginative way. I think it is being held because there are amendments people want to put on it which they know will cause it to not go any further than this body because the bill has so many imaginative and creative ideas in it which the Federal bureaucracy and the educational bureaucracy do not like because they return power to the States, power to parents, power to children, power to principals. They just don't like the fact that this bill is coming up for a vote with a whole cafeteria of ideas that threaten the present educational lobby here in Washington. Therefore, they have decided to gum it up with a bunch of amendments that have no relevance at all.

''Relevant'' is an important term for the education issue. The education debate should be on education. There are a lot of gun issues which are education related. We are perfectly happy to take those as relevant. But there are some that are not, and they know that. That is why they are throwing it on this bill, because they know it will stop the bill on the floor. They can use that as an excuse for stopping the bill rather than being the actual reason the bill is being stopped.

As to gun amendments, we have voted on those enumerable times in this body. We have had amendments relative to abortion clinics, relative to gun-related debt. We have had them relative to gun violence crime protection, safe school new Federal restrictions on firearms, on education and violence protection. There have been votes on these. The list goes on and on. There have been gun amendments all through the process. There are gun amendments that can be made relevant. I would presume if they wanted to include those seven that I suggested, it would be easy enough to do it.

I do think that the defense that they don't want relevant amendments, that they want to have the freedom to throw whatever amendment they want on this bill, is a puerile defense. ''Puerile'' is the wrong word. It is a sophomoric defense because basically what they are interested in is not having the ESEA bill come through this House in its present form because it is not a form that they liked when it was reported out of committee.

Mr. HARKIN. We had seven amendments. That was all that was on the list.

Mr. GREGG. All I am interested in is seven relevant amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, does the Senator from New Hampshire retain the floor or is it open?

The PRESIDING OFFICER. The regular order is the recognition of the Senator from New Mexico to offer an amendment.

AMENDMENT NO. 3649

(Purpose: To ensure accountability in programs for disadvantaged students and to assist States in their efforts to turn around failing schools)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REED, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 3649.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 57, line 19, after ''year'' insert the following: '': *Provided further,* That in addition to any other funds appropriated under this title, there are appropriated, under the authority of section 1002(f) of the Elementary and Secondary Education Act of 1965, $250,000,000 to carry out sections 1116 and 1117 of such Act''.

Mr. BINGAMAN. Mr. President, I have indicated to the majority that I would take a half hour to discuss the amendment on our side. I know Senator REED also wishes to speak about the amendment, and perhaps others.

If the Republican side will take the same limited amount of time, I believe that is the arrangement.

This is an amendment to address the central issue that has been part of the education debate all along, and that is the issue of accountability. On the last amendment Senator WELLSTONE proposed, I know the discussion back and forth between Senator WELLSTONE and the Senator from New Hampshire. The position of the Senator from New Hampshire was that he could support increases in title I if there was proper accountability for how the money was spent, if we could be sure the money was spent for the purpose it was really needed.

The amendment I am proposing would try to put into place the mechanisms to ensure that accountability. That, I believe, is a reason the amendment should be supported by everyone.

Let me indicate what current law is. Current law says that of the title I funds a State receives, they can spend a maximum of one-half of 1 percent of those title I funds in order to ensure accountability in the expenditure of those funds. That is, if you have a failing school—for example, take my State. If one of our school districts in New Mexico has an elementary school that is not doing well and is not showing improvement in student performance, then the State has one-half of 1 percent of the title I funds it can spend in trying to assist that school to do better. That is all it can spend, and that is for the entire State.

It is clear to anybody who has worked in education that this is an inadequate amount of money. I have here a letter that has been sent to me by the Council of Chief State School Officers. I want to read a section from that where they indicate their support for this Bingaman amendment to restore an increase in funding for title I accountability grants to assist low-performing schools:

Last year, Congress appropriated $134 million in title I accountability funds to help aid over 7,000 schools, to help low-performing schools that were identified. The Council of Chief State School Officers supports providing assistance to low-performing schools through an increased State setaside. The accountability grants are essential to help turn around our Nation's most troubled schools. Several of our States have already expressed reluctance to undertake the new grants due to an certainty over future funding. It is critical that the accountability grants be sustained and funded and funding increased to the President's request of $250 million, so that States and districts can continue to help improve these schools. Mr. President, I ask unanimous consent that this letter, dated June 21, 2000, be printed in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. I believe that letter summarizes very well the thrust of my argument. We have the Federal Government now spending over $8 billion this next year—almost $9 billion—to assist disadvantaged students through the title I program. But the accompanying accountability provisions in the law have not been fully implemented. That is, we have not seen the

results we would like to see in all cases—in the case of these failing schools in particular—due to a lack of dedicated funding that would be necessary to develop improved strategies and create rewards and penalties that hold schools accountable for continuous improvement in their student performance.

The bill before us does not identify any specific funds for accountability enforcement efforts. We need to ensure that a significant funding stream is provided so that these accountability provisions are in fact enforced. The amendment I have offered seeks to ensure that $250 million, which is a small fraction of the total amount appropriated under title I, is directly spent on this objective. This money would be used to ensure that States and local school districts have the resources available to implement the corrective action provisions of title I by providing immediate and intensive interventions to turn around low-performing schools.

What type of interventions am I talking about? What are we trying to ensure that States and school districts can do by providing these funds? Let me give you a list.

First of all, ongoing and intensive teacher training. If you have a failing school where the students are not performing better than they did last year, it is likely that the problem comes back to the teachers. We need better training of some of our teachers in that school. These funds would make that possible.

Second, extended learning time for students, afterschool programs, Saturday, and summer school to help students catch up. Again, a failing school, in many cases, needs those kinds of resources.

Third, provision of rewards to low-performing schools that show significant progress, including cash awards and other incentives, such as release time for teachers.

Fourth, restructuring of chronically failing schools. In many cases, you need a restructuring of a school. You need to replace some of the people in the administration. You need to have a restructuring so that the school can start off on another foot.

Fifth, intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in these failing schools. These are teams that go into the school and determine the causes of the low performance—for example, low expectations, outdated curriculum, poorly trained teachers, and unsafe conditions—and assist those schools in implementing research-based models for improvement.

Here is one example of what I am talking about. A program with which many of us have become familiar—I certainly have in my State—is called Success for All. This is a program which is called a whole school reform program for the early grades, elementary schools. It was developed by researchers at Johns Hopkins University, and it has been implemented in over 2,000 elementary schools throughout the country. There were over 50 schools in my home State of New Mexico this last year that implemented the Success for All Program. The program is a proven early grade reading program which, if implemented properly, can ensure better results. All of the studies demonstrate that it can lead to better results.

At the end of the first grade, Success for All schools have average reading scores almost 3 months ahead of those in matching control schools, and by the end of the fifth grade, students read more than 1 year ahead of their peers in the controlled schools. So the program can reduce the need for special education placements by more than 50 percent and virtually eliminate the problem of having to retain students in a grade more than a year.

The funding contemplated in this amendment I am offering is authorized under both the old version of the Elementary and Secondary Education Act and the proposed new version, on which we just had a debate about how to get that back up for consideration in the Senate. Under section 1002(f) of the Elementary and Secondary Education Act currently in effect, Congress is authorized to provide such sums as may be necessary to provide needed assistance for school improvement under sections 1116 and 1117 of the act. That is the current Elementary and Secondary Education Act.

Last year, we did provide additional assistance in this bill—this exact appropriations bill we are debating today. We provided $134 million for this purpose, and we need to follow through on that commitment this year.

We also agreed, on a bipartisan basis, that these funds were necessary during the reauthorization of the Elementary and Secondary Education Act, the bill which was reported out of the committee. Under S. 2, the chairman's bill, there would be an automatic setaside of increased funds for title I for this purpose.

Unfortunately, as has been discussed here at length, the Elementary and Secondary Education Act appears to be in limbo, and we are having great difficulty getting back to it on the Senate floor. It is simply irresponsible for us to invest $9 billion—or nearly that—in the title I program and, at the same time, still fail to provide necessary resources to ensure that the States, districts, and schools are held accountable for how that $9 billion is spent.

Title I requires the States and districts to implement accountability and assist failing schools. But we in the Congress have failed to give the States and districts the resources necessary to carry out those mandates.

Title I authorizes State school support teams to provide support for schoolwide programs, to provide assistance to schools in need of improvement through activities such as professional development, identifying resources for changing and instruction, and changing the organization of the school.

In 1998, only eight States reported that school support teams have been able to serve the majority of schools identified in need of improvement.

Less than half of the schools identified as needing improvement in the 1997–1998 school year reported that this designation led to additional professional development or assistance.

Schools and school districts that need this additional support and resources do five things: Address weaknesses quickly soon after they are identified; second, promote a progressively intensive range of interventions; third, continuously assess the results of those interventions and monitor whether progress is, in fact, being made; fourth, implement incentives for improvement; and, fifth, implement consequences for failure.

I think many in this Senate would agree that a crucial step toward improving the public schools lies in holding the system accountable for student achievement and better outcomes.

I hope everyone is able to demonstrate with their vote on this amendment that they support these positive initiatives toward establishing that type of accountability.

Unfortunately, our debate on the Elementary and Secondary Education Act was prematurely ended. As I indicated, it is not clear when that will come back. I continue to hope it will come back to the Senate floor so we can complete that bill and send it to the President.

I think that is a high priority that the American people want to see us accomplish before we leave this fall.

When we resume consideration of that bill, I intend to offer an amendment that would address the area of accountability in all education programs.

This amendment will enhance the existing accountability provisions in title I. As you know, this is the largest Federal program in the Elementary and Secondary Education Act, and it has been discussed before as to the great good this program does.

We made some important changes to title I. I indicated that the chairman's mark has some provision for a significant increase in the amount of funds that could be used for these accountability purposes. But under current law, States and the school districts are not able to spend the money they need in this area.

That is why the amendment I am offering today is so important.

I hope very much that Senators will support the amendment.

In my home State of New Mexico the need is enormous.

In 1994, fourth grade reading data showed that an average of 21 percent of fourth graders in my State were reading at a level that was considered proficient.

There is a tremendous need for additional resources in this area. The fact

is that many of these students are minority students, and many of these students require the assistance that title I was intended to provide. We need to be sure that the accountability is there so these funds are spent in an effective way.

I know that Senator REED is also here on the floor and is a cosponsor of this amendment. He would like to speak to it.

Let me indicate also, if I failed to do so at the beginning of my comments, that the amendment is offered on behalf of myself, Senators REED, KENNEDY, MURRAY, DODD, and WELLSTONE.

EXHIBIT 1

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, June 21, 2000.

Member,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the state commissioners and superintendents of education, I write to comment on the FY2001 Labor, Health and Human Services, and Education Appropriations bill (S. 2553), which the Senate Appropriations Committee passed last month. While the Council is extremely pleased with the bipartisan effort to significantly increase the overall funding level for education programs, we have several concerns with education policy issues reflected in the bill, as well as programs which are underfunded.

The Council applauds the Committee's decision to increase funding for education by over $4.6 billion, which is higher than the President's request. We are grateful that the Senate recognizes the need to substantially invest in education, and S. 2553 is responsive to recent polls that show 61% of the public believe that the federal government does not invest enough in education. Specifically, we are pleased that the bill increases funding for programs such as Title I, IDEA, and vocational education, although these programs still remain critically underfunded.

Despite the high total funding level, there are several elementary and secondary education issues included in the bill which greatly concern the Council. We urge adoption of amendments to address these issues. Amendments are needed as follows: (1) restore and increase resources to assist low-performing Title I schools; (2) continue development and implementation of aligned state and local standards and assessments; (3) provide separate, guaranteed funding streams for class size reduction and school modernization; (4) increase funding for teacher quality in Title II, ESEA and Title II, HEA; (5) restore and increase funding for the Comprehensive School Reform Demonstration program; and (6) delete provisions that would allow community based organizations to operate the 21st Century Community Schools program. The Council urges adoption of the following amendments to S. 2553:

Support the Bingaman amendment to restore and increase funding for Title I accountability grants to assist low-performing schools. Last year Congress appropriated $134 million in Title I accountability funds to help aid over 7,000 schools identified as low performing. While CCSSO supports providing assistance to low-performing schools through an increased state set-aside, the accountability grants are essential to help turn around our nation's most troubled schools. Several of our states have already expressed reluctance to undertake the new grants due to uncertainty over future funding. It is critical that the accountability grants be sustained and funding increased to the President's request of $250 million, so states and districts can continue to help improve these schools.

Provide guaranteed funding to allow SEAs to continue the key functions of Goals 2000. This funding is necessary for states and districts to continue development and implementation of high standards for student achievement with aligned assessments to measure progress of students, schools, and systems. Goals 2000 has been the leading source of funds for localities and states to develop standards and innovative improvement strategies. Funding for continuing these purposes must be included in Title II or Title VI, ESEA.

Support the Murray and Harkin amendments to provide separate, guaranteed funding streams for class size reduction and school modernization. S. 2553 contains provisions for the use of a $2.7 billion block grant within Title VI, ESEA to allow funding for any programs that a LEA determines are ". . . part of a local strategy for improving academic achievement". While CCSSO strongly supports a substantial increase in funding for Title VI, Innovative Strategies to enable states and districts to continue development and implementation of challenging standards and assessments, we oppose block granting of education programs such as Class Size Reduction and School Modernization. Block granting of federal education programs leads to reduction of federal funding, as evidenced by the 1981 consolidation of 26 federal education programs with appropriations of $750 million. Today, the appropriation for these programs is $375 million. When adjusted for inflation, the current appropriation is only one-fourth of the $1.5 billion value these programs would have today if the programs prior to block granting were kept at 1980 levels. To be sustained at effective levels, federal education funds should be targeted to educational priorities that serve America's neediest students.

Separate programs for reducing class size and school modernization are essential. We urge the Senate to guarantee separate funding streams for these two critical programs and to fund School Modernization at $1.3 billion and Class Size Reduction at $1.75 billion in FY2001.

Support the Kennedy amendment to increase funding for Teacher quality by providing substantial new funds for Title II, ESEA, and Title II, HEA. S. 2553 reduces funding for teacher quality by over $500 million below the President's request. This funding is necessary since schools will need additional resources to recruit and train the 2.2 million new teachers needed in the next decade, as well as to strengthen the skills of current teachers.

Restore and increase funding for the Comprehensive School Reform Demonstration program. This highly successful program has been in existence for 3 years and has provided critical assistance to our nation's neediest schools and students. By eliminating funding for CSRD, more than 3,000 schools in need of improvement will be denied the opportunity to receive funding for research-based models of schoolwide improvement.

Delete the Gregg amendment adopted during Committee markup to allow community-based organization (CBO's) to apply for and operate the 21st Century Afterschool program. This innovative program should be continued to be based at schools with orientation toward academic success through after-school enrichment program targeted to disadvantaged youth. Current law has successfully promoted LEA–CBO partnerships to expand learning opportunities for youth during non-school hours, weekends, and summers. Authorizing CBO's to operate the programs alone would completely alter this partnerships and undermine the focus on academically-related extended learning. Additionally, the funding level for this program is $400 million below the President's request, which would result in 1.6 million fewer children receiving services.

We urge the Senate to address these issues during floor action. These changes together with the commended strong bipartisan increase in funding for education programs would provide an important new appropriation for education. However, if the above issues are not addressed, we cannot support the bill.

We look forward to working with Members of the Senate to increase federal education support which connects with state and local efforts to strengthen classroom quality and access to education excellence for all students. If we can be of any assistance to you or answer any questions, please call me or Carnie Hayes, our Director of Federal State Relations, at (202) 336–7009. As always, thank you for considering our recommendations.

Sincerely,

GORDON M. AMBACH,
Executive Director.

Mr. GREGG. Mr. President, will the Senator be willing to enter into a unanimous consent that we vote on his amendment, if there is a vote, at 5 o'clock?

I withdraw my unanimous consent request.

Mr. BINGAMAN. Mr. President, since the Senator has withdrawn his request, I don't agree to it.

I yield to my colleague from Rhode Island, Senator REED, the cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in very strong support of Senator BINGAMAN's amendment to provide additional resources to support State and local accountability efforts. Last year's budget included these funds, and this investment must be continued.

I have worked long and hard on school accountability. But, frankly, the leader in this regard in this body is Senator JEFF BINGAMAN from New Mexico. He is a champion for ensuring that Federal resources go to schools. But we also provide incentives and opportunities for accountability and for improvement, along with Federal dollars. His efforts have been in the forefront of this great effort to improve the quality of our education and the quality of our schools.

The Federal Government directs over $8 billion a year to provide critical support for disadvantaged students under title I. But even with this great amount of money—$8 billion—there are still insufficient resources to provide for the accountability provisions that are part of title I.

We essentially face a situation, given the number of students who qualify for title I and the limited resources for the program, where most of the funds go simply to providing services and not the type of careful overview and thoughtful review that is necessary for program improvement.

With the resources that are proposed by Senator BINGAMAN, we will be able to identify more closely and more accurately schools in need of improvement. We will be able to provide assistance for activities like professional development and technical assistance to schools so that they can in effect improve their performance and implement State corrective actions for schools that we should and must improve.

Today, as I mentioned before, most of the dollars are simply going out to meet this overwhelming demand for services without the ability to review, evaluate, and correct programs. With this ability we would not only get the best results for our dollars, but we could materially improve the educational attainment of children throughout this country, and particularly disadvantaged children under title I.

In 1994, much of the impetus for accountability began with the prior reauthorization of the Elementary and Secondary Education Act.

The 1994 amendments allowed States to move forward and develop their own content performance standards and to develop their own assessment measures to provide the details for our direction to improve the accountability of title I money.

But as I mentioned—this is a constant theme—because of limited resources, there is the difficult choice between providing the service and doing the accountability.

On a day-to-day basis, States try to keep up. But over time, they are falling behind in terms of improved performance and improved quality of education for students. What results is States can't as effectively address weaknesses that they see. They can't invoke a progressively intensive range of interventions to improve schools. They can't do the continuous assessments that are necessary to keep these programs on target, focused, and provide quality education for all of our children.

The amendment, which the Senator from New Mexico proposes, would provide resources for schools and school districts to enable them to address the challenges of helping low-performance students and low-performance schools. In fact, we know those students in our lowest performance schools will immediately and directly benefit from the Bingaman amendment because studies clearly show that students in low-performance schools are at least a year or two behind students in the high-performing schools within the title I universe.

As we provide these resources, we need to focus them on the more problematic schools so we can help disadvantaged children to attain better educational achievement throughout our country.

We are still in the midst of trying to reauthorize the ESEA. Within the context of that act, Senator BINGAMAN has other accountability language which I am proud to support with him.

But we have a critical opportunity—and we are at a critical juncture today—to provide resources and directions so that the accountability issue at least will not have to wait upon final reauthorization of the ESEA if that final reauthorization is indeed forthcoming in this legislative session.

I once again commend Senator BINGAMAN for his leadership.

I conclude by simply saying that we have a situation where there is a great deal of knowledge and a great deal of intuition at the local level about how they can improve this program.

These resources in the hands of local school authorities would make a real difference in the lives of disadvantaged children, and would ultimately go to the heart of, I believe, what our greatest challenge in this country is, which is to use education to provide all of us, but most particularly the most disadvantaged Americans, the opportunity to learn, to succeed and to contribute to this country and to our economy. I urge passage of the Bingaman amendment, and I yield to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed there is no time agreement; is that correct?

The PRESIDING OFFICER. It is the Chair's understanding that there is no time agreement.

Mr. BINGAMAN. Mr. President, we do have one other Senator who I believe is on his way to the floor and wishes to speak. If there are any Senators wishing to speak in opposition, we will be glad to hear from them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I commend our colleague from New Mexico for offering what I think is about as important an amendment as you can have, when it comes to the issue of education. Regrettably, we have abandoned—I hope only temporarily—the Elementary and Secondary Education Act, the authorization bill. That bill is only dealt with once every 6 years by the Congress. It is the bedrock piece of legislation that deals with the elementary and secondary educational needs of America's children; the some 50 million who attend our public schools every day of the school year. Of the 55 million or so children who go to elementary and secondary schools, roughly 50 million of them attend a public school.

Despite the efforts of the committee of jurisdiction—we spent 2 or 3 days discussing the Elementary and Secondary Education Act—we have now decided we are no longer going to debate that or discuss that issue any longer. I think that is a tragedy when we consider how important to the American public is the issue of education, how important it is to strengthen our schools. Everyone knows so many of them are in desperate need of help. That we cannot find the time—only once every 6 years—to talk about this issue is deplorable.

It was through the efforts of my colleague from New Mexico, in fact, that we were able to provide language in the Elementary and Secondary Education Act to deal with the issue of accountability in our public schools. I regret this bill has been abandoned. I hope we will get back to it, although I am doubtful that will be the case. But, if we do, we will have a chance to further discuss it.

The Senator from New Mexico has offered an amendment to set aside $250 million within title I to help States implement effective programs to turn around failing schools. Last year, $134 million was appropriated for this purpose, and the committee's appropriations bill does not include any funding for accountability grants. The President requested $250 million, and this amendment meets that request.

The fact that the proposal coming out of the committee disregards accountability altogether is a stunning failure to recognize how important it is that we make a concerted effort to put these failing schools back on their feet.

What is title I? We talk in terms of titles, dollar amounts, and alphabet soup when it comes to certain programs. Title I is the basic education program to provide assistance to the most disadvantaged students in the country, whether they live in urban, rural, or suburban areas.

Roughly $8 billion, more than half the entire Federal budget's commitment on education, goes for title I, disadvantaged students. In fact, it is an indictment of the Federal Government that we only contribute less than one-half of 1 percent of our entire Federal budget to elementary and secondary education. Imagine, less than one-half of 1 percent of the entire Federal budget goes to elementary and secondary education, despite the fact that most Americans say with a single voice that education is about as important an issue as this country has to address. Despite those feelings, we contribute a tiny fraction of the entire Federal budget to this most compelling need.

Of the $15 billion we spend on education, half is spent on these disadvantaged children through title I. That is title I.

Senator BINGAMAN has offered an amendment that provides that of the $8.3 billion, we are going to allocate $250 million, which is not included in the present bill. It provides $250 million to do something to get these failing schools back on track.

It has been suggested that a failing school ought to be shut down. I understand the frustration that leads people

to that conclusion, but too often when we shut down one of these schools, there are no great alternatives around the corner for these children. There is not that well-run little parochial school or some private school to which these children can go. Too often these schools exist in the worst neighborhoods and worst areas of the country in terms of economics. We need to do something to get these schools back on track and functioning well so these children, who, through no fault of their own, are born into these circumstances in these neighborhoods and communities across the country, have a chance.

It is one thing to talk about accountability, but the Senator from New Mexico has offered some strong, thoughtful language on how to achieve that accountability in our Nation's educational system. We have shifted our focus from what the Federal education dollar has bought to more on outcome: What do you get; what comes out of that school.

It is a worthwhile shift to begin to determine what schools are producing, how well are these children prepared to move on to the next level of education to become productive citizens of our country, good citizens, and good parents. There are too often a staggering number of schools that fail when it comes to outputs.

Effective accountability measures is what business leaders call quality control measures. They determine whether students are achieving to the high standards they ought to be, to make sure public dollars are being spent wisely. Accountability is especially important in schools with high concentrations of disadvantaged students to ensure all students have an opportunity to meet high standards of achievement.

In our view, we must spur change and reform in these failing schools. Shutting them down is not the answer. Getting them to perform better is. Setting positive accountability standards is one of the ways to help achieve that goal. That is what the Senator from New Mexico is offering in this amendment: Some dollars allocated and setting accountability standards will help us achieve the desired results.

As we all know, despite concerted efforts by States and school districts, accountability provisions in title I have not been adequately implemented due to insufficient resources. When we have a budget, such as this one, that does not allocate even a nickel for accountability, we cannot give a speech about accountability and then not provide any of the resources to see to it that accountability is achieved.

In 1998, to make the point, only 8 States out of the 50 reported that school support teams were able to serve the majority of schools identified as being in need of improvement. Less than half of the schools identified as in need of improvement in the 1997–1998 period reported they received additional professional development or technical assistance.

It seems quite obvious we need to strengthen title I with only 8 States out of 50. Even among those States, the results are paltry when it comes to accountability. We clearly need to do a far better job if we are going to give these students and these families a chance to have a school to continue and provide the education these children ought to be receiving.

We have to strengthen title I to make more schools more accountable for the academic success of all the children who attend them and to assure States and districts do all they can to turn around failing schools by using proven, effective strategies for reform.

We must make all schools accountable for good teaching and improved student achievement. We cannot turn our backs on low-performing schools, as I said. We must do all we can to improve them. If all else fails and we have to close them down, that is one thing, but if we jump to close schools without trying to improve them, too often we abandon these young students.

School districts and States need the additional support. Less than one-half of 1 percent of the entire Federal budget is dedicated to education, and we are talking about $250 million out of the title I resources to improve the accountability standards. My view, and I think the view of most of us, is that we ought to act now and make these schools more accountable for these disadvantaged children. I am hopeful that will be the case.

Again, I congratulate our colleague from New Mexico for offering this amendment. I mentioned one-half of 1 percent of the Federal budget is spent on elementary and secondary education. Out of 100 cents in the dollar we contribute, one-half of 1 percent represents 7 cents when it comes to an education dollar; 93 cents come from our States and mostly local governments who support the educational needs of the local communities. When we get to our poorest communities in rural America—I know the Presiding Officer can relate to this; he represents a very diverse State, one that has strong urban areas but strong rural areas as well—when we get to a poor rural community or poor urban area, the tax base, in many cases, does not exist to provide for the educational needs.

My hope is in the coming years we are going to do a better job of being a better partner with local towns, a better partner with our States, so the Federal Government is contributing a greater share, about $1. Seven cents out of 100 cents toward the needs of America's children in the 21st century is an appalling indictment of failing to improve the quality of education.

I do not know of a single Senator who dissents when it comes to the issue of accountability, making sure these students are coming out of educational institutions with the abilities, the talents, and the knowledge they need to move on. On this we can all agree. We have to not just talk about it, we have to invest in it.

The Senator from New Mexico has offered a proposal that will at least put some dollars into the accountability standards, along with the language that tells how best to achieve accountability. I strongly endorse this amendment and hope our colleagues will support it.

I thank the distinguished managers of this bill, Senator SPECTER and Senator HARKIN, for their willingness to provide for a new and significant investment in child care. I have been critical about the accountability standards and the lack of funding. Before those remarks, I should have commended them for the work they have done on child care. As most of my colleagues know, I have spent a good part of my career in the Senate trying to improve the quality of child care in this country. This bill raises the level of the child care development block grant to a total funding of $2 billion which will allow an additional 220,000 children across this country to be served in a child care setting.

To put this investment in perspective, I note that this year's increase in funding of child care is double the program's growth in the previous 10 years of its existence. This funding represents the fruits of 2 years of bipartisan efforts.

In addition to thanking the chairman and ranking member of this appropriations subcommittee, I want to recognize individuals who have fought long and hard to provide this assistance to America's working families.

My colleague from Vermont, Senator JEFFORDS, my colleagues from Maine, Senator SNOWE and Senator COLLINS, and my colleague from Massachusetts, Senator KENNEDY, who has been a stalwart in fighting for this issue for many years. There are a lot of other people here who have been involved.

Senator John Chafee, who was a terrific fighter on many issues—by the way, Parade magazine, this past Sunday, had a wonderful story by Mr. Brady, who served with John Chafee in Korea. It was a wonderful piece about John Chafee's service in the Korean war, as we remembered the veterans of that conflict that began 50 years ago the day before yesterday.

John Chafee was a tremendous fighter and great ally when it came to child care. I do not want to conclude these remarks without mentioning his wonderful contribution in this area.

The funding allocation that is in this bill demonstrates that helping working families is not a partisan issue. I am glad to report that, in fact, in the last year, on four different occasions, we had votes on child care in the midst of some very tense and heated debates. In every single instance, this body—by a fairly significant margin—supported increasing the allocations for child care. It did not get done in conference reports, with the House of Representatives, in the first session of this Congress.

But Senator SPECTER told me last year: I promise you this year we will put the dollars in to get that level up to $2 billion. He did so. I thank him for fulfilling that commitment, not to me so much but to the working families in this country, who need this help tremendously.

So for 220,000 families who do not have the choice of staying at home or going to work but must work, either as single parents or two-income-earning parents, who need the resources to provide for their families, decent child care is worthwhile.

I note, just as an aside on this issue, we have a wonderful child care facility that serves the family of the Senate. One of our colleagues, JOHN EDWARDS of North Carolina, is the proud father of a new baby, but also has another young child. He brought the child to the child care center in the last few days to receive the services of that setting.

He was notified that in the 35-year existence of the child care center that serves the Senate family, he is the first Member of the Senate who actually has a child in that child care center. Certainly, we get some indication of maybe why we have not been as aggressive in pursuing the child care issues, when for obvious reasons—age and so forth—Members here are not likely to have children of child care age and needs.

But most Americans who have young children and work have a need today. This appropriation will assist the neediest people in the country, the neediest who are out there working every day to provide for their families and also need to have a decent place, a safe place—hopefully, a caring place—where they can leave their child in the care of others when they go off to work and provide for their economic needs.

I applaud the committee for its efforts in that regard. But as I said at the outset, I am very disappointed we have not done more in the area of accountability when it comes to elementary and secondary education needs and our failing schools.

In this context, I urge the adoption of the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending business be set aside in order that the Senate may consider Senator MURRAY's amendment concerning class size.

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

The Senator from Washington.

AMENDMENT NO. 3604

(Purpose: To provide for class-size reduction and other activities)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3604.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, line 12, before the period insert the following: ": *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner".

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as additional cosponsors Senators BIDEN, DODD, ROBB, WELLSTONE, KENNEDY, TORRICELLI, REED, LAUTENBERG, REID, LEVIN, AKAKA, and BINGAMAN.

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

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to argue, again, that no child should have to struggle for a teacher's attention in an overcrowded classroom. Every child deserves a classroom environment where they can learn and grow and get individual attention from a caring, qualified teacher. With the amendment I am offering this afternoon, we have an opportunity, again, to make that happen.

I am proud to report that classrooms across America are less crowded this year than they were last year. In fact, this year, 1.7 million children benefited from less crowded classrooms. The reason those students are learning in smaller classes is because this Congress made a commitment to help local school districts hire 100,000 new fully qualified teachers. We are now about one-third of the way towards reaching that goal.

By all measures, this has been a very successful program. Given the progress we have made, many parents and teachers would have a hard time believing that this Congress is about to abandon its commitment to reduce class size, but that is exactly what the bill before us would do. It would abandon our commitment to helping school districts reduce classroom overcrowding.

This bill would take the promise of smaller classes and yank it away from students and parents and teachers. This underlying bill does not guarantee funding for the Class Size Reduction Program as it is currently written. If it is passed without the amendment I am offering, school districts across the country cannot rely on having the money available to hire new teachers or to pay the salaries of the teachers they have already hired.

I have talked to hundreds of local educators, parents, and students. To them, that is unacceptable. That is why I have come to the floor today to offer my amendment that would continue our commitment to reducing class sizes.

Under this successful program, we have hired 29,000 new teachers, and we have given 1.7 million students across the country less crowded classrooms. Clearly, we are making progress, but we can't be satisfied with the status quo. We need to bring the benefits of smaller classes to more students. It is clear that smaller classes help students learn the basics with fewer discipline problems. Parents know it. Teachers know it. Students know it.

On the chart behind me, I have listed some of the benefits of smaller classes. They include better student achievement, something every Senator has come to the floor to speak for; fewer discipline problems, something about which we hear constantly; more individual attention; better parent-teacher communication; dramatic results for poor and minority students.

As a former educator, I can tell the Senate, there is a difference between having 35 kids in your classroom and having 18 kids in your classroom. With 35 kids, you spend most of your time on crowd control. With 18 kids, you spend most of your time teaching. But it is not only my experience. National research proves that smaller class sizes help students learn the basics they need in a disciplined environment.

A study that was conducted in Tennessee in 1989, which is known as the STAR study, compared the performance of students in grades K through 3 in small and regular size classes. That study found that students in small classes, those with 13 to 17 students, significantly outperformed other students in math and in reading. The STAR study found that students benefited from smaller classes at all grade levels and across all geographic areas. The study found that students in small classes have better high school graduation rates. These were kids who were in smaller classes in kindergarten through the third grade. They found, as they followed them through later on, they had better high school graduation rates, higher grade point averages, and were more inclined to pursue higher education. Certainly these are goals this Senate should be proud of helping to achieve.

According to the research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams. That was particularly true for African Americans students. According to Dr. Kruger:

Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in the early K through 3 grades were between 6 and 13 months ahead of their regular class peers in math, reading, and science in

each of grades four, six, and eight, as they followed them through.

In yet another part of the country, a different class size reduction study reached similar conclusions. The Wisconsin SAGE study, Student Achievement Guarantee in Education, findings from 1996 through 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class size reduction programs in the State study resulted in increased attention to individual students. It produced three main benefits: Fewer discipline problems and more instruction; more knowledge of students; and more teacher enthusiasm for teaching.

The Wisconsin study also found in smaller classes teachers were able to identify the learning problems of individual students more quickly. As one teacher participant in the State class size reduction study said, ''If a child is having problems, you can see it right away. You can take care of it right then. It works a lot better for children.''

The data is conclusive. Smaller classes help kids learn the basics in a disciplined environment. I am also proud that the class size program is simple and efficient. The school districts simply fill out a one-page form, which happens to be available online. Then the Department of Education sends them money to hire new teachers based on need and enrollment. The teachers have told me they have never seen money move so quickly from Congress to the classroom as under our class size bill.

Linda McGeachy in the Vancouver school district in my State commented, ''The language is very clear, applying was very easy, and their funds really work to support classroom teachers.''

The class size program is also flexible. Any school district that has already reduced class sizes in the early grades to 18 or fewer children may use the funds to further reduce class sizes in the other early grades. They can use it to reduce class sizes in kindergarten or they can carry out activities to improve teacher quality, including professional development.

I am sure some Members are going to argue that schools could still hire teachers if they wanted to by using the title VI funding in this underlying bill. Now, that may sound good at first, but it doesn't recognize the reality of how school boards work. The language in the underlying bill won't work. Mr. President, I served on a local school board. Finding the money to hire and train new teachers requires a financial commitment over many years in the face of many competing priorities. That is one of the reasons why school districts have so much trouble reducing class size without our Federal partnership.

Last year, we told school districts we would give them the money to hire teachers for 7 years. They heard our commitment and they hired more than 29,000 new teachers. Unfortunately, today, this underlying bill asks school districts to choose whether or not to keep those teachers, without any assurance that the money will still be there in the coming years.

I can tell you, if I were still on a school board, I would find it very difficult to keep those teachers, not knowing if I would have the money for them in the future. That is why we need to protect that money and guarantee that it goes to reduce class sizes. Because this bill abandons our commitment as a Federal partner, it leaves school districts with a false choice, and it means our kids are going to lose out. We should keep our commitment to reducing class size.

There is another reason why my amendment is so necessary, another critical reason why using the general title VI funding is not an adequate substitute. I have discussed this, as my colleagues know, many times on the floor of the Senate—why programs that are put into block grants with no specific purpose, such as title VI, are much less effective in targeting resources to our neediest students. Under the class size program, money is targeted to those needy students. For example, from the State level, funds are targeted 80 percent based on poverty and 20 percent based on student population. The program is designed to make sure economically disadvantaged students who benefit the most get smaller classes. We know poor and minority students can make dramatic gains in less crowded classrooms. And this amendment targets new teachers directly to those vulnerable students. Without my amendment, however, there is no guarantee those poor students will get the support they need.

Let me be clear. A block grant that is not targeted toward a specific educational purpose fails to ensure that our most vulnerable students get the resources they need. We need to pass this amendment so we can guarantee those students can benefit from smaller class sizes.

Before I close, I want to make one final point. We are going to continue this program sooner or later. The President has made it clear that he will veto this bill unless it funds the Class Size Reduction Program. His track record on this is pretty clear. He has stood up for the class size program time and again in the past. So the real question is, Are we going to vote to fund the program now, in June, or are we going to wait until the end of the fiscal year, sometime in October, when the clock is running and the congressional majority has to negotiate again with the President?

We should do it now. We should pass this amendment now, early in the process, so that school boards across America will have a clear indication that money for their new teachers will be there.

In closing, this amendment gives my colleagues the opportunity to support one of the most successful efforts we have ever seen in our schools in years. This amendment gives us a chance to fix the underlying Labor-HHS bill so that our students are not trapped in overcrowded classrooms. Let's invest in the things we know work. Let's support local school districts as they work to hire new teachers, and lets keep our commitment to America's schoolchildren so that they can learn the basics in a disciplined environment.

This is an issue we have worked on for some time, and the underlying bill will not keep our commitment to class size that is so important, that so many parents, students and teachers are waiting for us to make. That is why this amendment is so important.

I see that my colleague from Massachusetts is here.

Mr. KENNEDY. I wonder if the Senator will be good enough to yield for a question or two.

Mrs. MURRAY. I am happy to.

Mr. KENNEDY. Mr. President, I have had the good opportunity to listen to the persuasive arguments of the Senator from Washington. Does the Senator from Washington agree with me that historically the Federal role of helping local schools assist the most economically disadvantaged and challenged children in this country has been very limited? This was basically the origin of the Title I program back in the mid-1960s. We have had some success and we have had some failures. But I think the successes have been in the most recent time.

This is where we have been focusing our limited resources. However, the change in the formula in the underlying bill, which is in complete contrast to what the Senator from Washington has drafted, would target 80 percent of the funds for the neediest children, and 20 percent for the population. Now we are finding out that there has been a dramatic shift and the guiding force is going to be the population. So this whole block grant which has been explained to be available for smaller class size really isn't going to be targeted or really available to the children who probably need it the most. Am I correct in my understanding that this is one of the concerns the Senator has pointed out?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. There is a role for local school districts. There is a role for States, and there is a role for Federal Government, however small it is, in this country in terms of education.

The public has told us overwhelmingly time and time again they want the Federal role to remain. The Federal role, historically, has been to make sure the most needy and disadvantaged students in the country, wherever they are, are not left behind.

In the class size amendment, we target the funds directly to those kids because they need it the most and they are helped the most by it. The underlying bill, which I am amending, as the

Senator from Massachusetts stated, block grants the money to title VI funds and therefore is block granted to all students, and it is not what the Federal role has been or should continue to be. So the Senator from Massachusetts is absolutely correct that this amendment is important.

Mr. KENNEDY. Further, there are no provisions to target these funds to the poverty districts, which runs in complete conflict as to what we understand. We are all for additional funding in terms of education, if the States want to do it. But the funding, historically, that we have provided has been targeted to those areas of special needs.

I have been enormously impressed with Project STAR in Tennessee, which studied 7,000 students in 80 schools. It was initiated in 1985 and has had extraordinarily positive and constructive results in terms of academic success for children.

I was in Wausau, WI, and met with a number of people who are involved in the SAGE Program, which was developed in 1995. Again, it is a program for smaller class size.

The SAGE program is intended to help raise student academic achievement by requiring that participating schools do the following: reduce the student-teacher ratio in class sizes from 15 to 1 in K through 3; stay open for extended hours; develop vigorous academic curriculums; and implement plans for staff development and professional accountability.

I listened to the Senator speak about each of these issues. In Wisconsin, they had at least one school serving 50% or more children living in poverty was eligible to apply for participation in SAGE. One school, with an enrollment of at least 30% or more children living in poverty, in each eligible district could participate. Again, it is targeted among the most challenged children.

The evaluation done on the 30 schools that implemented the program is absolutely remarkable.

In the SAGE Program, from 1996 to 1997, and again in 1997 to 1998, first grade classrooms scored significantly higher in all areas tested.

In 1997–1998, achievement advantage was maintained in the second grade classrooms.

The achievement benefit of SAGE small class size was especially strong for African-American students. In 1997–1998, the SAGE first grade post-test results showed that African-American students were closing the achievement gap.

Further, the analysis suggests that the teachers in these classrooms have greater knowledge, to which the Senator from Washington spoke. They spend less time managing their class and they have more time for individualize instruction emphasizing a primarily teacher-centered approach.

This has had extraordinary success—it has been tried. When the Murray amendment was first accepted, it had broad bipartisan support. That is why many of us find it troubling. When we have something that we know has been successful, why are we moving in a different direction? Will the Senator help me understand that in some way?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is correct. There have been a number of studies that have followed class size reduction—from the Tennessee study in 1985 and 1990; the STAR study in 1996–1997; the SAGE Program that the Senator from Massachusetts mentioned in 1998–1999; the educational testing service study in 1997; New York City school study in April 2000; the Council for Greater City Schools in October of 1990.

All of these studies have followed up on what we have been able to do in reducing class size and have shown the same benefits of better student achievement, fewer discipline problems, and better test scores for students as they moved into the upper grades.

It is astounding to me that we had a bipartisan agreement 2 years ago to begin to reduce class size and every year, it seems, we have to come back and argue this again, debate it again, move on to a vote, then get to a point in October where we again amend the budget, and finally put it in the budget.

It seems to me, and I assume to the Senator from Massachusetts, that we would be smarter to put it in the bill now so school districts that are trying to figure out what we are doing will have the knowledge that this program will continue; that they can begin to hire their teachers, as they do in the months of June and July, and be ready to move on without the question of being left out there.

Mr. STEVENS. Mr. President, will the Senator yield for one second without losing her right to the floor?

Mrs. MURRAY. Mr. President, I yield to the Senator from Alaska without losing my right to the floor.

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that votes occur in stacked sequence following the 5 p.m. vote on the Wellstone amendment with 4 minutes equally divided prior to each vote for explanation on or in relation to the Bingaman and Murray amendments, in that order, and no second-degree amendments be in order prior to the votes on any of these amendments.

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

Mr. KENNEDY. Mr. President, if I could just ask the Senator a question.

My State of Massachusetts hires an average of about 500 teachers each year. That is certainly not going to solve all of the problems. But it is making an important difference in my State, particularly when we know we have hired qualified teachers, and particularly when we know that across the country we have hired 50,000 unqualified teachers. We are getting qualified teachers who are involved in these programs. The selection of these teachers are worked out through the local process. That is a decision, I understand, that is made locally.

Unless the Senator's amendment is successful, what is going to happen to these teachers who have been effectively hired with the understanding that they are going to have the responsibility of teaching children in smaller class sizes?

We are now in the summertime. What sort of message does this send to school boards, to teachers, and particularly to parents who may be looking forward to their child staying in a smaller class size in the next year, if the Murray amendment is not accepted?

Mrs. MURRAY. Mr. President, I respond to the Senator from Massachusetts by reminding my colleagues that I formerly served on a school board. I can tell you what you do in the months of June and July. You hire teachers and renew contracts. School districts out there that have used the Federal dollars that we have provided them for the last 2 years have hired those teachers and they now have to make a commitment to continue.

For example, the Takoma School District in my home State of Washington used the class size dollars to reduce class sizes of 58 first grade classrooms. In that school district, they now have 15 students in those classrooms. It has made a tremendous difference. But they have hired these additional teachers, and they are now looking at the underlying bill that we have which says to them that this is now going to be a block grant with no guarantee that this money will go to the most needy 80 percent of the schools. Under the block grant program, they are going to lose some of the money in their districts for these teachers. They, therefore, right now can't make a commitment to these teachers that they will be able to hire them again in September.

This sends a very bad message to local school boards across the country that have hired teachers. And school boards are not going to be able to make the commitment that they need to make. That is why this amendment is so important. It will send a message today—right now, almost at the end of June—that they can make a commitment to those teachers.

Being a teacher right now is extremely difficult, as the Senator from Massachusetts well knows. Most teachers aren't paid well. They have trouble staying in schools because of the many challenges that are there already with this kind of uncertainty: Well, we might be able to hire you. You have to wait and see what Congress does in a couple of months because they haven't given us a commitment. We are not sure you are going to be able to go back. If I were a teacher in those circumstances, I would be out finding another job immediately. These teachers have to put food on the table, pay their rent, and they have all the expenses

the rest of us have. They can't live in an uncertain job market such as this.

We have a responsibility to tell them the truth and to tell them what we are doing. By passing the underlying amendment today, we will send a message to those school boards that they can give a commitment to those teachers, and those teachers will know where they will be in September. Without passage of this amendment, I guarantee you that we are going to be in a budget debate in October where we are going to be having the President say he will veto the budget without this. And we will be making a decision in October that we could very easily and simply make today.

That is why this amendment is so important.

Mr. KENNEDY. Who loses out, if that is the case?

Mrs. MURRAY. First of all, our students, because they won't have the opportunity to be in a small class to which we committed.

I know parents today with kids in kindergarten who maybe had an older child in first or second grade, because of reduced class sizes, have called, saying: Please, my second child is on the way. For my first child, it has made such a difference in their life, being in a smaller class size. Make sure my second child coming behind them has the same opportunity.

That is what we are talking about today. So kids in these classrooms can read, learn, write, have an adult who has the time to pay attention to them. That is what this amendment guarantees to students in this country.

I have taught before. I know what it is to have too many kids in your classroom, especially in today's overcrowded classrooms across this country. Kids come with all kinds of problems that many professionals did not experience when we were in classrooms many years ago. In my classroom, I had an experience sitting with 24 4-year-old kids talking about the ABCs. When I called on one child, he looked directly at me and said: My dad did not come home last night; the police arrested him.

I didn't have the time to stop and deal with a child who certainly was in a traumatic situation because I was going to lose the attention and the ability to discipline 23 other kids immediately.

With a class size of 15, and a child coming to the classroom with traumatic problems, the teacher will have the time to sit down and deal with that child.

I wonder what happened to that 4-year-old. That was several years ago. I wonder what happened to him. If I had the time to deal with him, he would probably be doing better today.

We have a responsibility, for so many reasons, to continue this funding. The most important reason is because of the kids.

Mr. KENNEDY. I have heard the Senator from Washington tell that story on other occasions, but I find it as powerful and as important hearing it again.

Does the Senator remember the first time the Class Size Reduction Amendment was accepted, and later it was promoted as one of the major achievements by the Republican Policy Committee? It was achievement No. 13: Teacher Quality Initiative. It mentions the $1.2 billion additional funds to school districts, returned to local schools for smaller class sizes. Then Mr. GOODLING said:

This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates, red tape and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs. Rather our proposal will drive dollars directly to the classroom and gives local educators more options for spending federal funds to help disadvantaged children.

Mr. Gingrich called it, ''a victory for the American people. There would be more teachers and that is good for Americans.'' Mr. ARMEY said the same.

At one time, there was very strong support. The only thing that happened in the meantime is the record has demonstrated that it is even more effective than we could have imagined.

I am hopeful this Senate will go on record in support of the Murray amendment. I am also hopeful it will support the Bingaman amendment on accountability. We spent a great deal of time on that issue. It is enormously compelling. The most recent GAO studies indicate the reasons that should be supported. I hope we will support the Wellstone amendment to make sure we provide resources. At a time when we have the record surpluses in this country, it seems to me we ought to be able to use some resources to reach out, help, and assist children who would otherwise be eligible if there were those resources, and give them a good start from an education point of view.

I thank the Senator from Washington for bringing this matter before the Senate. I hope we will have a strong vote.

Mrs. MURRAY. I thank the Senator from Massachusetts for his questions, comments, and support. I, too, am surprised our Republican colleagues, who took full credit for this several years ago when we began it, sending out press releases touting it, don't understand this issue is still as powerful.

I have talked to many of my colleagues who have gone home to their States and visited classrooms where Federal dollars were used to reduce class size. The accolades received from the kids, the parents, the teachers, the people who work with the kids are tremendous.

I offer to my colleagues on the other side, who have consistently voted against this, if Members want to have a good experience, vote for this amendment, go home to a classroom and talk to the kids, the parents, and the teachers who have been directly impacted. You will see some of the good that comes from voting on an amendment such as this.

I see the Senator from Minnesota is on the floor.

Mr. WELLSTONE. I thank my colleague.

I ask one question so the Senator can finish a very moving presentation. When I am in schools, which is every 2 weeks, I always have a discussion with the students about education, and I ask them what makes for good education. They talk about good teachers, and they talk about smaller class size. I ask my colleague, Is that the experience the Senator has?

This is an amendment for all Senators who spend time in schools with kids in their States because I deal with students over and over again. This is what we need; does the Senator hear the same thing?

Mrs. MURRAY. The Senator from Minnesota is absolutely correct. We hear from teachers, students, and parents: Smaller class sizes are critical, schools need to be safe, up to date, up to code, and teachers who are trained and qualified and able to be in the classroom. Those are the top three changes parents request.

Mr. President, I remind my colleagues how critical this issue is, and I ask for their help and support when this issue comes up.

AMENDMENT NO. 3631

The PRESIDING OFFICER. There are 4 minutes of debate equally divided prior to the vote at 5 o'clock.

Mr. STEVENS. Mr. President, there are 4 minutes equally divided on the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my amendment simply says we take the title I and move the appropriation up from $8.36 billion to $10 billion.

Our committee, the HELP committee, authorized the full $15 million for the title I program. Title I money is used for additional help for kids in reading, for afterschool programs, for prekindergarten programs, for professional development. This is a program which helps especially low-income children throughout the country. This is a program in which the last half decade has made a difference.

As I said earlier, it is not Heaven on Earth, but it is a better Earth on Earth. We provide more help for kids. This is a very important program. I say to my colleague from Washington, again, if you go to your school districts and schools and talk to teachers and parents, they all say they need more help right now. This program is funded at about a 30-percent level. Many more children all across the country could be helped by this program if we were willing to make this investment.

I said it earlier; I will say it a final time. Vote for additional help for these

kids, mainly the younger children, not because it makes them more productive—it will; not because it prevents them from dropping out of school—it will help; not because it makes a difference in terms of not dropping out of school or winding up in prison—that is true. Vote for it because the vast majority of them are under 4 feet tall. They are all beautiful and we ought to be nice to them. We ought to be able to provide them with some more assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. A point of order has been raised against this amendment because the bill already contains an $8.3 billion increase for this function. The bill also increases the title 1 program by $394 million over the current fiscal year level.

These provisions in the Senator's amendment are in violation of the Budget Act. We have raised a point of order reluctantly, but this bill is at its level under the budget resolution. We must object to the Senator's amendment on the basis that it does violate the Budget Act. I raise that point of order.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to waive the Budget Act.

The legislative clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.—

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—47

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Jeffords	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Chafee, L.	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—52

Abraham	Frist	Nickles
Allard	Gorton	Roberts
Ashcroft	Gramm	Roth
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Mack	Voinovich
Domenici	McCain	Warner
Enzi	McConnell	
Fitzgerald	Murkowski	

NOT VOTING—1

Inouye

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that on the next two votes, if there are two votes, the time for each vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3649

Mr. GREGG. Mr. President, is the Bingaman amendment in order? What is the regular order?

The PRESIDING OFFICER. The Bingaman amendment. There are 4 minutes equally divided.

Mr. GREGG. Mr. President, I am ready to yield back our time if Senator BINGAMAN is ready to yield back his time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

AMENDMENT NO. 3649

Mr. BINGAMAN. Mr. President, I understand the next order of business is the amendment I offered.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. Mr. President, the amendment I have offered is a straightforward amendment to add $250 million to the title I part of the bill and provide that that funding has to be spent to ensure accountability in the expenditure of the remaining nearly $9 billion.

One of the problems we have had in the past—and it has been referred to by many Senators—is that we haven't had funds available to States and local school districts to ensure that title I funds are spent to accomplish their purposes. We need to enable States to assist failing schools. They have not been doing that effectively. The Council of Chief State School Officers supports this. I have a letter from them that I have printed in the RECORD.

Last year, we put $134 million into this effort on this exact bill. This year, the President has requested we put $250 million into it. That is what my amendment proposes to do. Otherwise, current law limits them to one-half of 1 percent of the title I funds. They cannot ensure accountability unless we add this amendment. For that reason, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as the Senator has mentioned, this is $250 million of additional funds that exceeds the subcommittee's 302(b) allocation.

I yield back the remainder of our time, if the Senator from New Mexico is ready to yield back.

Mr. BINGAMAN. I yield the remainder of my time.

Mr. GREGG. Mr. President, I make a point of order that under subsection 302(f) of the Budget Act, as amended, the effect of adopting the amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. BINGAMAN. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable sections of the act for consideration of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Bingaman amendment No. 3649. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—49

Akaka	Edwards	Lincoln
Baucus	Feingold	Lugar
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Snowe
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—50

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner
Fitzgerald	McConnell	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Will Senators please take their conversations out of the Chamber.

Mr. BYRD. Mr. President, I ask that the well be cleared.

That includes everyone.

The PRESIDING OFFICER. Everyone will clear the well.

The PRESIDING OFFICER. On this vote, the yeas are 49; the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 3604

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Murray amendment.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment we are now going to vote on simply continues our commitment to reduce class sizes for the first through the third grades across this country. Because of the work we have done in the past day, 1.7 million children are in smaller class sizes.

We have a commitment. We should keep our commitment to continue to reduce class size. The underlying bill simply block grants the money. That will hurt our neediest and most disadvantaged students who will lose under that kind of proposal.

School boards are meeting today to determine who they will keep as teachers and whether they will be able to make a commitment in the hiring of teachers.

We should make this decision now so those school boards can make the decisions for the coming school year rather than once again negotiating this in October when the President has said he will veto a bill that does not keep the commitment to reduce class size.

I urge my colleagues to vote for this amendment today and prevent school boards across the country from having to wonder all summer long if we are going to keep our commitment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this bill accommodates the President's request for $1.4 billion for class size reduction. It is joined with $1.3 billion for school construction, trying to structure a bill which could be signed. But we leave, in the final analysis, the judgment to the local boards as to whether the local boards decide that they do not need construction or if they do not need class size reduction.

That is what is objected to by the Senator from Washington. We have gone more than halfway to meet the President in putting up this money.

In addition, the Murray amendment would add $350 million, which exceeds our allocation. We think we are stretching and stretching and stretching. If the President is going to veto this bill, then let him do so. We expect to present this bill to him long before the end of the fiscal year, and then we will debate it before the American public.

I make a point of order that the amendment violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Murray amendment No. 3604. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

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

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed as in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object—and I don't want to object to my friend doing his 10 minutes—I would like to know what we are doing on the bill. I hope we will have some information so Senators will know whether we are going to go ahead and debate this and have amendments tonight or not, on our bill.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2801 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the rejection of the last motion to waive, I think, was a wise action on the part of the Senate. I am here primarily to congratulate the Senator from Pennsylvania for the way in which he has dealt with the challenge of education in this bill. More than $40 billion for education is a very substantial increase over the current year.

That is more than a $1 billion increase in special education programs, at least moving us one step further toward the promise of 40-percent funding of the cost of special education to the school districts of the United States.

In my view, the centerpiece of this bill is in its expression of trust and confidence in our local school authorities, our parents, our teachers, our principals, our superintendents, our elected school board members, a trust and confidence expressed in a more than $3 billion appropriation for title VI, the innovative education program strategies.

The last amendment would have taken roughly half of that amount of money and mandated that it go solely for additional teachers in the first three grades. Title VI, as it appears in this bill, says in effect our school districts—the men and women who know our children's names—are better suited to make the decisions in 17,000 separate school districts about what can most improve the quality of education for their children. As such, we are far better off passing the bill as the Senator from Pennsylvania has written it than we would be in including more mandates in this bill.

There are at least two outside experts who agree with that proposition. One comes in an interesting paper by Andy Rotherham at the Progressive Policy Institute, an arm of the Democratic Leadership Council. He now, incidentally, works for President Clinton. He wrote a little bit more than a year ago:

> President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

In my own State, the Legislative Audit and Review Committee came to this conclusion:

An analysis of 60 well-designed studies found that increased teacher education, teacher experience and teacher salaries all had a greater impact on student test scores per dollar spent than did lowering the student-teacher ratio. According to one researcher, ''Teachers who know a lot about teaching and learning and who work in settings that allow them to know their students well are the critical elements of successful learning.'' Given limited funds to invest, this research suggests considering efforts to improve teacher access to high quality professional development. A recent national survey of teachers found that many do not feel well prepared to face future teaching challenges, including increasing technological changes and greater diversity in the classroom.

The legislature's—

In this case, Washington—

approach to funding K–12 education is consistent. . . . The legislature has provided additional funding for teacher salaries, staff development, and smaller classes, with more funding going to support teachers and less for reducing the student-teacher ratio.

The point is that reducing class size is not a bad option. It is a good option. I think we can all agree that it is one good thing for students. It is best done, however, when the decision about whether or not to do it and how it is to be accomplished is made in local communities and not in Washington, DC.

Even that proposal pales in comparison with the now platform of the Vice President of the United States. He calls for a massive Federal effort from recruiting to setting teaching standards in a sense that will make the Federal Government clearly a national school board. Teachers who please Washington, DC, bureaucrats will get bonuses. Those who do not do so will risk being fired.

The only thing bold about that initiative is that he has no qualms in taking over each and every one of the 17,000 school districts in the United States. If he becomes our President, education policy will undergo a significant shift. Local community school boards and teachers will be shut out of the process.

What we are doing in this bill is moving significantly in the right direction. There is little disagreement over the necessity of a significant Federal contribution to education. It is only about 7 percent of the money we have spent, but it is the persistent drive of this administration and of this Department of Education to increase to well over 50 percent the rules and regulations governing our schools that accompany that 7 percent.

This bill takes a dramatic step in a far better direction, a direction in which the support from the Congress is generous, but the trust of the Congress in the ability of school boards, teachers, principals, and superintendents to make decisions about our education is vastly increased all to the benefit of our children's education.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, there are a couple of Senators who are reviewing language, and I hope we can enter into this unanimous consent agreement momentarily. While we are waiting on that, I will outline what we have worked out.

We have an agreement that I believe will satisfy all the Senators involved.

The Smith amendment will be modified with changes that are at the desk. Then it will be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610. I believe Senator SPECTER will be prepared to do that on behalf of Senator HATCH. Then there will be 10 minutes equally divided for debate relative to the first- and second-degree amendments. I believe that will be McCain and Hatch. Then we will ask the amendments be laid aside, and the Santorum amendment will recur, with the time between that time, which will be about 6:30 p.m., I presume, and 7 o'clock to be equally divided between the Senators who are interested—Senator MCCAIN and Senator SANTORUM—and we will have two voice votes on the Smith issue and then two votes back to back on McCain and then Santorum.

That is the outline of what we will do. We will have two recorded votes then at 7 o'clock. I am prepared to offer that unanimous consent request at this time.

I will read the unanimous consent request. I believe Senator SMITH will be here in a moment.

AMENDMENT NO. 3628, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the SMITH amendment be modified with the changes that are at the desk and, further, the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 3628), as modified, was agreed to, as follows:

At the appropriate place, add the following:

"SEC. . FETAL TISSUE.

The General accounting Office shall conduct a comprehensive study into Federal involvement in the use of fetal tissue, for research purposes within the scope of this bill, be completed by September 1, 2000. The study shall include but not be limited to—

(a) The annual number of orders for fetal tissue filed in conjunction with Federally funded fetal tissue research or programs over the last 3 years;

(b) the costs associated with the procurement, dissemination, and other use of fetal tissue, including but not limited to the cots associated with the processing, transportation, preservation, quality control, and storage, of such tissue;

(c) The manner in which Federal agencies ensure that intramural and extramural research facilities and their employees comply with Federal fetal tissue law;

(d) The number of fetal tissue procurement contractors and tissue resource sources, or other entities or individuals that are used to obtain, transport, process, preserve, or store fetal tissue, which receive Federal funds and the quantity, form, and nature of the services provided, and the amount of Federal funds received by such entities;

(e) The number and identity of all Federal agencies, within the scope of this bill, expending or exchanging Federal funds in connection with obtaining or processing fetal tissue or the conduct of research using such tissue;

(f) The extent to which Federal fetal tissue procurement policies and guidelines adhere to Federal law;

(g) The criteria that Federal fetal tissue research facilities use for selecting their fetal tissue sources, and the manner in which the facilities ensure that such sources comply with Federal law.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610; that there be 10 minutes equally divided for debate concurrently relative to the first- and second-degree amendments. I further ask unanimous consent that the amendments then be laid aside and that the Santorum amendment recur, with the time between then and 7 p.m. equally divided, with no second-degree amendments in order prior to the vote in relation to that amendment.

I also ask unanimous consent that the Senate proceed to a vote in relation to the Hatch-Leahy second-degree amendment at 7 p.m. this evening, and following that vote, the Senate proceed to a vote in relation to the McCain amendment, as amended, if amended, to be followed by a vote relative to the Santorum amendment, with 4 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I shall not object, do I understand correctly, I ask my friend from Mississippi, that on the Hatch-Leahy amendment, somewhere within the agreement there is time on that?

Mr. LOTT. Right.

Mr. LEAHY. Some of that time is time for the Senator from Vermont?

Mr. LOTT. I believe we have 10 minutes that would be equally divided on that.

Mr. LEAHY. Yes.

Mr. LOTT. So the Senator would have 5 minutes.

Mr. LEAHY. That is fine. Plain enough.

The PRESIDING OFFICER. The Chair hears no objection, and, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor. I believe we are ready to proceed.

Mr. HARKIN. Mr. President, if I might ask the leader, so everyone knows, what we are facing are three recorded votes beginning at 7 o'clock; is that correct?

Mr. MCCAIN. Two.

Mr. HARKIN. We have two recorded votes, one on McCain and one on Santorum.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

AMENDMENT NO. 3653 TO AMENDMENT NO. 3610

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 3653 to amendment numbered 3610.

Mr. HATCH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term ''Internet servicer provider'' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I have offered this amendment on behalf of Senator LEAHY and myself. I believe this amendment is going to be accepted because it clarifies some matters that are very good.

I strongly urge my colleagues to support this Hatch-Leahy amendment which is aimed at limiting the negative impact violence and indecent material on the Internet have on children.

This amendment does not regulate content. Instead it encourages the larger Internet service providers to provide, either for free or at a fee not exceeding the cost to the service providers, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We simply can not ignore the fact that the Internet has the ability to expose children to violent, sexually explicit and other inappropriate materials with no limits.

A recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believe the Internet is partly responsible for crimes like the Columbine High School shooting.

Our amendment respects the First Amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

I honestly believe that the Internet service providers who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it.

A recent survey reported in the New York Times yesterday, found that almost a third of online American households with children use blocking software.

In a study by the Annenberg Public Policy Center of the University of Pennsylvania, 60 percent of parents said they disagreed with the statement that the Internet was a safe place for their children.

And according to yesterday's New York Times, after the shootings in Colorado, the demand for filtering technologies has dramatically increased. This indicates that parents are taking an active role in safeguarding their children on the Internet.

That is what this amendment is about: using technology to empower the parent. I urge my colleagues' approval of the amendment.

I yield the remainder of my time to Senator LEAHY, who would like to speak on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I described this amendment earlier this morning on the floor. But for those who came in late, this is an amendment that Senator HATCH and I offered on the juvenile justice bill. You may recall when we voted on that, the vote was 100–0.

It is a filtering proposal that leaves the solution on how best to protect children from inappropriate online materials accessible on computers in schools and libraries to the local school boards and communities.

Anybody who spends any time on the Internet knows that there is inappropriate material for children on there. And oftentimes you might hit it accidentally.

Having said that, we also know that you should not block out certain online material because somebody thinks that Mark Twain is inappropriate or they may believe that James Joyce is inappropriate, or other such things, or it may be even the paintings on the Sistine Chapel that some may believe are inappropriate because there are nude figures in there. You have to have some kind of balance.

I think that local communities can do that. I know of libraries, for example, that put computers monitors that have Internet access right out in the main reading room. This is one form of blocking because there are not too many children who are going to be downloading wild, offensive things when they know their parents, their teachers, and the librarians are going to be walking back and forth and seeing it.

As I explained earlier today, I have serious concerns with the McCain proposal to require schools and libraries to send certifications to the FCC about their installation of certain blocking software and the risk that the FCC will become a national censorship office, with the responsibility of both policing local enforcement of the Internet access policy and exacting punishment in the form of ordering E-rate discounts to stop and carriers be reimbursed.

The Hatch-Leahy amendment would require large Internet service providers with more than 50,000 subscribers to provide residential customers, either for free or at low cost, software or other filtering systems that can protect them. It is relatively easy to do this.

I would encourage parents, if this passes, to get that software and also spend some time seeing what their children are looking at on the Internet. This requirement on large Internet Service Providers would only become effective if surveys conducted jointly by the FTC and the Department of Justice demonstrate that voluntary efforts are not working.

Senator MCCAIN has worked very hard on this. I commend him for it.

Any one of us who has young children has to worry about this. We also have to worry about what they are reading in the library or what they pick up at the corner bookstore or anything else.

But before we reach a point where we assume we can be the parent of every child in this country, I think we ought to give to the parents the tools to use, and let them make the kind of judgments and show the kind of observation of their children that parents should, and that my parents did and that I do with my children.

I think the reason the Hatch-Leahy amendment passed 100–0 earlier in the juvenile justice bill is because it is a reasonable compromise. It is a reasonable compromise. I hope it will be added on to this bill. I look forward to working with Senator MCCAIN as this bill moves to conference to address the serious concerns I and others have with his proposal.

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator HATCH and Senator LEAHY for this amendment. I think it is a very positive contribution. I think it is one that will again empower parents to be able to screen and filter information that their children may be receiving. It is something that I think will be very helpful to this bill, and I strongly support it.

I know we have spent some time working out the details of this amendment. I think it is a very good one. I thank Senator LEAHY and Senator HATCH for their involvement in this very important issue.

I will urge, at the appropriate time, a voice vote and adoption of this amendment.

Mr. President, I yield the floor.

AMENDMENTS NOS. 3635 AND 3610

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, are we now on the time for the McCain and Santorum amendments to be debated?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. I ask the Senator from Arizona if he wants to divide the remaining time in half. I ask unanimous consent that the time be equally divided, and that I control the time in support of my amendment and Senator MCCAIN control the other time.

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

Mr. SANTORUM. Mr. President, as I discussed very briefly today, I rise in support of what the Senator from Arizona is trying to accomplish. I think he was the first to bring this issue to the floor of the Senate. He is to be congratulated for that.

He has a piece of legislation that has been out there for a couple of years and has fostered a lot of good thought and a lot of discussion as to what the best Federal policy should be in dealing with the problem of inappropriate use of the Internet at schools and libraries. His legislation actually led me to look further into it as constituents contacted me with respect to it. So let me say, from the outset, I congratulate the Senator from Arizona for his work and for his effort in this area.

I have a little different approach I want to talk about today that I believe improves upon the base bill that Senator MCCAIN came up with a couple of years ago. I have been working with a group of people, from the left to the right, if you will—from the Catholic Conference to the National Education Association, from the American Libraries Association to Dr. Laura Schlessinger. So I think our effort here covers the ideological spectrum pretty well and is a consensus that is built around one thing—that while Internet filtering software is a good idea, generally speaking, it is an imperfect tool to meet the real complicated needs of teachers, administrators, and librarians who have to deal with the Internet on a daily basis in their schools.

I think the Catholic Conference put it best in their letter, actually to Senator MCCAIN, which says that his legislation ''fails to include one of the most effective tools utilized by the vast majority of Catholic schools throughout our Nation, the Ethical Internet Use Policy''—in other words, a comprehensive policy at the school level to deal with not only access to sites that may be inappropriate on the Internet, which is what filtering gets to, but a variety of different things that are very important.

For example, electronic mail. Unfortunately, we hear so many stories about people being contacted through electronic mail, chatrooms, that are if not as dangerous in some cases even more dangerous than the sites that may be accessed on the World Wide Web, where you have predators who are out there trying to grab the mind of a young person.

Again, the attempt to do filtering software is helpful. But we have to have a policy developed at the community level that deals with things that go beyond these dangerous Internet sites, such as the electronic mail and chatrooms, and other kinds of direct electronic communication.

Under this legislation, we require that a policy be developed at the local level with respect to unauthorized use of minors, such as hacking, another area which is of grave concern not just for the minors themselves but for the user community at large, and a policy with respect to the dissemination of personal information of the minor. These minors log on. They have personal information in there. There needs to be a policy to take care of that.

What our legislation simply does is—it would actually amend the McCain amendment, although not formally here in the Senate—say that you must have a local policy that includes, No. 1, at least, public hearing and notice requirements, a public hearing where the community gets together and, at the community level, we come up with an Internet policy that has to meet these certain criteria. In other words, we don't say how they do it, but that, in fact, they have policies that address these broader concerns than just eliminating one particular Internet site or Internet sites. So it is, in fact, a requirement to develop a local policy.

If they choose not to do that, then the McCain language becomes operative. You must buy filtering software. We don't require filtering software. Even the Senator from Arizona has admitted there are 90-some titles out there—some are good; some are not. His legislation doesn't direct you to have buy a good one; you just have to buy one. It is certainly not the most comprehensive way of dealing with it. In fact, it may be a way that creates a false sense of security that you are dealing with problems, and it may actually reduce the amount of oversight that should be present in schools and at public libraries.

Again, I compliment the Senator, but we need to take one step further. Given the problems we have seen develop through chatrooms, through e-mail, through hackers, and through dissemination of information about minors, to do it at the local level is the best way to accomplish this with the fallback hammer, if you will, of the McCain underlying requirement to buy filtering software.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I oppose the amendment of the Senator from Pennsylvania. It does provide for schools and libraries to deploy blocking or filtering technology. The amendment provides what is essentially a status quo loophole.

The Senator's amendment would allow schools and libraries the option of implementing an acceptable use policy. Schools and libraries are free to do this today. Papers are full of reports of young children surfing foreign libraries in school and being innocently exposed to pornography downloaded by adults and left on a computer screen for children to see.

It is interesting to note that the American Library Association, an outspoken advocate for the amendment of the Senator from Pennsylvania, is adamantly opposed to use of filters or any other type of protection for children.

In 1997, the American Library Association passed a resolution against filtering Internet pornography out of public libraries. The ALA's interpretation of their resolution contained in their library bill of rights states that the rights of users who are minors shall in no way be abridged. According to Judith Krug, director of ALA's Office of Intellectual Freedom:

> Blocking material leads to censorship. That goes for pornography and bestiality, too. If you don't like it, don't look at it.

Ms. Krug goes on to discuss the concerns of parents about their children viewing pornography on library computers:

> If you don't want your children to access information, you had better be with your children when they use a computer.

That would be very interesting information to working mothers all over America as well as working fathers. I guess this is the ALA's concept of an acceptable use policy: Parents beware.

The Santorum amendment does nothing about adult computer use in libraries. This amendment would require libraries to block or filter access to child pornography. I want to describe what my bill does as far as local control is concerned. It requires that schools and libraries must block or filter children's access to child pornography and obscene material. Further, libraries must block adult access to child pornography on all computers. Why? Because we know that neither category, child pornography nor obscene material, enjoys protection under the first amendment. The Supreme Court has decided that on several occasions.

Though the bill is clear on what sort of material must be blocked, local authorities are given complete authority to select the type of software they deem to be appropriate. Further, local authorities are given unfettered authority to determine what material can constitute child pornography and obscenity. Under this legislation, the Federal Government is expressly prohibited from interfering in the process of local control. Schools and libraries are simply required to certify to the FCC they have a technology in place and are using such technology in coordination with the locally developed policy designed to achieve the goals of the Children's Internet Protection Act. Schools and libraries are required to make their blocking and filtering policies publicly available so that parents, patrons, and citizens can scrutinize the policies and work with local authorities to ensure they reflect contemporary community standards.

Again, parents beware of the status quo loophole contained in the Santorum amendment. It is big enough for every pornographer, pedophile, and hate group in America to drive a truck through.

The Senator from Pennsylvania has criticized my amendment with the claim that my amendment does nothing to address chatrooms. The Senator is mistaken. First, schools and libraries are granted the unfettered authority to block access to any material they determine to be inappropriate for minors. Clearly, this would provide them with the ability to restrict kids' access to chatrooms or any other realm of the Internet. Despite claims to the contrary, blocking and filtering software does restrict such access. The state-of-the-art technology clearly is capable of blocking such access. Filtering software would restrict any communication based off keyword restrictions.

I could go on, but I will wrap things up with a letter signed by virtually every major pro-family group. I ask unanimous consent this letter, dated June 22, be printed in the RECORD.

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

AMERICAN FAMILY ASSOCIATION,
Washington, DC Office, June 22, 2000.

Hon. JOHN MCCAIN,
Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATOR MCCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act, S. 1545, which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume those schools and libraries would maintain the status quo.

It also must be noted that the Neighborhood Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in those libraries. Yet, S. 1545 does not address this matter.

While we believe that the author of this bill, Senator Rick Santorum (R–PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.

American Family Association
Family Research Council
National Law Cntr. for Children & Families
Traditional Values Coalition
Morality in Media
Family Friendly Libraries
Citizens for Community Values, OH
Family Policy Network, VA
Christian Action League, NC
Family Association of Minnesota
American Family Assoc., OH
American Family Assoc., MI
American Family Assoc., KY
American Family Assoc., PA
American Family Assoc., TX
American Family Assoc., AR
American Family Assoc., MS
American Family Assoc., NJ
American Family Assoc., AL
American Family Assoc., GA
American Family Assoc., MO
American Family Assoc., CO
American Family Assoc., OR
American Family Assoc., IA
American Family Assoc., IN
American Family Assoc., NY

Mr. MCCAIN. Reading from the letter:

Senator MCCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume these schools and libraries would maintain the status quo.

It also must be noted that the Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in these libraries. Yet, S. 1545 does not address this matter.

While we believe that the author of this bill, Senator Rick Santorum (R–PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.

That is signed by a large group of people, including the American Family Association, Family Research Council, National Law Center for Children and Families, Traditional Values Coalition, et cetera.

On the other side, the amendment of the Senator from Pennsylvania is supported by the American Library Association. On that note, I will read very briefly from an editorial contained in the January 14, 2000, Wall Street Journal:

Maybe blocking software is not the solution. We do know, however, that there are answers for those interested in finding them, answers that are technologically possible, constitutionally sound and eminently sane. After all, when it comes to print, librarians have no problem discriminating against Hustler in favor of House & Garden. Indeed, to dramatize the ALA's inconsistency regarding adult content in print and online, blocking software advocate David Burt three years ago announced ''The Hustler Challenge''—a standing offer to pay for a year's subscription to Hustler for any library that wanted one. Needless to say, there haven't been any takers.

Our guess is that this is precisely what Leonard Kniffel, the editor of the ALA journal American Libraries, was getting at last fall when he asked in an editorial: ''What is preventing this Association . . . from coming out with a public statement denouncing children's access to pornography and offering 700+ ways to fight it?''

Good question. And we'll learn this weekend whether the ALA hierarchy believes it worthy of an answer.

The ALA hierarchy met, and obviously they seemed to defend what I believe is an indefensible position.

I hope we will defeat the Santorum amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the critique of the Senator from Arizona who says ours is really status quo and this is a large loophole, it is not status quo. No. 1, it is not required under law today; we require a public notice and a public hearing and a policy to be formulated at the local level that addresses inappropriate matter on the Internet, the World Wide Web, electronic mail, chatrooms, and other forms of direct electronic communication, such as hacking and other unlawful activities by monitors, and any other kind of dissemination of personal identification information regarding minors.

That is not current law. The review body is the same review body in his legislation, the FCC. He requires a filtering software to be purchased, and you have to certify that with the FCC. We say that you have to implement a

policy, have public hearings and meetings, and you have to submit that policy to the FCC for them to review to ensure that you have covered the areas that we require. That is not status quo.

He may not agree that decision should be made at the local level, and I accept that. I think we have an honest philosophical disagreement on whether we should have a one-size-fits-all Federal mandate that you have to buy filtering software. By the way, that filtering software may cover chatrooms; it may not. That is called monitoring software. There is no requirement for monitoring software to be covered for this, just filtering software. Some filtering software is better than others; some is comprehensive, some is not, and some is older. There is no requirement as to what software and how good it is that needs to be purchased under the McCain legislation.

What we say is that we believe this is best implemented at the local level. If you read from the Catholic Conference—and the Senator from Arizona suggested that all the profamily groups were supporting his legislation. I think the Catholic Conference can stand up as a profamily group, and they don't support the McCain legislation; they support ours. I think one of you who are Dr. Laura Schlessinger listeners know that she has been outspoken on the issue of Internet pornography and has been leading a campaign on that issue. She has been working with us and she supports the idea of having local communities have public hearings and notices so parents know they can have input so that we can raise the visibility of the issue at the local level in dealing with a variety of issues, not just a simple filtering software mandated by Washington, DC.

So it is a one-size-fits-all, and I believe incomplete, solution. Do you trust the local schools and do you trust the local communities to come up with a standard that meets the needs of that community? That is much more comprehensive by definition—it has to be—than the filtering software alternative being offered by Senator MCCAIN. I just suggest, and historically I have supported—particularly in the area of education—local communities making those decisions for themselves, as opposed to a Federal mandate from Washington, DC.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I want the Record to be clear that the Catholic Conference is not in opposition to this legislation. Here is the problem contained in the report ''Filtering Facts,'' which is a very deep, detailed analysis of this problem that we are facing.

On page 8 is a chapter entitled ''Adults Accessing Child Pornography: 20 Incidents'':

There were 20 incidents of adults accessing child pornography in public libraries. Child pornography is different from other forms of pornography in that it is absolutely illegal and, like drugs, is treated as contraband by Federal law. Of particular concern is that many public libraries employ policies that would seem to encourage the illegal transmission of child pornography. Many public libraries not only have privacy screens, but also destroy patron sign-up sheets after use, and employ computer programs that delete any trace of user activity. These policies make it almost impossible for law enforcement to catch pedophiles using public library Internet stations to download child pornography. At the Multnomah County, OR, Public Library, and the Los Angeles, CA, Public Library, pedophiles have taken advantage of the anonymity to actually run child pornography businesses using library computers 34 and 35.

The staff at Anderson, IN, Public Library observed a pedophile accessing child pornography on three separate occasions: ''A customer who is known to frequent Internet sites containing sexually explicit pictures of nude boys . . . This is the third time this customer has been observed engaging in this activity.'' Yet, the only appropriate action the library saw fit was to ''highly recommend that he be restricted from the building for a period of not less than 2 months.''

One of the two incidents where the library actually notified police occurred at the Lakewood, OH, Public Library. In an account from the Akron Beacon Journal, ''But it was the library more than the police and prosecutor that alarmed Chris Link, executive director of the American Civil Liberties Union of Ohio. Traditionally, librarians have protected their records of lending activity to the point of being subpoenaed or going to jail,'' she said. But now, she said, ''Librarians are scrutinizing what it is you look at and reporting you to the police.'' In the case of kiddie porn, Link said, such scrutiny ''would seem to make sense'' until it is viewed in light of the Government's history of searches for socialists and communists or members of certain student movements.

The Callaway County, MO, Public Library even actively resisted police efforts to investigate a patron accessing child pornography. Library staff refused to cooperate, even when issued subpoenas.

Mr. President, the list goes on and on. There is a need for this kind of legislation to make sure that child pornography and forms of obscenity, which are clearly delineated by the U.S. Supreme Court and are beyond any constitutional protection, are made unavailable to children.

Mr. President, this Santorum amendment would remove that very important provision of this legislation. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the Senator, we do not remove the requirement. We say that we would like to see the local community participate and develop a comprehensive policy. If they fail to do so, then they have to buy the filtering system. I have visited 160 schools since I have been in office. Over the last year and a half, in particular, I have talked to a lot of school librarians and administrators about the Internet and Internet pornography. All of the ones I have talked to, when I discussed the legislation and the ideas—in fact, some of this has come from the schools themselves throughout Pennsylvania. The ones who glow about their policy are the ones who have comprehensive policies.

Yes, they have filtering software, but that is just a piece of a bigger puzzle. If you just rely on that piece, I think what you can do is create a false sense of security that you have solved the problem, particularly in community libraries. I argue that in requiring public hearings and notice and input, that will put a chilling effect on some of the librarians who Senator MCCAIN referred to, who maybe are not as concerned about pornography as they should be, or not as concerned about chatrooms as they should be, or not as concerned about e-mails as they should be. But a public consciousness and the public input that will result from a community standard being applied to those people who work at these facilities is the answer to that—not a filtering software which is imprecise and, in cases of chatrooms, hacking, e-mail, and a variety of other things, ineffective. It is not comprehensive. And so I agree.

There is nobody who would like to see more protection from that than me. I have five little kids under the age of 10. So I understand the need and the concern. I come here as a father who is very concerned about the ability of children to be able to access sites they should not get to or communicate with people with whom they have no business communicating. But it is up to the community to take an interest in their children, to design a policy that is comprehensive, and this requires a comprehensive policy. By the way, if the librarians and those who run the libraries or the schools say they don't want to deal with this, then you have the McCain mandate. You will have the mandate that you have to buy the filtering software. So they can't avoid doing something. Again, the body that will oversee this is going to be the FCC, the same body the Senator from Arizona puts in place to oversee his requirement.

So I believe what we have done is tried to build upon a positive step. Again, I congratulate the Senator from Arizona. He has been a leader in this problem. He has blazed the trail. I believe what we have offered is a constructive addition to his policy.

I will step back on this point. The Senator from Arizona said the Catholic Conference doesn't oppose his bill. As I read it again, they did not oppose it, but they listed two pages of concerns about his policy. Then they wrote to us recently and talked about how they liked what we did. But I understand they are not in the business of opposing and supporting. Let me just say their intentions are clear.

The PRESIDING OFFICER. The question is on agreeing to the Hatch-Leahy amendment.

The amendment (No. 3653) was agreed to.

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

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3628, AS MODIFIED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to be recognized for 4 minutes for the debate on the Smith amendment, which was agreed to. I was detained unavoidably in the car coming over here.

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

Mr. SMITH of New Hampshire. Mr. President, I appreciate that many of my colleagues, I am sure, as I, have been stuck in the tram coming over here.

I thank the managers who have worked so hard to resolve the amendment that I had on fetal tissue research. I know Senator SPECTER is opposed to illegal trafficking of fetal tissue. This amendment, I hope, will get some information on the Federal Government's policies in this regard.

I look forward to reviewing the study that we have set up in this amendment that was agreed to. It is my hope that we can ensure that the spirit of the law is being adhered to when it comes to fetal tissue research.

This amendment will set up a GAO study of the practice of fetal tissue transfer to determine whether or not any fetal tissue is transferred illegally for research purposes. The GAO will conduct a comprehensive study of Federal involvement in the use of fetal tissue for research purposes.

I am pleased that my colleagues have seen fit to work with me to agree to this amendment. I look forward to receiving a report from the General Accounting Office in the very near future as to how much, if any, illegal trafficking is occurring in the area of fetal tissue.

I yield the floor.

AMENDMENT NO. 3610, AS AMENDED

The PRESIDING OFFICER. Mr. President, the question is on agreeing to McCain amendment No. 3610, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—95

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

NAYS—3

Feingold	Kerrey	Lautenberg

NOT VOTING—2

Inouye	Johnson

The amendment (No. 3610), as amended, was agreed to.

AMENDMENT NO. 3635

The PRESIDING OFFICER (Mr. ALLARD). There are 4 minutes equally divided on the Santorum amendment. Who seeks recognition?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, a vote in favor of the Santorum amendment will basically negate the amendment we just adopted because it will allow schools and libraries the option of either blocking pornography or implementing an Internet use policy—an Internet use policy is what they have now—nor does it require the filtering of child pornography and obscenity.

I have a letter signed by various organizations, including the American Families Association, Family Research Council, and many other organizations. The final paragraph says:

> We believe the author of the bill, Senator Santorum, has the best of intentions. His bill will not provide an effective solution to the problem of pornography in schools and public libraries.

I agree with them. I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respectfully disagree. My amendment is supported by groups on the left and the right and the middle: the NEA, the American Library Association, and the Catholic Conference.

Senator MCCAIN started the ball rolling. I give him credit for requiring Internet software. The fact is, that is not comprehensive enough and not locally generated. My amendment says we have to have public notice and a public meeting by the community, involving the library or the school, to develop a comprehensive Internet policy.

Blocking software does not deal with chatrooms, e-mails, hacking, and dissemination of minor information over the Internet. It is good as far as it goes, but we need a comprehensive policy that is locally developed with community standards. If they choose not to do that, then they have to buy the software.

We require a policy that deals with all of these four things I just mentioned and have public meetings and public notice to get the community involved.

One of the big problems with use of the Internet is that parents and community leaders do not know what is going on with this little black box in the library or school. This requires public comment, it requires public notification, and public input in a process that desperately needs to be a public one and community standards need to be set.

It is supported by a wide variety of organizations. Those of my colleagues who voted for the McCain amendment can also vote for this amendment and walk out with a clear conscience and see a much more comprehensive policy put in place.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3635.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—75

Akaka	Feingold	Moynihan
Allard	Feinstein	Murkowski
Ashcroft	Frist	Murray
Baucus	Gorton	Reed
Biden	Graham	Reid
Bingaman	Grams	Robb
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Breaux	Harkin	Roth
Bryan	Helms	Santorum
Bunning	Jeffords	Sarbanes
Burns	Johnson	Schumer
Campbell	Kennedy	Sessions
Chafee, L.	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Coverdell	Landrieu	Specter
Craig	Lautenberg	Stevens
Crapo	Leahy	Thomas
Daschle	Levin	Thurmond
Dodd	Lincoln	Torricelli
Domenici	Lott	Voinovich
Durbin	Mack	Warner
Edwards	McConnell	Wellstone
Enzi	Mikulski	Wyden

NAYS—24

Abraham	Dorgan	Inhofe
Bayh	Fitzgerald	Kyl
Bennett	Gramm	Lieberman
Brownback	Grassley	Lugar
Byrd	Hatch	McCain
Cleland	Hollings	Nickles
Conrad	Hutchinson	Smith (NH)
DeWine	Hutchison	Thompson

NOT VOTING—1

Inouye

The amendment (No. 3635) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that there are pending amendments before the body that are going to be taken up as soon as the Members arrive to offer them.

I yield the floor.

AMENDMENT NO. 3658

(Purpose: To fund a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect)

Mr. HARKIN. Mr. President, I have an amendment at the desk on behalf of Senators DASCHLE, MURKOWSKI, JOHNSON, WYDEN, MURRAY, HARKIN, and REID of Nevada.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, and Mr. DASCHLE, Mr. MURKOWSKI, Mr. JOHNSON, Mr. WYDEN, Mrs. MURRAY, and Mr. REID, proposes an amendment numbered 3658.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27, line 4, insert before the colon the following: '', and of which $10,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.

On page 34, line 13, insert before the colon the following: '', of which $15,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3619

(Purpose: To clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3619.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for herself and Ms. COLLINS, proposes an amendment numbered 3619:

On page 59, line 12, before the period insert the following: '': *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law''.

Mrs. HUTCHISON. Mr. President, I will speak very briefly because I think we have agreement in a bipartisan effort on this amendment. I am very pleased that we will be able to offer this amendment and hopefully clarify some of the issues that have surrounded single-sex classrooms in schools for public education.

As most people know, title VI is the part of our education funding that allows for new and innovative and creative approaches to public education. We have set aside money so school districts can come forward and say that their school districts need this particular type of emphasis. If it is creative, and it serves the needs of that particular school district, they can get Federal funding for those kinds of programs.

One of the types of education that has been proven in certain instances to help the girls or boys who have participated are single-sex schools and single-sex classrooms. Many parochial schools and private schools are single sex. There are girl schools and boy schools. Some parents want to have their children in that atmosphere because they believe that sometimes girls can excel if they don't have boys in the class and they are more willing to speak up. This has been shown in many instances to be the case. And the same is true particularly with adolescent boys where they have single-sex schools, and they are not diverted by having girls in the class. They do better in some circumstances.

We are not saying that we prefer this approach. We are not saying that we mandate it. We are not even suggesting that it be done. We are saying that we want to have as many options for public school districts and students as we can possibly give them so that the local community and the parents can make the decision for the boys and girls who are attending those schools about what will give them the best chance to get the best education that they can get. Allowing them to have title VI funding for a single-sex school or single-sex classroom is one way to put one more option out there. That is what this amendment does.

I am very pleased to have worked with Members on both sides of the aisle to try to clarify this situation because, in fact, we have several public schools that are single sex.

The Young Women's Leadership Academy in East Harlem is a girls school. California has three girls schools and three boys schools. Western High in Baltimore is over 100 years old. It is a girls school. Philadelphia has a girls school that has been quite successful for many, many years.

We say if this is an option that parents want to pursue, we want to have that option on the table. Parents may not be able to afford a private school or maybe they prefer public education. Let's give them another option among the many that we are seeing now in creative learning and better opportunities for the young people in a particular school district. That is what the amendment does.

I have worked with Members on both sides of the aisle. I believe there is no opposition to this amendment. I am very pleased that is the case because if we can clarify this and if we can open more options for school districts to have to meet specific needs of students and their individual school districts, why not?

That is what our Federal dollars should do—allow the decisions to be made at the local level with as many options as we can possibly give them.

I appreciate the support of everyone in the Senate. I have worked with many Members of the Senate. Senator COLLINS is a cosponsor of this amendment. Senator COLLINS has been one of the strongest supporters of girls schools and classrooms and boys schools and classrooms of any Member of the Senate.

I look forward to having our vote tomorrow. I hope, frankly, that it is unanimous.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of S. 2553, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations bill for FY 2001.

The bill provides $272.6 billion in new budget authority and $221.9 billion in new outlays for the operations of the Departments of Labor, Health and Human Services, and Education and numerous related federal agencies.

I have concerns about $6.1 billion in mandatory offsets in the bill. These offsets are likely to be challenged on the floor in a way that could put the bill over the allocation. I am also concerned about the advanced appropriation for 2003 in the SCHIP program.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $335.0 billion in budget authority and $330.7 billion in outlays. The bill is exactly at the Subcommittee's revised 302(b) allocation for both budget authority and outlays. The scoring of the bill reflects the adjustments agreed to in the Balanced Budget Act of 1997 for Continuing Disability Reviews (CDRs) and adoption assistance.

I commend the managers of the bill for their diligent work.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be printed in the RECORD at this point.

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

H.R. 4577, LABOR–HHS APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL

[By fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
Senate 302(b) allocation:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
2000 level:			
Budget authority	86,151	233,459	319,610
Outlays	86,270	233,644	319,914
President's request:			
Budget authority	105,947	237,142	343,089
Outlays	96,561	237,578	334,139
House-passed bill:			
Budget authority	96,837	237,142	333,979
Outlays	92,590	237,578	330,168

H.R. 4577, LABOR–HHS APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[By fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2000 level:			
Budget authority	11,669	3,683	15,352
Outlays	6,804	3,934	10,738
President's request: [1]			
Budget authority	−8,127	.....	−8,127
Outlays	−3,487	.....	−3,487
House-passed bill:			
Budget authority	983	.....	983
Outlays	484	.....	484

[1] Because the Senate-reported bill includes $5.8 billion in BA savings that offset the gross levels in the bill but that are not included in the President's budget, the comparison of the bill to the President's request overstates the difference by that amount.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

SOCIAL SERVICES BLOCK GRANT PROGRAM AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. GRASSLEY. Mr. President, I am glad to join my colleagues in support of restoring funds to cuts made in the Senate Labor, Health and Human Services appropriations bill to the Social Services Block Grant program. This block grant program serves millions of older Americans, children and people with disabilities across the nation. The funding helps states provide services that no one else will provide. The money keeps people independent. It keeps them out of nursing homes. It keeps them employed. These are not frivolous services. They are critical to the well-being of thousands of people.

In my state of Iowa, more than 100,000 Iowans receive services under this block grant Polk County, including the city of Des Moines, gets this funding to transport developmentally disabled residents to doctor visits, physical therapy, employment, and day treatment. The county provides 56,000 of these trips each year. Under a funding cut, these rides could stop. Polk County's developmentally disabled residents would be on their own for transportation.

Polk County also funds residential treatment for developmentally disabled and mentally ill residents. The treatment costs $75 a day. That helps people avoid nursing home stays. It makes sense, because no one wants to go to a nursing home, and the expense is large. Under a funding cut, the county could eliminate residential treatment for 34 residents.

Clay County is already having trouble providing placements for clients with mental health problems and developmental disabilities. The county has a waiting list for placements. Providers' fees have been frozen for over three years.

I hope to spare any Iowans from more worry about this funding. It's a relief to hear assurances of complete funding of social services.

Mrs. HUTCHISON. Mr. President, I rise to associate myself with the remarks of several of my colleagues who spoke previously on several issues of importance to me and my home state of Texas with regard to provisions in the fiscal year 2001 Labor, HHS, and Education Appropriations bill.

The bill as presently drafted would rescind important welfare funding to states under the program known as ''TANF'' (Temporary Assistance for Needy Families). It would also cut the Social Services Block Grant (SSBG) program by $1.1 billion. Finally, the bill would threaten funding under the Children's Health Insurance (or ''CHIP'') Program.

I was very pleased to hear Senator STEVENS, the distinguished Chairman of the Appropriations Committee, and Senator ROTH, the distinguished Chairman of the Finance Committee, confirm on the floor today that they are committed to resolve these issues in favor of the states during the conference. I look forward to working with both Senator STEVENS and Senator ROTH to ensure that these issues are adequately addressed in that process.

It is my understanding that the rescissions in TANF, CHIP, and SSBG funding in the bill were, in effect, temporary measures included until the broader funding issues could be resolved in conference. Nevertheless, I am very pleased to hear a reaffirmation of their commitment to address this in conference.

In particular, I am committed to ensuring that TANF funds totaling $240 million, including $39.5 million in Texas, are not jeopardized. These funds stem from a provision in the 1996 Welfare Reform Act that I and others supported to provide additional funds to high-growth, high-need states like Texas, Florida, California, and others. Under the revisions in federal welfare payments contained in that welfare reform bill, states like these stood to lose significant funds, and it was unclear whether they would be able to meet their legal obligations to low income families.

To help ensure that states like these could continue to meet the needs of their residents while they transition to the new system of emphasizing work and self-sufficiency over dependence, I supported the inclusion of these so-called ''supplemental grants'' funds in the welfare reform law. Since then, these funds have been an important component of some 17 states welfare reform programs, programs that have been tremendously successful. For example, in my state of Texas, welfare rolls have been reduced by 63 percent.

Texas and other states that have been so successful in helping people to become self-sufficient should not be penalized for that success. While some have argued that states have billions in unused welfare funds, it is my understanding that Texas, for one, has obligated to date all of its TANF funds. To rescind more than $39 million in funds from our state would disrupt not only the welfare program, but also the many other activities funded by TANF funds in the state, including worker training and child care. This disruption of fiscal year 2000 funds would also affect the state legislative process, necessitating a retroactive budget adjustment during the next session of the Texas Legislature, which will not meet again until January of next year.

The federal TANF program was also intended to allow states to develop funding reserves to utilize during times of economic downturn and/or higher than usual unemployment. For example, the Texas Workforce Commission was able to recently use TANF funds to respond to the more than 18,000 Texans who lost their jobs during the oil price crash of 1997 to 1999.

It is also fundamentally unfair to only cut TANF funds to the 17 states that presently receive them, while not affecting the funding received by the other 33 states. These states, on average, use TANF funds at a higher rate than the national average, using 97 percent of their total allocations versus 93 percent for other states in fiscal year 1999. In short, they need the additional funds.

Many states that receive these supplemental funds are presently planning to expand their welfare and related programs, to include a broader range of services to enable all welfare recipients to become self-sufficient. Many single mothers, for example, have child care and transportation needs that make it all but impossible to find and keep a job. Others simply lack basic education and job skills that preclude them from holding virtually any employment. Still others have chronic substance abuse and psychological problems that are complex and difficult to address. As states seek to bring these so-called ''hard core'' welfare recipients into the economic mainstream, they will need all the TANF and other forms of federal assistance they can get to break the cycle of poverty.

Mr. President, I again want to thank the Senator from Alaska, Senator STEVENS, the Senator from Pennsylvania, Senator SPECTER, and the Senator from Delaware, Senator ROTH for their comments today and for their responsiveness on these issues.

Thank you, Mr. President. I yield the floor.

Mr. President, as it was reported out of the Senate Appropriations Committee, the Labor, HHS and Education Appropriations bill reduced funding for two vitally important programs—the State Children's Health Insurance Program (S–CHIP) and the Social Services Block Grant (SSBG) program.

When you look at the bill, there are major increases for other programs, which to me, suggests that the Subcommittee did not adequately prioritize what should be funded.

The programs that these cuts would have affected—S–CHIP and SSBG—are essential for welfare reform; helping to keep people off welfare and eliminating some of the reasons why people went on welfare in the first place.

I support many of the programs and items that are funded by this bill, and

I commend the fine work of our federal agencies in carrying out these programs, but I am not convinced that we should provide huge increases in funding for some programs—like a 15 percent increase for NIH—at the expense of addressing basic human needs in other programs—such as S–CHIP and SSBG.

Mr. President, I oppose the cuts to these programs that have been included in this bill. I know that the Senate Appropriations Committee Chairman, Senator STEVENS, has indicated that he will work to ensure that full funding is restored in Conference. However, I want to be clear to my colleagues—these two programs must not return to the Senate floor with these cuts intact. Funds must be restored in Conference, and, in my view, the Conferees also need to take out some of the increases in the Labor-HHS bill in order to bring it within its 302b allocation.

Mr. President, as my colleagues know, when Congress passed the Balanced Budget Act of 1997, one of the provisions included in that landmark legislation called for the establishment of the State Children's Health Insurance Program—or S–CHIP as it is known.

S–CHIP is the single largest federal investment in health insurance since the establishment of the Medicaid and Medicare programs in 1965. It is a partnership between the federal government and our states, enacted to improve access to health care for children.

I lobbied for this program as Vice Chairman of the National Governors' Association. As the Governor of Ohio, I understood how important it would be to the children of this country and their parents. In particular, I saw what it would mean to parents who were moving off welfare as part of welfare reform but needed assurances that their kids would have health care.

As most of my colleagues know, as people move off welfare, they lose their Medicaid insurance. However, even as individuals move towards picking up health insurance where Medicaid left-off, the biggest thing that parents are concerned about is being able to provide health care for their children. I am concerned that if the S–CHIP program is not funded appropriately, it will take a lot of people who have gone off welfare and force them to have to go back on.

I remember speaking to mothers who were on welfare when I was Governor, at the time when we were going through welfare reform, and many of these individuals told me that the reason they went on welfare in the first place was to get health care coverage for their children.

S–CHIP gives parents peace of mind that their children have access to quality health care if it is not available through their place of employment and they don't have enough money to afford health care coverage.

S–CHIP is not a ''one size fits all'' sort of program. One of the more appealing aspects of S–CHIP is its flexibility. States have been able to design innovative new programs and methods of reaching out to help uninsured children.

Some states are even looking at with ways in which they can provide family coverage for the same cost as covering a child.

Thus far, S–CHIP has been able to help over 2 million children obtain health insurance, and the opportunities to expand the program through its flexibility seem limitless. It is a program that is universally supported in our states.

Therefore, you can imagine my surprise to find that when the Senate Appropriations Committee reported out its version of the Labor, Health and Human Services, and Education Appropriations bill last month, the bill contained a provision to rescind $1.9 billion from S–CHIP.

The reason given for this S–CHIP rescission was a desire to free up $1.9 billion in budget authority to help finance discretionary programs in the Labor-HHS appropriation bill.

Although the Senate appropriations bill restores the $1.9 billion to S–CHIP in 2003, the funds would be of little use to states and children in need of health insurance in the coming fiscal year.

If the federal government is to be a true partner with the states, then the states must have the confidence that the federal government will not shrink from its commitment to S–CHIP and to children. Actions such as the proposed $1.9 billion rescission threaten the integrity of a critical program designed exclusively to help 2 million of our nation's children.

I can understand why our nation's governors, Republicans and Democrats, have been united in their opposition to the proposed cut in S–CHIP—because the program works. We should not be in the position of reversing the federal-state partnership that makes this vital program function.

In addition to the proposed cuts in S-CHIP, the Labor-HHS appropriations bill had proposed another break in a commitment that Congress made with the states.

In 1996, as part of welfare reform, Congress agreed to provide $2.38 billion each year for the Social Services Block Grant, or SSBG.

States and local communities have been able to target SSBG funds where they are most needed. For example, in my state of Ohio, funds have been used for such programs as adoption services in Washington County and foster care assistance in Montgomery County; home-based care for the elderly and the disabled such as home delivered meals in Franklin County; child and adult protective services in Cuyahoga and Allen Counties; and substance abuse treatment in Hamilton County—just to name a few.

However, the funds for SSBG have been chipped away little by little. In fiscal year 2000, the program is funded at $1.7 billion, but the Senate Labor-HHS appropriations bill, as reported, only proposed $600 million for fiscal 2001—75 percent less than the amount promised to governors in 1996!

A cut of this magnitude would be difficult, at best, for state and local governments to absorb, especially on top of the cuts over the past few years. Congress can't assume states will make up for the loss.

As such, the lack of funding would have caused a disruption in critical services to individuals in need—many of whom are not covered by other federal programs.

Many of the programs funded through SSBG prevent additional costs to the federal government in the long run. For example, SSBG helps provide in-home services to the elderly and the disabled, thereby eliminating the need to place them in a costly institutional setting. In addition, SSBG funds are used for family preservation and reunification efforts in order to cut down on the number of foster care placements.

The notion that states can make up this $1.1 billion loss with TANF funds is false. Many of the populations served through SSBG, primarily the elderly and the disabled, have no connection to the traditional welfare system and cannot be served with TANF funds.

That's why I am pleased that we have been able to reach an agreement with the Appropriations Committee to take these provisions from the Labor-HHS bill. In my view, these provisions would have had a devastating impact on our most vulnerable citizens: children, the poor and the elderly.

Again, I would like to thank my colleagues for their hard work in getting these provisions removed from this bill. I believe their efforts will go a long way towards restoring the faith of our state and local leaders that the Senate is truly committed to giving them the opportunity to help all Americans.

Mr. BAUCUS. Mr. President. I regret that I was unable to vote on Amendment 3625 to the Labor-Health Human Services appropriations bill. It was important for me to be in Montana for a conference I had organized on the future of our state's economic development.

I would like to explain how I would have voted on this amendment, had I been present.

In our current era of staggering scientific achievement—as demonstrated by yesterday's announcement of the mapping of the human genome—it is easy to become complacent with medical technology.

However, we cannot afford the price of complacency. One of the greatest health threats our nation currently faces is antibiotic resistant infections. These infections are the result of abuse and misuse of antibiotics—the drugs which form the keystone of modern medicine. These drug resistant infections know no barriers and are a threat

to us all. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year. Unless steps are taken to monitor and prevent antibiotic misuse, this number can only increase.

Protecting our nation and our children from antibiotic resistant infections is vital. That is why I am pleased to support this amendment. This legislation increases the ability of public health agencies to monitor and fight antibiotic resistant infections. It also seeks to reduce the incidence of antibiotic resistance by educating doctors and patients about the proper use of antibiotics.

This legislation will help protect the health of all Americans and I applaud my colleagues for their support.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak as if in morning business for 15 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2799 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

OIL

Mr. MURKOWSKI. Mr. President, it is appropriate I comment on the announced position by our Vice President today on his program to lower oil imports and stabilize climate change.

As identified in the AP summary of June 27, under a program to ''lower oil import and stabilize climate,'' the Vice President's plan for a national energy security and environmental trust fund calls ''for diverting more than $80 billion over the next 10 years from projected Federal budget surpluses for tax incentives to drive investment in energy efficient technologies for transportation and energy use.''

Notice it doesn't identify any new source of energy to relieve the shortage.

He proposes in a $4.2 billion program to encourage electric production from renewable energy sources such as wind, solar, and $1 billion for accelerated depreciation for investments and distributed power assets.

But the bulk of the plan is expected to cost $68 billion over the next decade and is dedicated to what Gore calls a technology for tomorrow, a competitive program designed to provide tax relief, loans, grants, bonds, and other financial instruments for emission reduction at powerplants and industrial facilities. He doesn't mention one word about what kind of energy he proposes we are going to use.

He indicates we will harness that uniquely American power of innovation. Innovation will not go in your gas tank and get you home or get you on a vacation. He goes on to say: We will say to the Nation's inventors and entrepreneurs, if you invest in these new technologies, America will invest in you.

The Presidential candidate said: Through the power of free market, we will take a dramatic step forward for our children's health, which will also be a dramatic new step towards a stable climate.

It is a good deal of rhetoric and sounds pretty good. But in reading that, one would come to the conclusion that we simply have not been doing anything in the area of renewables. I point out for the RECORD, in the last 5 years this country has spent $1.5 billion for renewable energy research and development.

What have we done over the last two decades? We have spent $17 billion over the last 20 years in direct spending, in tax incentives for renewables. My point is, we are all supportive of renewables, but how successful have we been? We have been putting money on them. We have been providing tax incentives.

Our total renewable energy constitutes less than 4 percent of our total energy produced. That excludes hydro. Mr. President, 4 percent is from biomass, less than 1 percent from solar and wind. Yet most of the money in the technology has gone to solar, wind, and biomass.

So when the Vice President suggests a program of expenditures, some $80 billion over the next 10 years, we need relief now—the American consumer, the American motorist, the trucker. We see on our cab bills a surcharge. We see on the airplane bills a surcharge. We need relief now.

We have spent $1.5 billion for renewable research over the last 20 years and $17 billion in the same period in direct spending and direct incentives for renewables. My point is not to belittle renewables or their important role, but the reality is there is simply not enough. At less than 4 percent—excluding hydro—they simply are not going to provide the relief we need.

I think it is important we understand the Vice President's programs. While we all want to conserve energy, we want to reduce pollution, we want to reduce the Nation's dependence on foreign oil, the facts are in many cases we are not reducing the dependence on foreign oil. We are increasing. In 1973 and 1974 when we had the Arab oil embargo, we were 37-percent dependent on imported oil. Today, we are 56 percent on an average and we have gone as high as 64 percent.

In the Vice President's plan, I want to know how he plans to reduce the Nation's dependence on foreign oil when the Secretary of Energy is out soliciting for greater production from Kuwait, Saudi Arabia, and Mexico.

He wants to reduce the threat posed by global warming. I think that is a challenge for American technology and ingenuity. He wants to curtail brownouts by increasing electric grid reliability. What has the administration done of late in that regard? They have not worked with the Energy Committee, which I chair, on electric restructuring, which was designed specifically to address how we were going to provide an incentive for more transmission lines to be built so we could ensure that we would not have brownouts, how we were going to ensure that we would have adequate energy, whether natural gas, coal, oil, or nuclear.

This administration, right down the line, in its energy policy, specifically, has highlighted that it does not have an energy policy. We have seen that in our inability to prevail on high-level nuclear waste storage. We are one vote short of a veto override.

It is also important to go in and identify the new initiatives that the Vice President has indicated are in his policy statement. One is to ''extend incentives for natural gas exploration.'' That is actually in his statement. But let me refer to a statement our Vice President made October 22, 1999, in Rye, NH:

> I will do everything in my power to make sure there is no new drilling—

No new drilling, Mr. President.

> even in areas already leased by previous administrations.

I don't know how he can make that statement on October 22, 1999, and today and yesterday make the statement that he wants to extend incentives for natural gas exploration. Where is it going to come from? I certainly don't know where it is going to come from.

I could go on and on and identify each one of these, where there is an inconsistency. But the fact is, his program, at a cost of $75 billion to $80 billion over 10 years, supposedly from the surplus, is not going to do a single thing today to reduce gasoline prices. So what are we going to do? How are we going to relate to this? I think it is fair to say the Vice President misses the point.

To borrow a phrase from the Clinton administration: It is the gasoline prices, stupid.

We are paying more for gasoline than at any other time in our history. That is the fact. Gasoline and natural gas prices have doubled. Do you remember last March, we were paying $10, $11, $12 a barrel? Today we are paying $32 a barrel.

Natural gas, which is assumed to be a godsend, our relief, has gone from $2.65 per thousand cubic feet to $4.56 for deliveries in January. The American consumer has not felt this, but they will. And there will be a reaction. Wait until people start getting their gas bills around this country—not just their gas bill but their electric bill, because a good deal of the electricity is generated from gas.

So the Vice President wants to radically change the domestic energy industry in the future and he wants to spend $75 billion to $85 billion to do it. Think about the conventional sources of energy and the administration's position. Coal? They oppose coal. They

oppose advanced technology, clean coal, expansion of the coal mines, expansion of the generation from coal. They have already identified nine plants they propose to close and it is a dispute whether the managers of these plants have purposely extended the life of the plants or, as the management says, in order to maintain the plants to the permits they have had to do certain improvements.

They oppose hydro. Their proposal is to tear down the hydro dams out West. There is a tradeoff there. The tradeoff is that you put more trucks on the highway if you do away with the barge transportation system on the Columbia River. It is not just a few more trucks on the highway; it is several hundred thousand because the barges are the most effective way to move volumes of tonnage.

They oppose nuclear—no nuclear. They oppose oil and gas drilling, as indicated by the comments of the Vice President.

I think it is fair to say Vice President AL GORE is OPEC's best friend because in reality the only answer they have is to propose to import more energy. Where are we getting that energy? Saudi Arabia and another country, which I find really gets my attention in the sense of being indignant. I guess I might say I am outraged. A few years ago, in 1991 and 1992, we fought a war in Iraq—Desert Storm. We lost 147 lives in that war. We had roughly 427 men and women who were wounded in that conflict. We had 23 taken prisoner. Since that time, we have enforced a no-fly zone over Iraq. That no-fly zone is an aerial blockade, if you will. It has cost the American taxpayer over $10 billion to enforce. Yet, from time to time, we launch a sortie to fly over Iraq, where they violated the no-fly zone. We drop bombs on various targets near Baghdad. This is part of our foreign policy.

Perhaps I can simplify this. It seems to me we buy their oil. The interesting thing is we start out with 50,000 barrels a day. Last year it was 300,000 a day. Today it is 750,000 barrels a day. We buy the oil, send Saddam Hussein the money. Then we put the oil in our airplanes and we go bomb him.

Maybe it is more complicated than that. There are a few people who are unfortunate victims. Saddam Hussein holds up a press release and says: The Americans and the British have killed so many Iraqi citizens.

That obviously rallies his people around him and the vicious circle starts again.

That is where we are getting our greatest single increase of oil—from Iraq, a country where it wasn't so long ago we were sacrificing lives. It is from a tyrant who obviously is using the money he is getting from the oil he smuggles to develop his missile technology and his biological warfare capability. Clearly, he is up to no good and represents a significant threat to the Mideast and Israel as well, without question.

Here we have an administration, a Vice President, who has no real relief in sight. He has a 10-year program costing $80 billion that is not going to provide the American consumer with any cheaper gasoline tomorrow, the next day, next week, next month, or next year. But what the Vice President proposes is designing your future but ignoring the crisis at the pump. The Vice President wants the Government to tell you what energy you are going to use and what price you are going to pay for it. That is basically what we are doing with reformulated gasoline.

We have refineries now customizing gasoline because the Environmental Protection Agency has mandated certain formulas in various parts of the country. I am not here to debate the merits. But the reality is, it costs money. Why does it cost money? For a lot of reasons. We have lost some of our regional refiners. We have lost 37 refiners in this country, under Clinton-GORE, two administrations, 8 years. The refineries have not been replaced. We have not had a new refinery in this country for 10 years.

Why? There are a lot of reasons. One is there is an inadequate return on investment. Another reason is that the permitting takes so long. The third is the potential Superfund sites; they are just not an attractive investment. So we have constricted ourselves, we have put on more regulations, and the price is being passed on to the consumer.

While I applaud the Vice President for recognizing that American ingenuity and technology should drive future energy demands, the reality is that unless we increase our domestic supply, we are going to continue to have shortages and higher prices. The alternatives to that are not very bright from the standpoint of any immediate relief.

I am going to also make a reference to an article in the Washington Times, which I ask unanimous consent be printed in the RECORD.

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

[From the Washington Times, June 26, 2000]

OCCIDENTAL DEAL BENEFITS GORES

SALE OF FEDERAL OIL FIELD BOOSTS FAMILY FORTUNE

(By Bill Sammon)

Vice President Al Gore's push to privatize a federal oil field added tens of thousands of dollars to the value of oil stock owned by the Gore family, which has been further enriched by skyrocketing gasoline prices.

Shares of Occidental Petroleum jumped 10 percent after the company purchased the Elk Hills oil field in California from the federal government in 1998. Mr. Gore, whose family owns at least $500,000 in Occidental stock, recommended the sale as part of his ''reinventing government'' reform package.

The sale, which constituted the largest privatization of federal land in U.S. history, transformed Occidental from a lackluster financial performer into a dynamic, profit-spewing, oil giant. Having instantly tripled its U.S. oil reserves, the company began pumping out vast sums of crude at low cost.

As the months went by, Occidental was able to sell the oil, which ends up at gasoline retail outlets like Union 76, for more profit. Rising oil prices have significantly improved Occidental's bottom line, said analyst Christopher Stavros of Paine Webber.

This year, the company posted first quarter revenues of $2.5 billion, or 87 percent higher than a year earlier. That's a bigger increase than at nine of 10 other oil companies listed in a survey that Mr. Gore cited last week as evidence of price gouging.

The rise in Occidental oil prices, coupled with the acquisition of the Elk Hills field, has paid handsome dividends for the Gore family.

The vice president recently updated his financial disclosure form to put the value of his family's Occidental stock at between $500,000 and $1 million. Prior to the Elk Hills sale and gasoline price spike, Mr. Gore had listed the value of the stock at between $250,000 and $500,000.

Gore aides insist the vice president's push to sell Elk Hills does not constitute a conflict of interest. They point out the family's Occidental shares were originally owned by Mr. Gore's father, who died in 1998, leaving the stock in an estate for which the vice president serves as executor.

Although Mr. Gore continues to list the stock on his financial disclosure forms, aides said the shares are in a trust for the vice president's mother, Pauline.

''He doesn't own stock because he's trying to avoid conflicts of interest,'' said Gore spokesman Doug Hattaway. ''He's the executor of the estate, but he's not the trustee of the trust. It's a separate thing.''

Still, Mr. Gore's recommendation to privatize Elk Hills ended up enriching his mother, who is expected to eventually bequeath the stock to the vice president, her sole heir.

Last week, Mr. Gore began a concerted effort to blame skyrocketing gasoline prices not only on ''big oil,'' but also on Texas Gov. George W. Bush. Gore aides have emphasized that Mr. Bush once ran several oil-exploration firms and has accepted more campaign contributions from oil companies than the vice president.

The Texas governor has dismissed the attacks as an attempt to divert attention away from Mr. Gore's energy and environmental policies, which have driven up gasoline prices. Political analysts say the spiraling gas prices could imperil Mr. Gore's presidential bid because they are highest in the Midwest, which he must carry in order to win the White House.

The political and financial fortunes of the Gore family were established largely with oil money from Occidental's founder, Armand Hammer. Part capitalist and part Communist, Mr. Hammer became the elder Gore's patron more than half a century ago, showering him with riches and nurturing his political career through the House and Senate.

The elder Gore enthusiastically returned the favors. In the early 1960s, Sen. Gore took to the Senate floor to defend Mr. Hammer against FBI Director J. Edgar Hoover, who wanted to investigate Mr. Hammer's Soviet ties.

In 1965, the elder Gore helped Mr. Hammer obtain a visa to Libya, where he opened oil fields that turned Occidental into a multinational powerhouse.

When the elder Mr. Gore lost his re-election bid in 1970, Mr. Hammer installed him as head of an Occidental subsidiary and gave him a $500,000 annual salary. The man who had begun his career as a struggling schoolteacher in rural Tennessee ended it as a millionaire oil tycoon.

The younger Gore also benefited from Mr. Hammer's generosity. He was paid hundreds of thousands of dollars in annual payments of $20,000 for mineral rights to a parcel of

land near the family's homestead in Tennessee that Occidental never bothered mining.

When the younger Gore first ran for president in 1988, Mr. Hammer promised former Sen. Paul Simon ''any Cabinet spot I wanted'' if he would withdraw from the primary, according to a 1989 book by the Illinois Democrat.

Mr. Gore and his wife, Tipper, once flew in Mr. Hammer's private jet across the Atlantic Ocean. They hosted Mr. Hammer at several presidential inaugurations and remained close to the oilman until his death in 1990.

In 1992, when Arkansas Gov. Bill Clinton was considering Mr. Gore as his running mate, the elder Gore wrote a memo describing his son's ties to Mr. Hammer. The document was designed to provide Mr. Clinton with answers to possible questions from reporters.

Mr. Hammer's successor at Occidental, Ray Irani, has continued to funnel hundreds of thousands of dollars into the campaigns of Mr. Gore and the Democratic Party. For example, two days after spending the night in the Lincoln Bedroom in 1996, he cut a check for $100,000 to the Democratic Party.

Mr. MURKOWSKI. The title of the article is, ''Occidental Deal Benefits Gores.'' I don't begrudge the Gores or any families having any investment. What I do begrudge is the realization that the Vice President has lashed out and attacked big oil. I am not here to defend big oil. As chairman of the Energy Committee, we are having a hearing. We are going to invite the various oil companies and refiners to come in and explain to us why prices have gone up and what the future is likely to hold.

It is fair to point out Vice President AL GORE has been linking George W. Bush to big oil. I am not here to separate that, but as this article points out, the Vice President's efforts to push to privatize Elk Hills, which was a Federal oilfield in California, added a good deal—as a matter of fact, hundreds of thousands of dollars—to the Gore family estate fund. This was the Occidental Petroleum that bought Elk Hills.

Occidental's profits soared, and, of course, the Gore family stock in the company went from a listing of roughly $250,000 to $500,000, up to $1 million, as a consequence of the privatization of Elk Hills. Again, I do not begrudge the Vice President and his family making a fair return on an appropriate investment. There is absolutely nothing wrong with it. But those who live in glass houses should not take baths. In this case, that fits the position of the Vice President.

Finally, I spoke on the floor Friday about the energy crisis we are having. I talked about the Clinton-Gore energy policy, or lack of it. After I spoke, my good friend from Iowa made some observations and statements about energy policy that I think warrant some consideration. I am going to take the time, with the indulgence of the occupant of the chair, to respond.

We do two things in Alaska well: We harvest timber, and we harvest fish. We do not have a great deal of agriculture potential. We do some hay, potatoes, barley, and oats, but we have a short season. Fish and timber we do well. So I know something about fish and timber. I do not know much about corn. I do know quite a little bit about energy, as chairman of the Energy Committee.

After reading the statement of the Senator from Iowa, I think a few of his observations deserve a little closer examination. The Senator suggested our investment in ethanol production, in hydrogen, fuel cell research, and renewable energy has been minimal. He said:

> We need to get a few million dollars in for the use of hydrogen in fuel cells and fuel cell research.

Again, the reference I made earlier to what we have expended speaks for itself. What we have expended in these areas is truly not insignificant. It is a major expenditure in the area of over $20 billion overall in renewables. As a consequence of that, indeed, the Senator from Iowa would agree, we have been expending a good deal in these areas of promoting renewables.

As a member of the Senate renewable and energy efficiency caucus, I am a supporter of ethanol production, hydrogen, fuel cell research, and renewable energy. To support hydrogen research, I moved through my committee and into law the Hydrogen Future Act which is Public Law 104–271. It was originally introduced in the House by Bob Walker and authorized the hydrogen research, development, and demonstrations programs of the Department of Energy.

In the nearly 5 years that have passed since that time, we have spent over $100 million on hydrogen and fuel cell research in the Department of Energy. Over the past 5 years, we have spent another $1.5 billion for renewable energy research and development, $330 million of which has gone for biomass research, including ethanol.

To support renewable wind energy, I have supported as a member of the Finance Committee a production tax credit for investments in wind energy.

To support renewable biomass energy, I have supported the repeal of the ''closed loop'' rule for the biomass energy tax credit in an effort to boost biomass energy production, including ethanol.

I am also a cosponsor of Senator LUGAR's biofuels research bill, S. 935, which passed this body.

To support the deployment of distributed renewable energy, I have worked to make Alaska a test bed for many of these technologies. Alaska has scores of small communities that are not on a consolidated electric grid.

We are exploring the use of wind turbines, fuel cells, and other technologies to displace the expensive diesel fuel currently used in these communities because these are the technologies that will make sense in a developing world of energy.

These are all areas that are very important in the effort to decrease our imports of foreign energy and protect our environment, and I do support them personally, as well as in my position as chairman of the Energy Committee.

Senator HARKIN's contention that we ''need to get a few million dollars'' for research in these areas suggests we are not making these investments when, in fact, we are. I did not want any of my colleagues or America to be misled.

Talking about gasoline prices again, Senator HARKIN also encouraged me, as chairman of the Energy Committee, to subpoena oil company executives, to put them before my committee and start asking the ''tough questions'' in an effort to get to the bottom of the high prices.

Indeed, my staff and I had already been planning and have planned a hearing on gasoline prices to include representatives from the industry and the administration. We made that decision several days ago. That hearing, as announced, will be held on Thursday, July 13, at 9:30 a.m.

At that time, we plan to explore issues of gasoline supply problems and ask if deliverability, transportation, refining, and blending resources are adequate to supply our near-term and long-term gasoline needs. It is a matter of supply and demand. The supply is down, the demand is up.

But it may interest my friend from Iowa to know that subpoenas are unlikely to be necessary for the oil companies or their representatives. When our committee asks them to appear, they appear. They answer the questions asked of them, and I am not anticipating any problem with the oil companies responding to our questions.

On the other hand, I think you would agree, sometimes we do have problems with the administration. Secretary Richardson recently found it inconvenient to appear before our committee on the Los Alamos matter. So there is some doubt he will show up to answer, as Senator HARKIN puts it, the tough questions.

We are considering asking the EPA Administrator, who is responsible pretty much for the reformulation of gasoline around the country, where the refineries are now customizing, and that would be EPA Administrator Carol Browner. There is some question she will appear. She may be worried the reformulated gasoline requirements have, in fact, balkanized the market and driven prices up. That might make her inclined not to attend.

While the Senator from Iowa said in his remarks Friday that reformulated gasolines were ''not the problem,'' I am personally not so sure of that. Consider the following facts: Under the Environmental Protection Agency regulations, fuel made for consumption in Oregon is not suitable for California's consumption. Fuel made for distribution in western Maryland cannot be sold in Baltimore. Areas such as Chicago and Detroit are islands in the fuel system, requiring special ''designer'' gasolines. Gasoline sold in Springfield cannot be sold in Chicago.

A recent Energy Information Agency report observed that an eastern U.S. pipeline operator handles 38 different grades of gasoline, 7 grades of kerosene, and 16 grades of home heating oil and diesel fuel.

Between Chicago and St. Louis, a 300-mile distance—think of this—four different grades of gasoline are required. Is that necessary? I am not here to debate that point, but I am here to tell you that it all costs money and the consumer pays for it. It is estimated that reformulated gasoline costs an average of 50 cents more a gallon for the reasons I have outlined.

The predictable result is refiners lack the flexibility to move supplies around the country to respond to local or regional shortages. Again, I advise the President that 37 refineries have closed. No new ones have opened. Why? I think the answer is obvious.

These are among the questions we will explore in our hearing, and I hope we will have good cooperation from the industry and good cooperation from the Clinton-Gore administration.

There are a few things we do know before the hearing.

Even before we convene the hearing, here is what we already know. Americans are now paying more for their gasoline than at any other time in history. Our dependency on foreign oil is at an all-time high—higher than any other time in history.

Again, we fought a war 9 years ago over threats to our oil supply. I have indicated the loss of life we have had, the prisoners who were taken, and those who were wounded.

Further, domestic oil production is down 17 percent since the start of the Clinton-Gore administration.

I think it is important for Members to recognize we have a little history to indicate why we are in this predicament.

We will almost assuredly have brownouts this summer when energy usage exceeds energy supply. That is because the Clinton-Gore administration has actively curtailed domestic energy production in all forms in virtually all areas of this country.

For 8 years, President Clinton and Vice President GORE have been warned that our foreign oil consumption was increasing and our domestic oil production was decreasing. One can only assume they chose to ignore the warnings, and now we have record prices for gas and home heating oil.

This is a problem of leadership. Both the President and the Vice President and my good friend, Senator HARKIN from Iowa in a speech, suggested that the oil companies are to blame. It is the blame game played around Washington, DC, all the time. And maybe the oil companies are partially responsible. I am not ruling that out.

But leadership is not assessing blame. Leadership is about preventing the crisis before it happens. Sadly, the crisis is here, and Americans are paying the price. Perhaps even worse, the most powerful Nation on Earth—the most powerful Nation in the history of the world—is at the mercy of a handful of oil-producing nations because we are not producing our own domestic resources.

Where would we get them? We have the Rocky Mountain overthrust belt all around Wyoming, Montana, New Mexico, and other areas. We have the OCS off the Gulf of Mexico, Texas, Alabama, and Mississippi, and my State of Alaska. We have the resources here. There is absolutely no question about it. We have the technology. We also have an administration that would much rather send the Secretary of Energy overseas to beg for increased production from OPEC and from Saddam Hussein than generate domestic oil production here at home where we are assured we would have a continued supply. We could keep the jobs here and the dollars here.

If we were willing to fight for oil supply in the Persian Gulf, we ought to be willing to drill for it domestically here in the United States.

I talked about what the Vice President has said about this. I have noted the Vice President's sudden interest, as expressed on his campaign trail, about the prices paid by gasoline consumers, and again, his suggestions that the oil companies are to blame.

Surely this cannot be the same Vice President GORE who cast the tiebreaking vote for higher gasoline taxes in this Senate body.

Surely this is not the same Vice President who wrote in his book, ''Earth in the Balance,'' that: ''Higher taxes on fossil fuels . . . is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.''

Perhaps the Vice President doesn't have to buy gas as the rest of us, but someone needs to tell him that raising taxes on gasoline only hurts hard-working Americans.

In summary, to conclude, I think the energy policy of the Clinton-Gore administration can be summed up in a single word. That word is ''no''—no domestic oil exploration or production, no use of coal, no use of nuclear power, no use of hydroelectric power, no to increasing supplies of natural gas, and no to new oil refineries.

We have a better idea; that is, the National Energy Security Act of 2000, introduced by Senator LOTT, myself, and others because it encourages domestic production, energy efficiency, renewable energy, and other energy resources, with the goal of decreasing our oil imports to a level below 50 percent.

We have a goal in our energy policy, in our Republican plan. Ask the Clinton-Gore administration what their energy policy is, what their goal is. As I see it, it is an $80 billion expenditure on renewables coming about in 10 years, when today, if you exclude hydro, only 4 percent of our energy comes from renewables. I wish there were more.

Anyway, this is the kind of balanced approach that I think will keep energy supplies stable and affordable for America. I urge my colleagues to support the National Energy Security Act of 2000, which was raised here on the floor the other day and the leader assures me is pending.

I thank the occupant of the chair and the clerks for prevailing at this late hour. I have been asked to close the Senate today. So with their indulgence, I will proceed. My reason for keeping you here tonight, obviously so late, is the inability to get floor time in morning business because of the accelerated schedule. So I hope you will understand.

UNLOCKING THE DOOR TO PEACE: INDEPENDENT INSPECTION OF IRA WEAPONS

Mr. DODD. Mr. President, I rise to report on major progress in the implementation of the Northern Ireland peace accords. I know many Americans have been very closely following the events in Northern Ireland over the past number of years, under the leadership of President Clinton, Vice President GORE, and the former majority leader, George Mitchell, who provided a herculean effort to bring together the disparate sides in Northern Ireland.

New ground was broken over the weekend which significantly enhances, I think, the prospects for permanent peace after more than a quarter of a century of sectarian conflict. I mentioned George Mitchell. I mentioned the President and the Vice President. Certainly people like Jean Kennedy Smith, the American Ambassador to Ireland, our colleagues here, Senator KENNEDY and Senator PAT MOYNIHAN, and PETER KING in the House—there is a long list of people who have been trying very hard to get the two communities of Northern Ireland to come together and resolve their differences, establish a political framework for dealing with future conflict, and to abandon the bullet and the bomb, which has claimed too many lives over too long a period of time. The news this weekend is that we are far closer to achieving that goal.

Martti Ahtisaari, the former President of Finland, and Cyril Ramaphosa, the former leader of the African National Congress, reported to Prime Minister Tony Blair of Great Britain yesterday that the Irish Republican Army allowed them to examine the organization's hidden arsenals during the weekend of June 24. The independent inspectors concluded that the IRA's weapons caches could not be used without detection.

This is a major achievement. This is one that has broken open the issue of disarmament that has been one of the stumbling blocks to achieving the final goals of the Good Friday accords.

This first inspection by international experts is credible evidence that the IRA is prepared to follow through with

respect to its commitment of May 6 to open its secret arsenal of weapons to international inspection. This confidence-building measure, in my view, could convince the people of Northern Ireland that the IRA is sincere with respect to its pledge to put its weapons ''completely and verifiably'' beyond use in the context of implementation of the Good Friday accords, those very accords which George Mitchell of Maine, the former majority leader, was so instrumental in bringing about. It would seem to me that the decision by David Trimble to press members of the Ulster Unionist Party to rejoin the Northern Ireland Assembly has been vindicated by recent events. I commend David Trimble, as well.

Despite numerous setbacks that have occurred from time to time with respect to the full implementation of the 1998 accords, Prime Minister Tony Blair, and the Prime Minister of Ireland, Taoiseach Bertie Ahern, and President Bill Clinton have never lost faith in the process.

By the way, people like Albert Reynolds and Bertie Ahern deserve great credit, as do David Trimble, Gerry Adams, John Hume, and Martin McGuinness, who have done a magnificent job in bringing this about. There are so many people who have been part of the effort to achieve what I think we are on the brink of achieving here. The events over the weekend demonstrate that their faith is not misplaced. They deserve great credit for not losing faith.

I, too, have remained optimistic that peace is possible. That is because I believe the people of Northern Ireland are anxious to put this long and very painful conflict behind them. Indeed, before the February setback over decommissioning, which caused key provisions of the peace accords to be suspended, the Northern Ireland Assembly and the executive had been functioning. The reactivation of the assembly late last month has once again restored self-government in Belfast. The international inspections of weapons caches together with the renewal of discussions between the IRA and the International Commission on Decommissioning are giant steps toward the full decommissioning of weapons throughout Northern Ireland.

The IRA has historically held itself out as the guardian of the Catholic minority—a minority that has experienced decades of inequality and injustice at the hands of a Unionist or Protestant majority. Paradoxically, the IRA has sought to promote justice and equality for the Catholic community through violence and other terrorist acts against the police and the Protestant majority.

The Good Friday accords acknowledge past inequalities and injustices and, at the same time, establish a framework for resolving these inequities through the political process. There are now strong indications that the IRA is prepared to work within that framework to achieve its objectives.

The IRA's willingness to permit international inspections of its weapons is further proof that it is within the realm of possibility to remove the bomb and the bullet from Irish politics once and for all. It is my fervent hope that these independent inspections will reduce the feelings of mistrust that have historically plagued relations between the Nationalist and Unionist communities and their political leaders and allow further progress to be made toward implementing other important provisions of the accords, especially those related to police reform.

Each side has taken positive steps to meet the letter and spirit of the Good Friday Accords. Having said that, there is much that remains to be done to achieve other equally important objectives of the accords, particularly the guarantee of justice and equality for all of the people of Northern Ireland —Protestants and Catholics. Toward that end, I would urge the British government to move forward expeditiously to implement the recommendations of the Independent Commission on Policing for Northern Ireland, the so called Patten Commission. Creating a police force that is professional, impartial, and representative of the community it serves, as called for by the Patten Commission, is the only way to guarantee justice and equal treatment for all.

Since the parties first embarked on the road to resolving Northern Ireland's ''Troubles'' in 1994, there have been steps forward and there have been steps back—sometimes it has seemed more of the latter than the former. The latest actions by the IRA set the stage for a new chapter in the history of Northern Ireland—a chapter of peace and reconciliation between the communities of Northern Ireland, as embodied in the letter and spirit of the 1998 Good Friday Accords. I strongly urge Northern Ireland's political leaders to take to heart the significant progress toward peace that has been achieved in recent weeks—to draw from that progress renewed energy. And, to find the capacity to set aside mistrust, allow deep-seated wounds to heal, and proceed together to make justice and equality a reality for all the people of Northern Ireland.

Mr. REID. Will the Senator yield, without losing his right to the floor?

Mr. DODD. I am happy to yield.

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

Mr. REID. Mr. President, I have listened to the Senator's statement. I want to make sure the RECORD reflects the one person's name that wasn't mentioned who has played such a critical role in this process for years, and that is Senator CHRISTOPHER DODD from Connecticut.

There is no one who has been more involved with this, with the knowledge he has of foreign affairs generally, but of the particular country of Ireland. I know of his love for the people of Ireland and how much he personally has been involved in this, how much time he has devoted to it. He has named everybody who has had something to do with it, but the one name he left off was his own.

Mr. DODD. Mr. President, I thank my colleague. I appreciate his kind comments. I will add additional names, too: people such as Tip O'Neill and Tom Foley. There is a long history that goes back several decades of people who have fought for a political solution to the problems here and within Ireland. I am grateful to my colleague from Nevada for making the point.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 27, 1999:

Samie A. Betouni, 35, Chicago, IL;

Terrell Bryant, 46, Miami-Dade County, FL;

Daniel M. Danjean, 25, New Orleans, LA;

Sonya Danjean, 25, New Orleans, LA;

Bryan Gilmore, 25, Lansing, MI;

Sandi Johnson, 38, Detroit, MI;

Cornell Scott, 24, Philadelphia, PA;

Issac Stephens, 28, Macon, GA;

Theodore Strong, 46, Charlotte, NC;

Dennis Tyler, 27, Lansing, MI;

Juan Wallace, 20, Chicago, IL;

Unidentified female, 25, Portland, OR.

DOMESTIC VIOLENCE IN SOUTH DAKOTA AND AROUND THE COUNTRY

Mr. JOHNSON. Mr. President, domestic violence is often the crime that victims don't want to admit and communities don't want to discuss. However, almost 10,000 domestic violence victims in South Dakota last year got help from the Department of Social Services. This represents a low estimate of the number of South Dakotans who are victims of domestic violence as many victims fail to seek help.

Since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women declined, and the number of sexual assaults nationwide has gone down as well. Despite the success of the Violence Against Women Act, domestic abuse and violence against women continues to plague our communities. Consider

the fact that a woman is raped every five minutes in this country, and that nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined.

These facts illustrate that there is a need in Congress to help states and communities address this problem that impacts all of our communities.

I recently joined Senator JOE BIDEN (D–DE), Senator ORRIN HATCH (R–UT), Senator TOM DASCHLE (D–SD), and others in sponsoring bipartisan legislation, S. 2787, to reauthorize the 1994 Violence Against Women Act. Authorization for the important programs contained in this law has already expired, and Congress must act now to ensure that successful programs dealing with domestic violence are funded in the future.

As a state lawmaker in 1983, I wrote one of the first domestic violence laws in South Dakota which dedicated a portion of marriage license fees to help build shelters for battered women. I was also a cosponsor of the original Violence Against Women Act in 1990 in the House of Representatives. Even at that time, many people denied that domestic violence existed in our state. Finally, in 1995, the President signed legislation to strengthen federal criminal law relating to violence against women and fund programs to help women who have been assaulted.

Since the Violence Against Women Act became law, South Dakota organizations have received over $6.7 million in federal funding for domestic abuse programs. In addition, the Violence Against Women Act doubled prison time for repeat sex offenders; established mandatory restitution to victims of violence against women; codified much of our existing laws on rape; and strengthened interstate enforcement of violent crimes against women.

The law also created a national toll-free hotline to provide women with crisis intervention help, information about violence against women, and free referrals to local services. Last year, the hotline took its 300,000th call. The number for women to call for help is: 1–800–799–SAFE.

In addition to reauthorizing the provisions of the original Violence Against Women Act, the legislation that I am sponsoring in the Senate would improve our overall efforts to reduce violence against women by strengthening law enforcement's role in reducing violence against women. The legislation also expands legal services and assistance to victims of violence, while also addressing the effects of domestic violence on children. Finally, programs are funded to strengthen education and training to combat violence against women.

I have asked the Senate Judiciary Committee to quickly pass S. 2787, and I am hopeful that the Senate will approve this important piece of legislation this year so that we can continue fighting domestic abuse and violence against women in our state and communities.

IN SOLIDARITY WITH ALL VICTIMS AND SURVIVORS OF TORTURE

Mr. WELLSTONE. Mr. President, I rise today to draw attention to the barbaric practice of torture. Yesterday—June 26th, was the 3rd annual U.N. International Day in Support of Torture Victims and Survivors. The Torture Abolition and Survivors Support Coalition has designated this week, June 26th—June 30th, the week of commemoration of torture victims and survivors. Mr. President, colleagues, we should take this week to honor victims of torture, but more importantly, we should use this week as a reminder that together, we can make our world torture-free.

Torture has no ideological, geographical, or other boundaries—survivors of torture are everywhere. The practice of torture is one of the most serious human rights abuses of our time. According to the 1999 Amnesty International report, torture and other forms of severe ill-treatment conducted by government security forces, or condoned by other government officials, occurred in 125 countries last year.

As a Senator from Minnesota, I am extraordinarily proud of the Center for Victims of Torture in Minneapolis, which since 1985 has been doing pioneering work in addressing the complex needs of survivors of torture. And while we have come a long way in the last fifteen years in raising awareness of torture and helping torture victims, there is still much more we should and could be doing to stop this terrible practice.

My own agenda in the Senate has included a number of human rights initiatives, including the sponsorship of the original Torture Victims Relief Act in 1998, which authorized funding to support foreign and domestic treatment centers in providing services to the millions of survivors of torture worldwide and the estimated 400,000 survivors in this country alone. Repressive governments frequently torture those who are defending human rights and democracy in their own country, and the Torture Victims Relief Act recognizes the debt we owe to these courageous people who have made such a sacrifice for cherished principles.

It is hard to imagine that in today's world torture still exists, but it does. In solidarity with all victims of torture, I ask you to join me this week in honoring them by helping raise awareness about torture worldwide. All week the Torture Abolition and Survivors Support Coalition will be requesting meetings with members and staff, and conducting seminars to educate the public about torture. I urge you meet with the Coalition or to attend a seminar to learn the truth about the brutality of this crime. Educating yourself and the public about this terrible human rights abuse is the best way to honor its victims. Together we can end this barbaric practice. Together we can put a stop to torture.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 26, 2000, the Federal debt stood at $5,647,618,721,190.63 (Five trillion, six hundred forty-seven billion, six hundred eighteen million, seven hundred twenty-one thousand, one hundred ninety dollars and sixty-three cents).

Five years ago, June 26, 1995, the Federal debt stood at $4,889,053,000,000 (Four trillion, eight hundred eighty-nine billion, fifty-three million).

Ten years ago, June 26, 1990, the Federal debt stood at $3,118,101,000,000 (Three trillion, one hundred eighteen billion, one hundred one million).

Fifteen years ago, June 26, 1985, the Federal debt stood at $1,462,594,000,000 (One trillion, four hundred sixty-two billion, five hundred ninety-four million).

Twenty-five years ago, June 26, 1975, the Federal debt stood at $526,124,000,000 (Five hundred twenty-six billion, one hundred twenty-four million) which reflects a debt increase of more than $5 trillion—$5,121,494,721,190.63 (Five trillion, one hundred twenty-one billion, four hundred ninety-four million, seven hundred twenty-one thousand, one hundred ninety dollars and sixty-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

THE PASSING OF VERMONT CONSERVATIONIST, JUSTIN BRANDE

• Mr. LEAHY. Mr. President, I rise to call the Senate's attention to a recent tribute to the late Justin Brande authored by Professor Carl Reidel of the University of Vermont.

In his article, Professor Reidel captures the spirit of one of the most influential pioneers of 20th Century Vermont environmental stewardship. Justin Brande of Cornwall was among the founders of the Lake Champlain Committee and the Vermont Natural Resources Council, two of the most enduring and effective conservation organizations in our state.

Vermonters committed to stewardship of the land, to clean water and to family farms owe a debt to Justin Brande. He was a leader in organic agriculture and a selfless volunteer for countless community and stewardship organizations who earned the sincere respect of all.

I request that the text of Dr. Reidel's article be prined in the RECORD and note that his words serve as a wonderful reminder of a life well led and a

Vermonter whose legacy will nurture future generations. Vermont has been greatly improved because of both Justin Brande and Carl Reidel.

[From the Sunday Rutland (VT) Herald/the Times Argus, May 14, 2000]

BRANDE EXEMPLIFIES SECRET OF VERMONT

(By Carl Reidel)

''What's Vermont's secret?'' a friend in Minnesota asked after I gave a talk in 1975 about Vermont's innovative environmental laws. He couldn't understand how such a small state could be ''so creative, even bold.''

I replied that I didn't know. I had only lived in Vermont two years.

I'm confident now that I know the secret of Vermont. It is people like Justin Brande, who lived in Cornwall from 1951 until he died on April 11 at the age of 83. Like so many who come to live in Vermont from elsewhere, Justin and Susan Brande knew they were coming home when they moved here. And the Vermont Constitution asserts that they are real Vermonters: ''Every person of good character, who comes to settle in this State . . . shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state . . .'' (Chapter II, 66).

After graduating from Williams College and several years of legal studies, Justin married Susan Kennedy and moved to Vermont. They settled on a dairy farm in Cornwall, where they raised eight children. In the late '60's Justin sold their herd and enrolled at the University of Vermont, where he earned a master's degree in resource economics. He continued to work his land, honing the ability to farm organically long before most people heard of ''organic'' agriculture. I can't guess how many people he taught over the years to make compost and garden in ways that made pesticides and chemical fertilizers unnecessary by drawing on the inherent health of the land.

Early on Justin became involved in his community as a relentless advocate for the land—a free denizen who may have participated in the founding of more Vermont environmental institutions than anyone I have known. And always as a volunteer. He has been a delegate or alternate on the Addison County Regional Planning Commission since its founding. He helped establish the Lake Champlain Committee, and was a founder and the first director of the Vermont Natural Resources Council.

In recent years he co-founded the Smallholders Association, which advocates ownership of small, sustainable farms and businesses. Once again, he was ahead of others in seeing the dangers of large enterprises out of scale with Vermont. He argued that his call for moderation and limits was ''not nostalgia for the past, but a real workable model for today and the future * * * a truly humane, democratic and sustainable society.''

Former Sen. Art Gibb recalls him as ''a man ahead of his time, a voice crying in the wilderness'' in his advocacy for land protection. Gov. Deane Davis who, with Gibb, crafted Act 250, said of him that ''although a staunch environmentalist, he came to problems open-minded until all the evidence was in. Then he took his stand. Justin got me started, and kept after me until Act 250 was signed into law.''

My first encounter with Justin was shortly after I came to UVM in 1972 to direct the new Environmental Program. One of the first to teach in the program, his courses seemed to cover everything from cosmology to composting, with no student surviving without new respect for the English language and permanent doubts about conventional economics.

When he offered a course in ''organic gardening''—the first at UVM—the dean of the College of Agriculture chided me for allowing such ''nonsense'' in a classroom. It wasn't the first or last time that Justin Brande defined conventional thinking.

The secret of Vermont exemplified in Justin Brande's life is not, however, to be found in this summary of his accomplishments. Rather, it is in the words of the Constitution, which define a free denizen of Vermont as a ''person of good character.'' Justin passed the test in every way.

He was a person of unusual integrity—a man who lived his convictions, every day, in every place. Never a traitor to his beliefs, Justin taught me and many others by example the deeper meanings of personal integrity.

He was a man of courage who was himself in the presence of anyone, be it a fellow farmer, college president, governor or member of Congress. Friend or foe did not daunt him, because he always put principle above reputation.

He was a man who cared enormously, for family and friends, for Vermont, for Lake Champlain, for land and life itself. Justin and I enjoyed a good debate. We could disagree strongly, but never with an unkind word.

Once, at the end of a lively discussion, he said to me: ''What I like about you, Reidel, is that you are often in error, but never in doubt.''

I have no doubts whatsoever that the secret of Vermont is people like Justin Brande, the every-day denizens who are the real heroes of this state.●

MEDICARE'S BIRTHDAY

● Mr. GRAMS. Mr. President, I come to the floor to recognize the birthday of one of the most important programs known to the American people today: Medicare. Thirty-five years ago this week, the Medicare program was established in order to provide timely, quality health care coverage for America's retirees and the disabled. Today, the Medicare system still serves this country well, and I believe issues relating to its modernization, long-term solvency, and improvement should be among our top priorities in this legislative session.

The Balanced Budget Act of 1997 had a tremendously detrimental effect on provider payments under Medicare and on the organizations that deliver daily care to our seniors. The provisions in the Balanced Budget Act (BBA) relating to Medicare were designed to gradually help control costs to the program. Instead, the result has been an affront to organizations fighting for their existence. As a Member of the Senate, I meet with people daily from Minnesota who come to detail their concerns, their frustrations, and the impact the BBA continues to have on their institutions. These are institutions serving all segments of the healthcare industry, including inpatient and outpatient hospital care, skilled nursing facilities, home health care and emergency medical services.

Prior to the BBA, my state of Minnesota already experienced one of the lowest capitation, or reimbursement rates, in the country, so the BBA and additional reductions in Medicare payment strategies have taken an enormous toll in my state. In fact, the situation has become so dire for so many institutions, providers and patients that the Minnesota Attorney General and the Minnesota Senior Federation have filed a lawsuit against the Department of Health and Human Services in an effort to restructure payment schedules and capitation rates under Medicare Part C, or Medicare +Choice.

As I was working on my statement for today, I glanced across my desk and came across an advertisement that I think is relevant. The advertisement reads: ''Where Will Our Patients Go?'' It cites a new study conducted by Ernst & Young showing that between 1998 and 2000, hospital operating margins in the United States declined from 5.5 percent to 2.6 percent, a reduction of more than 50 percent in 2000. During that same period, hospitals' operating margins on services to Medicare patients declined from 2.5 percent in 1998 to negative 0.5 percent in 2000. Negative 0.5 percent. Translation: every Medicare patient that walks through the door of our hospitals and clinics cannot continue down this path of payment reduction while continuing to provide timely, quality health care services to our seniors and the disabled.

I raise these issues to emphasize the measurable consequences of legislative efforts to date, and to outline the challenges we face when attempting to add a prescription drug benefit onto an already ailing Medicare system. That is why during the budget process, I, along with Senator ABRAHAM and several of our colleagues, sent a letter to the budget resolution conferees requesting that language be included in the final report ensuring that any Medicare reforms, including the addition of a prescription drug benefit, would not be implemented at the expense of the provider payment rates that are in drastic need of restoration.

The simple fact is that Medicare does require reform. What form that will ultimately take is really the question. Clearly, Congress has taken steps to reinvigorate Medicare since passage of BBA including: the Balanced Budget Refinement Act, which in a broad sense returned funds to hospitals for outpatient services; the Hatch bill, which reduced the arbitrary caps on complicated cases in skilled nursing facilities; and the American Hospital Preservation Act, which currently addresses the other half of the hospital equation inpatient services. But these are only band-aids applied to a system that needs comprehensive reform or modernization, including a prescription drug benefit.

As you know, the Bipartisan Commission to Reform Medicare, under the direction of Congressman BILL THOMAS, and Senators BREAUX and FRIST, advocated dramatic reform in order to better position Medicare in the future and enhance the benefits offered under the program. Their plan relied heavily on

the injection of private-sector competition in managing benefits. My sense is, whatever additional reforms we pursue in Congress need to incorporate this kind of private-sector approach. By allowing the private sector to compete for the business of Medicare beneficiaries, both the Medicare system and the beneficiaries under it would stand to benefit from greater choice and greater flexibility when it comes to meeting their health care needs.

In fact, Senators BREAUX and Senator FRIST have recently drafted a new proposal: Breaux-Frist 2000, the Incremental Bipartisan Medicare Reform and Prescription Drug Proposal. The proposal calls for a new Medicare agency outside of the Health Care Financing Administration and the Department of Health and Human Services, which would administer the competitive relationship between traditional Medicare Fee for Service plans and private plans, and would include a prescription drug benefit.

Is this ultimately the approach we should take? I do not know. However, I am committed to exploring efforts like these that place a premium on reform or modernization, while attempting to improve benefit levels for beneficiaries through private-sector competition.

One of the important improvements that has received a lot of attention lately is the provision of a prescription drug benefit. I think most of us would agree that were Medicare to be developed today, it would include a benefit of this type. Now, I am not a pharmacologist, nor am I a medical doctor, so when I first introduced my own prescription drug plan for Medicare over a year ago, I was amazed at the discoveries that have taken place in this area. The most remarkable thing to me is that not only do many of these new, innovative products slow the rates of disease progression, but they often create measurable differences in the number of emergency room visits, expensive and invasive procedures, and even deaths. Prescription drugs today have an enormous financial impact in terms of reducing overall health care costs over the long term and should be incorporated into the Medicare system.

To that end, I introduced the Medicare Ensuring Prescription Drugs for Seniors Act, or MEDS. My bill was an early attempt to heighten the debate surrounding prescription drugs, and at the same time provide a plan that would address the needs of the nearly one third of senior citizens in this country who currently lack any form of prescription coverage. We have all heard the frightening stories of the choices that many seniors are forced to make when it comes to paying for prescription drugs. Unfortunately, many of these stories have been used to stir the political cauldron over the past several months. But the reality is that making choices between food, shelter, and medicine is all too common among our neediest seniors. MEDS was introduced to help these people.

My plan would add a prescription benefit under the already existing Part B of Medicare, without creating or adding any new overly bureaucratic component to the Medicare program. It works like this: The Part B beneficiary would have the opportunity to access the benefit as long as they were Medicare eligible. Those with incomes below 135 percent of the nation's poverty level would be provided the benefit without a deductible and would only be responsible for a 25 percent copayment for all approved medications. I think the neediest American seniors who are Medicare eligible should be able to access the benefits of medical technology like everyone else, and while they will be responsible for 25 percent of the costs, I believe the benefit will reduce the necessity for tough decisions between food and medicine. Most important, MEDS has no benefit cap. This allows seniors to access the care they need when they need it, for as long as they need it.

My bill also provides relief for seniors above the 135 percent threshold who may be facing overwhelming prescription drug costs because of the number of medications they take, or the relative expense of them, by paying for 75 percent of the costs after a $150 monthly deductible is met. A provision of this type, in addition to the fact that there is no cap on the benefit, is necessary for those who confront high monthly prescription costs.

An important part of my plan is that it is not universal and will not displace anyone from the private insurance coverage that they currently have and probably prefer. Rather, it is offered to provide prescription coverage to those who really need it.

Is MEDS perfect? Will it appeal to everyone? Maybe not. But it includes principles that I believe must be included in order for any prescription drug bill to hit its mark.

In closing, Mr. President, let me say that the challenge before us today is to enable Medicare to shape and adapt itself to reflect the realities of an ever-changing health care system. After 35 years of endless tinkering, we have a real opportunity to make it more responsive, more helpful, and more attuned to the needs of current and future retirees and disabled persons in this country. I can think of no better birthday gift for a program that has served so many—and for the aging, baby-boom generation—than a reinvigorating shot in the arm to Medicare that will deliver it into the twenty-first century and keep it healthy for years to come. This is something to which I am wholly committed.●

TRIBUTE TO REBECCA RYAN

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Ms. Rebecca Ryan, who recently retired after more than twenty years of teaching in the South San Francisco Unified School District. Ms. Ryan is a shining example of what a dedicated teacher can do.

Becky Ryan began her teaching career in 1972 in the South San Francisco Unified School District. After 28 years, she is ending a career that has been filled with many accomplishments.

With over twenty years of experience teaching English as a Second Language Classes, Becky recognized that many immigrant parents, because of their inability to speak English, were reluctant to become involved in their children's education. This lack of parental involvement was detrimental to the children, and led her to found the Spruce Literacy Project at Spruce Elementary School in South San Francisco. This unique program teaches immigrant parents, mostly mothers, how to read, write, and speak English. With a better understanding of the English language, parents are able to more fully participate not only in their children's education, but also in their local communities.

The profound effect the Spruce Literacy Project has had was most evident last year, when the mothers she taught banded together to oppose funding cuts to the program. Becky has been praised for her can do spirit and her encouragement of students.

She has truly made a lasting impact on her students. She has spent her career helping to open doors to those who would have otherwise found them closed. A good teacher affects many lives, and the greatest compliment I can give to Rebecca Ryan is that she helped so many students become productive and successful citizens.

Mr. President, I ask that an article from the Friday, June 9 edition of the San Mateo County Times on Ms. Ryan's retirement be reprinted in the CONGRESSIONAL RECORD following my statement.

[From the San Mate County Times, June 9, 2000]

BREAKING BARRIERS AND FORGING BONDS

(By Laura Linden)

SOUTH SAN FRANCISCO—Many teachers upon retirement can look back and know that they had a positive influence on their students. But perhaps few have helped students make such profound life transformations as Rebecca Ryan, founder of the Spruce Literacy Project at Spruce Elementary School.

Through the program, Ryan has taught dozens of immigrant parents, mostly Spanish-speaking mothers, how to speak, read and write English. The idea is the parents will get involved with their kids' educations once the language barrier is knocked down.

But according to several mothers who attended a retirement breakfast for Ryan on Wednesday, her work has radiated outward, affecting every corner of their lives. Ryan, a petite Anglo with energy to burn and a deft command of Spanish, has pumped the women up with praise and encouragement, propelling them into American society with a fearless attitude.

''I'm not afraid of anything now,'' said 30-year-old Carmen Reyes, whose child attends Spruce Elementary.

Reyes' outlook is a psychological world away from the way she felt when she arrived in this country in 1986 with zero English

skills and a lot of fear about a society she didn't understand. ''I was scared for everything, everybody,'' she recalled.

Other mothers echoed this sentiment.

Before taking the literacy class, rites of parenthood like teacher-parent conferences or PTA meetings were unfathomable, they said. The thought of meeting with a teacher, principal or doctor gripped them with fear. They were worried and frustrated when they could not read a letter sent home from school. Often they were too shy, or even ashamed, to try to find out what it was about.

So assured are these women now that when the district threatened to cut the Spruce Literacy Project last year, the mothers vociferously rallied to save it. They are also in the midst of a fund-raising drive to replace Spruce Elementary's dilapidated and unsafe kindergarten playground.

The women still grapple with English, but they've learned that stumbling through the language is the only way to get better.

''I can go to the doctor and to the dentist and the bank. I don't need much help,'' said 27-year-old Cristina Rodriguez, who immigrated from Mexico when she was 15 but only recently learned to write. Her newfound skills helped her move up from dishwasher to server at Denny's, she said.

Ryan started teaching English-as-a-second-language classes in the South San Francisco Unified District in 1972 and still wears a ring that students gave to her that year. A few of those students were at the breakfast on Wednesday.

''It's so great to see how well they've done,'' Ryan said. ''One woman's son has graduated from Stanford, another one's child became a doctor.''

When asked why she is retiring, Ryan just said ''it's time.'' She said she will keep in touch with her former students through sewing and reading groups.

Teaching ESL for 20 years, Ryan saw that parents were avoiding contact with their kids' schools. She decided that the cultural and language barriers hurt the school as much as the families and founded Spruce Literacy Project in 1992 with a grant from the Peninsula Community Foundation. The program will continue with a new teacher next year, Ryan said.

On the Spruce Elementary campus, the program is a convenience for the mothers who take their children to class and then head to their own class down the hall.

Gladis Pacheco, 39, said two years of the literacy classes helped her land a good job for Catholic Charities in San Francisco. She came to this country from El Salvador 18 years ago and for most of those years she avoided speaking English. ''In my country I was a secretary but here I was a maid,'' she said.

Now she can help her three young children with their homework. Her daughter, Martha, sent a letter to Ryan thanking her for teaching her mom English.

''It was so cute, I didn't even know that she did that,'' Pacheco said.

Perhaps the best part is knowing the children are proud of you, Rodriguez said. ''My daughter was sad before when I couldn't speak English but now she's happy,'' she said.

Perhaps the best example of Ryan's 28 years in the district is the Flores family.

Alejandro Flores, 20, and Florisela Flores, 23, took ESL classes from Ryan when they were in elementary school. Now students at San Francisco State University, the siblings say they gained a sense of well-being from Ryan that continues to this day.

''I was a silent kid, very lonely. But (Ryan) was so nice to me. I liked computers and she rewarded me with computer time,'' said Alejandro, who along with his studies runs a Web design company with a friend.

Florisela said she wouldn't be studying three majors with the intention of getting a master's degree in computer science if Ryan hadn't shown her the power of persistence 15 years ago.●

INTEL CORPORATION'S TEACHER HOUSING FUND

● Mrs. BOXER. Mr. President, when discussing the profound effect of California's Silicon Valley on our Nation's economy, we too often focus on just the raw numbers: staggering revenues, high profile IPOs and the bottom line.

Today, I want to focus on an outstanding example of good corporate citizenship in Silicon Valley intended to promote home ownership and honor teachers at the same time.

As many of my colleagues know, the Silicon Valley is in the midst of a housing crisis which makes owning a home an impossibility for most teachers. The region's high cost of living makes it extremely difficult to recruit and retain talented teachers.

Today, I am pleased to inform the Senate that Intel Corporation and the Santa Clara Unified School District have joined forces to create an innovative pilot program designed to help public school teachers buy homes in one of the country's most expensive housing markets: the Intel Teacher Housing Fund.

Under this new program, which will be administered by the Santa Clara County Unified School District, Intel will provide the fund with $1.25 million over the next five years. Eligible teachers will receive $500 each month from the fund to help with mortgage payments, for up to five years.

I applaud Intel's leadership in forging the much-needed local partnerships that will help lead to solutions to Silicon Valley's affordable housing crunch. It is my hope that other companies will follow Intel's lead, and show the world that America's high-technology firms are the hub and the heart of the 21st century economy.●

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations

REPORT ON THE EXPANDED THREAT REDUCTION INITIATIVE—MESSAGE FROM THE PRESIDENT—PM 118

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

To the Congress of the United States:

Enclosed is a report to the Congress on the Expanded Threat Reduction Initiative, as required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 27, 2000*.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 119

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

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 27, 2000*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:45 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building.''

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the ''Joseph L. Fisher Post Office Building.''

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the ''Joel T. Broyhill Postal Building.''

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 2952. An act to designate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station.''

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.''

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office.''

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office.''

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building.''

H.R. 1666. An act to designate the facility of the United States Postal Service located at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office.''

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building.''

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:21 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3417. An act to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

H.R. 4408. An act to reauthorize the Atlantic Striped Bass Conservation Act.

H.R. 4718. An act to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

At 2:21 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4690. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

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

H.R. 3023. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

H.R. 3417. An act to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; to the Committee on Commerce, Science, and Transportation.

H.R. 4408. An act to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4690. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 23, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

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–9423. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period'' received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9424. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Taos, New Mexico'' (MM Docket No. 99–270, RM–9703); received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9425. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Powers, Michigan'' (MM Docket No. 99–359) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9426. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Santa Anna, Texas'' (MM Docket No. 99–337) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

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. 610: A bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes (Rept. No. 106–313).

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

S. 1367: A bill to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes (Rept. No. 106–314).

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

S. 1894: A bill to provide for the conveyance of certain land to Park County, Wyoming (Rept. No. 106–315).

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

S. 2352: A bill to designate portions of the Wekiva River and associated tributaries as a component of the National Wild and Scenic Rivers System (Rept. No. 106–316).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

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 (Rept. No. 106–317).

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

S. 2478: A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes (Rept. No. 106–318).

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

S. 2485: A bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine (Rept. No. 106–319).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1749: A bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System (Rept. No. 106–320).

H.R. 2932: To direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah. (Rept. No. 106–321).

H.R. 3201: A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes (Rept. No. 106–322).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 662: A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program (Rept. No. 106–323).

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

S. 2071: A bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the Committee on Armed Services.

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

To be major general

Brig. Gen. Craig P. Rasmussen, 0000

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

To be brigadier general

Col. Bruce S. Asay, 0000

The following named officer for appointment in the United States Air Force 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

Lt. Gen. Robert H. Foglesong, 0000

The following named officer for appointment in the United States Air Force 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. William T. Hobbins, 0000

The following named officer for appointment in the United States Air Force 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. Tome H. Walters, Jr., 0000

The following named officer for appointment in the United States Army 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. Peter M. Cuviello, 0000

The following named officer for appointment in the United States Army 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. Timothy J. Maude, 0000

The following named officer for appointment in the United States Army 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. Paul T. Mikolashek, 0000

The following named officer for appointment in the United States Army 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. Robert W. Noonan, Jr., 0000

The following named officer for appointment in the United States Army 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. Daniel R. Zanini, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Tommy R. Franks, 0000

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

To be major general

Brig. Gen. Wayne D. Marty, 0000

The following named officer for appointment in the United States Army 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. Dan K. McNeill, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William F. Kernan, 0000

The following named officer for appointment in the United States Army 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

Lt. Gen. Donald L. Kerrick, 0000

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

To be rear admiral (lower half)

Capt. Peter L. Andrus, 0000
Capt. Steven B. Kantrowitz, 0000
Capt. James M. McGarrah, 0000
Capt. Elizabeth M. Morris, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James W. Metzger, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

to be vice admiral

Rear Adm. Michael G. Mullen, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Grossenbacher, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gregory G. Johnson, 0000

The following named officer for appointment in the United States Navy to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral (lower half)

Capt. Eleanor C. Mariano, 0000

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

To be rear admiral (lower half)

Capt. Nancy E. Brown, 0000
Capt. Donald K. Bullard, 0000
Capt. Albert M. Calland III, 0000
Capt. Robert T. Conway, Jr., 0000
Capt. John P. Cryer III, 0000
Capt. Thomas Q. Donaldson V, 0000
Capt. John J. Donnelly, 0000
Capt. Steven L. Enewold, 0000
Capt. Jay C. Gaudio, 0000
Capt. Charles S. Hamilton II, 0000
Capt. John C. Harvey, Jr., 0000
Capt. Timothy L. Heely, 0000
Capt. Carlton B. Jewett, 0000
Capt. Rosanne M. Levitre, 0000
Capt. Samuel J. Locklear III, 0000
Capt. Richard J. Mauldin, 0000
Capt. Alexander A. Miller, 0000
Capt. Mark R. Milliken, 0000
Capt. Christopher M. Moe, 0000
Capt. Matthew G. Moffit, 0000
Capt. Michael P. Nowakowski, 0000
Capt. Stephen R. Pietropaoli, 0000
Capt. Paul J. Ryan, 0000
Capt. Michael A. Sharp, 0000
Capt. Vinson E. Smith, 0000
Capt. Harold D. Starling II, 0000
Capt. James Stavridis, 0000
Capt. Paul E. Sullivan, 0000
Capt. Michael C. Tracy, 0000
Capt. Miles B. Wachendorf, 0000
Capt. John J. Waickwicz, 0000
Capt. Anthony L. Winns, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph W. Dyer, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John B. Nathman, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Paul G. Gaffney II, 0000

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. Michael J. Williams, 0000

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 general

Lt. Gen. Carlton W. Fulford, Jr., 0000

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

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably 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.

Air Force nominations beginning Catherine T. Bacon and ending Karin G. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Air Force nominations beginning Ronald A. Gregory and ending Melody A. Warren, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Philip W. Hill and ending Joseph F. Hannon, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Ronald J. Buchholz and ending *Jean M. Davis, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Jack R. Christensen and ending Daniel J. Travers, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Army nominations beginning Brent M. Boyles and ending Frank J. Toderico, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning *Robin M. Adamsmccallum and ending Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Army nominations beginning Richard A. Gaydo and ending John E. Zydron, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nomination of Thomas A. Kolditz, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Army nominations beginning Karen A. Dixon and ending Jesse J. Rose, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of James R. Lake, which was received by the Senate and appeared in the Congressional Record on April 11, 2000.

Navy nomination of Robert E. Davis, which was received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nominations beginning Lawrence J. Chick and ending James R. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nomination of Ray A. Stapf, which was received by the Senate and appeared in the Congressional Record on May 17, 2000.

Navy nomination of Jeffrey M. Armstrong, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nomination of Billy J. Price, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Navy nominations beginning Aurora S. Abalos and ending Jerry L. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2000.

Marine Corps nominations beginning Dennis J. Allston and ending David L. Stokes, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2000.

Marine Corps nominations beginning Arthur J. Athens and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nominations beginning Tray J. Ardese and ending Barian A. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Marine Corps nomination of John M. Dunn, which was received by the Senate and appeared in the Congressional Record on June 14, 2000.

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida.

John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois.

Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Z. Singal, of Maine, to be United States District Judge for the District of Maine.

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

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. BREAUX:

S. 2792. A bill to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. 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. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. HELMS):

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 328. A resolution to commend and congratulate the Louisiana State University Tigers on winning the 2000 College World Series; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. KERRY):

S. 2793. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments; to the Committee on Commerce, Science, and Transportation.

FOREIGN GOVERNMENT INVESTMENT ACT OF 2000

Mr. HOLLINGS. Mr. President, in Saturday's Washington Post business section there is a headline story: German Phone Giant Seeks U.S. Firm. The concluding paragraph:

But Hedberg stressed that a joint venture will not, under any circumstances, be considered as the means of crafting an offering for

multinationals: Deutsche Telekom wants full control of whatever course it pursues.

Accordingly, on behalf of Senators INOUYE, ROCKEFELLER, DORGAN, KERRY, and myself, we introduce legislation to clarify the rules governing the takeover of U.S. telecommunications providers by overseas companies owned by foreign governments. The original rules in this area were established by statute in the 1930's, and while the law has not changed, the FCC's interpretation of this statute has.

It is time to revisit this matter to ensure that current policy is consistent with efforts to promote vigorous domestic competition, maintain a secure communications system for National Security while meeting our International Trade Obligations.

The statute expressly prohibits the transfer of a license to any corporation owned 25 percent or more by a foreign government, but allows the FCC to waive this prohibition if doing so would be in the public interest. Unfortunately, the FCC in previous rulemaking has found that the public interest is satisfied solely on the basis of whether the foreign government owned company is based in a WTO country. If the country is a member of the WTO, the FCC assumes that the public interest standard has been met.

The legislation we introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. We would not be alone in taking this step. Governments across the globe have prevented government owned telecommunications providers from purchasing assets in their countries. In the last month, the Spanish government prevented KPN, the Dutch provider, from purchasing Telefónica de España because of the Netherlands government's stake in KPN. They were not alone; the Italian and Hong Kong governments have recently thwarted takeover attempts by Deutsche Telekom, of Telecom Italia, and Singapore Tel, of Hong Kong Telecom, for just such reasons.

Recent comments by Deutsche Telekom are particularly disturbing. During a recent press conference in New York, DT's CEO, Rom Sommer, stated ''that the market cap of Deutsche Telekom today vs. any American potential acquisition candidate means that nobody is out of reach.'' DT is approximately 59 percent government owned, has approximately 100 million euros in cash and operates essentially from a protected home market. NTT, the Japanese Government owned provider and France Telecom, the French Government owned provider are similarly situated.

Since 1984, U.S. telecommunications policy has encouraged vigorous domestic competition. The modified final judgment and the 1996 Telecommunications Act are key examples of our efforts in this area. While our efforts to foster competition have benefited consumers, these efforts have depressed the earnings and stock prices of U.S. domestic providers.

But in ''Promoting competition'' here at home we may be facilitating the ease by which foreign protected players may emerge with key U.S. assets. So for example, regulated European monopolists Deutsche Telekom and France Telecom, both majority foreign government owned—and subject to considerably less domestic competition, are reportedly eyeing U.S. companies.

For more than fifty years, U.S. international trade policy has encouraged governments to separate themselves from the private or commercial sector. Throughout the 1960s and 1970s, the U.S. Government encouraged various privatizations of foreign government-owned commercial ventures.

With the end of the Cold War and the rise of global capitalism, we can justifiably claim an enormous amount of success in these efforts. Unfortunately, these efforts are far from complete. Around the globe, some of the world's most important sectors remain shackled with government-owned competitors. These government owned companies distort competition and undermine the concept of private capitalism.

To allow these government-owned entities to purchase U.S.-based assets would undermine longstanding and successful U.S. policy. Moreover, allowing these competitors into the United States could potentially undercut our efforts to ensure competition in our domestic telecommunications market and in markets abroad.

Government ownership of commercial assets results in significant marketplace distortion. Companies owned by governments have access to capital, capital markets and interest rates on more favorable terms than companies not affiliated with national governments. Many lenders may assume, correctly, that individual governments would not allow these companies to fail.

In addition, companies competing with these providers may suffer from increased costs as a result of the entrance of such providers into the market. Lenders may conclude that the difficulty in competing with a government-owned company will increase the likelihood of failure. As a result, the entrance of a government supported provider into a market raises troubling anti-competitive issues. Many of these anti-competitive effects can be relieved merely by the elimination of government-owned stakes.

Finally, with regard to foreign markets, it is troubling to permit companies to be regulated by the governments that own them. While there is little we can do to effect this situation, we can take care to see that it is not exacerbated. These companies may use profits from these anticompetitive markets to unfairly subsidize U.S. operations.

I must raise the national security concerns that trouble me greatly. We can all agree that telecommunications services are important for national security concerns. To permit a foreign government to own such assets would raise too many troubling questions.

The United States government—for national security purposes—created and nurtured the Internet in the 1960s and 1970s to ensure redundancy in communications. To permit foreign government owned companies to purchase the infrastructure necessary to support the Internet would undercut the very success of these efforts.

This bill is timely for one additional reason. In recent days we have seen an increase in European Union antitrust scrutiny in the telecommunications area. Much of that activity has focused on two high profile proposed mergers, WorldCom-Sprint and Time WARNER–AOL, despite the limited impact that these mergers will have on the European Union. This trend has become so pronounced that it received coverage in last weeks Washington Post in a story entitled, ''EU Resists Big U.S. mergers.''

This increased antitrust activity is particularly troublesome because competitors to both companies are owned by European governments including the German, French and Dutch governments.

Moreover, several of these government owned companies are widely reported to be interested in purchasing the remnants of Sprint that may be separated as a result of this investigation. In fact, according to a recent Financial Times story, as a result of aggressive antitrust enforcement, a strong American competitor—MCI WorldCom may fall prey to one of these government owned-competitors.

For the United States Justice Department to take this step is one matter—these mergers involve American companies, primarily doing business in the United States. For the EU to take this step—when it is likely to assist European Companies owned by its member governments—is quite another.

Moreover, this is not the first time that the EU has intervened in a U.S. merger to protect European government owned companies. Several years ago, the EU objected to the Boeing-McDonnell Douglas merger in order to protect the government owned Airbus consortium.

In conclusion, this legislation establishes all of the correct incentives. It does not prohibit foreign investment; rather, it prohibits foreign government investment. Many companies have expressed a desire to enter the U.S.; ours is a lucrative market. By encouraging additional privatization of the government-owned telecommunications providers interested in providing services in the United States we will further the ideals of international capitalism.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2794. A bill to provide for a temporary Federal district judgeship for

the southern district of Indiana; to the Committee on the Judiciary.

TEMPORARY JUDGESHIP FOR SOUTHERN INDIANA

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help alleviate the strain experienced over the past five years as a result of an extremely heavy caseload.

In the last year alone, the Southern District has seen a higher than average number of case filings with 585 filings per judge, compared to the national average of 493 filings per judge. The Federal Bureau of Prisons ''Death Row'' has recently been located at the United States Penitentiary in Terre Haute, Indiana, which is part of the Southern District. As a result, the Southern District anticipates a significant increase in the number of petitions in death habeas cases. In addition, the Southern District of Indiana includes our state capital of Indianapolis, the center of government and politics in the Hoosier State. The court has experienced an increase in the number of cases which raise political and public policy questions. The Southern District court is clearly overburdened.

The legislation I introduce today is critical to ensuring the delivery of Justice in the Southern District of Indiana. There is wide agreement about the need for this additional judgeship and, in fact, the Judicial Conference has called on Congress to add a temporary judge. I urge my colleagues to give this legislation their serious consideration and support. I thank the President and I yield the floor.

By Mr. REID:

S. 2795. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes; to the Committee on Indian Affairs.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. REID. Mr. President, I rise today to introduce the Western Shoshone Claims Distribution Act.

Historically, the Western Shoshone were the residents land in the northeastern corner of Nevada and parts of California. For more than a hundred years, the Western Shoshone have received no compensation for the loss of their tribal lands. In the 1950's, the Indian Lands Claim Commission was established to compensate Indians for lands ceded to the United States. The commission determined that Western Shoshone land had been taken through ''gradual encroachment,'' and awarded the tribe 26 million dollars. The commission's decision was later approved by the United States Supreme Court. However, it was not until 1979 that the United States appropriated more than 26 million dollars to reimburse the descendants of these tribes for their loss.

Mr. President, the Western Shoshone are not a wealthy people. A third of the tribal members are unemployed; for many of those who do have jobs, it is a struggle to live from one paycheck to the next. Wood stoves often provide the only source of heat in their aging homes. Like other American Indians, the Western Shoshone continue to be disproportionately affected by poverty and low educational achievement. The high school completion rate for Indian people between the ages of 20 and 24 is dismally low. American Indians have a drop-out rate 12.5 percent higher than the rest of the nation. For the majority of the Western Shoshone, the money contained in the settlement funds could lead to drastic lifestyle improvements.

Yet twenty years later, those three judgement funds still remain in the United States Treasury. The Western Shoshone have not received a single penny of the money which is rightfully theirs. In those twenty years, the original trust fund has grown to more than 121 million dollars. It is long past the time that this money should be delivered into the hands of its owners. The Western Shoshone Steering Committee has officially requested that Congress enact legislation to affect this distribution.

It has become increasingly apparent in recent years that the vast majority of those who qualify to receive these funds support an immediate distribution of their money. This Act will provide payments to eligible Western Shoshone tribal members and ensure that future generations of Western Shoshone will be able to enjoy the benefit of the distribution in perpetuity. Through the establishment of a tribally controlled grant trust fund, individual members of the Western Shoshone will be able to apply for money for education and other needs within limits set by a self-appointed committee of tribal members.

It is clear that the Western Shoshone want the funds from their claim distributed with all due haste. Members of the Western Shoshone gathered in Fallon and Elko, Nevada in May of 1998. They cast a vote overwhelmingly in favor of distributing the funds. 1,230 supported the distribution in the statewide vote; only 53 were opposed. I rise today in support and recognition of their decision. The final distribution of this fund has lingered for more than twenty years and it is clear that the best interests of the tribes will not be served by prolonging their wait.

Mr. President, twenty years has been more than long enough.

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. 2795

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 ''Western Shoshone Claims Distribution Act''.

SEC. 2. DISTRIBUTION OF DOCKET 326–K FUNDS.

The funds appropriated on December 19, 1979, in satisfaction of an award granted to the Western Shoshone Indians in Docket Number 326–K before the Indian Claims Commission, including all earned interest shall be distributed as follows:

(1) The Secretary shall establish a Western Shoshone Judgment Roll consisting of all Western Shoshones who—

(A) have at least ¼ degree of Western Shoshone Blood;

(B) are citizens of the United States; and

(C) are living on the date of enactment of this Act.

(2) Any individual determined or certified as eligible by the Secretary to receive a per capita payment from any other judgment fund awarded by the Indian Claims Commission, the United States Claims Court, or the United States Court of Federal Claims, that was appropriated on or before the date of enactment of this Act, shall not be eligible for enrollment under this Act.

(3) The Secretary shall publish in the Federal Register rules and regulations governing the establishment of the Western Shoshone Judgment Roll and shall utilize any documents acceptable to the Secretary in establishing proof of eligibility. The Secretary's determination on all applications for enrollment under this paragraph shall be final.

(4) Upon completing the Western Shoshone Judgment Roll under paragraph (1), the Secretary shall make a per capita distribution of 100 percent of the funds described in this section, in a sum as equal as possible, to each person listed on the Roll.

(5)(A) With respect to the distribution of funds under this section, the per capita shares of living competent adults who have reached the age of 19 years on the date of the distribution provided for under paragraph (4), shall be paid directly to them.

(B) The per capita shares of deceased individuals shall be distributed to their heirs and legatees in accordance with regulations prescribed by the Secretary.

(C) The shares of legally incompetent individuals shall be administered pursuant to regulations and procedures established by the Secretary under section 3(b)(3) of Public Law 93-134 (25 U.S.C. 1403(b)(3)).

(D) The shares of minors and individuals who are under the age of 19 years on the date of the distribution provided for under paragraph (4) shall be held by the Secretary in supervised individual Indian money accounts. The funds from such accounts shall be disbursed over a period of 4 years in payments equaling 25 percent of the principal, plus the interest earned on that portion of the per capita share. The first payment shall be disbursed to individuals who have reached the age of 18 years if such individuals are deemed legally competent. Subsequent payments shall be disbursed within 90 days of the individual's following 3 birthdays.

(6) All funds distributed under this Act are subject to the provisions of section 7 of Public Law 93-134 (25 U.S.C. 1407).

(7) All residual principal and interest funds remaining after the distribution under paragraph (4) is complete shall be added to the principal funds that are held and invested under section 3(1).

(8) All per capita shares belonging to living competent adults certified as eligible to share in the judgment fund distribution under this section, and the interest earned on those shares, that remain unpaid for a period of 6-years shall be added to the principal funds that are held and invested under section 3(1), except that in the case of a minor,

such 6-year period shall not begin to run until the minor reaches the age of majority.

(9) Receipt of a share of the judgment funds under this section shall not be construed as a waiver of any existing treaty rights pursuant to the ''1863 Treaty of Ruby Valley'' inclusive of all Articles I through VIII and shall not prevent any Western Shoshone Tribe or Band or individual Shoshone Indian from pursuing other rights guaranteed by law.

SEC. 3. DISTRIBUTION OF DOCKETS 326–A–1 AND 326–A–3.

The funds appropriated on March 23, 1992, and August 21, 1995, in satisfaction of the awards granted to the Western Shoshone Indians in Docket Numbers 326–A–1 and 326–A–2 before the United States Court of Claims, and the funds referred to under section 2, together with all earned interest, shall be distributed as follows:

(1)(A) Not later than 120 days after the date of enactment of this Act, the Secretary shall establish in the Treasury of the United States a trust fund to be known as the ''Western Shoshone Educational Trust Fund'' for the benefit of the Western Shoshone members. There shall be credited to the Trust Fund the amount described in the matter preceding this paragraph.

(B) The principal amount in the Trust Fund shall not be expended or disbursed. Other amounts in the Trust Fund shall be invested as provided for in section 1 of the Act of June 24, 1938 (25 U.S.C. 162a).

(C) All accumulated and future interest and income from the Trust Fund shall be distributed as educational and other grants, and as other forms of assistance determined appropriate, to individual Western Shoshone members as required under this Act and to pay the reasonable and necessary expenses of the Administrative Committee established under paragraph (2) (as defined in the written rules and procedures of such Committee). Funds under this paragraph shall not be distributed on a per capita basis.

(2)(A) An Administrative Committee to oversee the distribution of the education grants authorized under paragraph (1) shall be established as provided for in this paragraph.

(B) The Administrative Committee shall consist of 1 representative from each of the following organizations:

(i) The Western Shoshone Te-Moak Tribe.

(ii) The Duckwater Shoshone Tribe.

(iii) The Yomba Shoshone Tribe.

(iv) The Ely Shoshone Tribe.

(v) The Western Shoshone Business Council of the Duck Valley Reservation, Fallon Band of Western Shoshone.

(vi) The at large community.

(C) Each member of the Committee shall serve for a term of 4-years. If a vacancy remains unfilled in the membership of the Committee for a period in excess of 60 days, the Committee shall appoint a replacement from among qualified members of the organization for which the replacement is being made and such member shall serve until the organization to be represented designates a replacement.

(D) The Secretary shall consult with the Committee on the management and investment of the funds subject to distribution under this section.

(E) The Committee shall have the authority to disburse the accumulated interest fund under this Act in accordance with the terms of this Act. The Committee shall be responsible for ensuring that the funds provided through grants under paragraph (1) are utilized in a manner consistent with the terms of this Act. In accordance with paragraph (1)(C), the Committee may use a portion of the interest funds to pay all of the reasonable and necessary expenses of the Committee, including per diem rates for attendance at meetings that are the same as for those paid to Federal employees in the same geographic location.

(F) The Committee shall develop written rules and procedures that include such matters as operating procedures, rules of conduct, scholarship fund eligibility criteria (such criteria to be consistent with this Act), application selection procedures, appeals procedures, fund disbursement procedures, and fund recoupment procedures. Such rules and procedures shall be subject to the approval of the Secretary. A portion of the interest funds, not to exceed $100,000, under this Act may be used by the Committee to pay the expenses associated with developing such rules and procedures. At the discretion of the Committee, and with the approval of the appropriate tribal governing body, jurisdiction to hear appeals of the Committee's decisions may be exercised by a tribal court, or a court of Indian offenses operated under section 11 of title 25, Code of Federal Regulations.

(G) The Committee shall employ an independent certified public accountant to prepare an annual financial statement that includes the operating expenses of the Committee and the total amount of scholarship fund disbursements for the fiscal year for which the statement is being prepared under this section. The Committee shall compile a list of names of all individuals approved to receive scholarship funds during such fiscal year. The financial statement and the list shall be distributed to each organization referred to in this section and copies shall be made available to the Western Shoshone members upon request.

SEC. 4. DEFINITIONS

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRUST FUND.—The term ''Trust Fund'' means the Western Shoshone Educational Trust Fund established under section 3(1).

(3) WESTERN SHOSHONE MEMBERS.—The term ''Western Shoshone members'' means an individual who appears on the Western Shoshone Judgment Roll established under section 2(1), or an individual who is the lineal descendant of an individual appearing on the roll, and who—

(A) satisfies all eligibility criteria established by the Administrative Committee under section 3;

(B) fulfills all application requirements established by the Administrative Committee; and

(C) agrees to utilize tile funds in a manner approved by the Administrative Committee for educational or vocational training purposes.

SEC. 5. REGULATIONS.

The Secretary shall prescribe the enrollment regulations necessary to carry out this Act.

By Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2796. 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. VOINOVICH. Mr. President, I am pleased to introduce today the Water Resources Development Act of 2000, and I am pleased that my colleagues Senator BOB SMITH, Environment and Public Works Committee chairman and Senator MAX BAUCUS, ranking member of the Environment and Public Works Committee have joined as co-sponsors of this bill.

The Water Resources Development Act of 2000 (WRDA2000) is the culmination of four hearings that the Committee on Environment and Public Works has held regarding a number of different water resources development issues and projects. The cornerstone of this year's WRDA bill will be the Comprehensive Everglades Restoration Plan, however, the bill that I am introducing today does not contain an Everglades Restoration Title. That title will be added as an amendment to this bill by Senate Environment and Public Works Committee Chairman BOB SMITH when the full Committee marks-up WRDA 2000 on Wednesday, June 28, 2000.

Some of my colleagues may question the need for a water resources bill this year since Congress passed a WRDA bill just last year. In reality, last year's bill was actually unfinished business from the 105th Congress, and if Congress is to get back on its two year cycle for passage of WRDA legislation, we need to act on a bill this year. The two year cycle is important to avoid long delays between the planning and execution of projects and to meet Federal commitments to state and local governments partners who share the costs of these projects with the Federal government.

While the two year authorization cycle is extremely important in maintaining efficient schedules for completion of water resources projects, efficient schedules also depend on adequate appropriations. The appropriation of funds for the Corps' program has not been adequate and, as a result, there is a backlog of over 500 projects that will cost the federal government $38 billion to complete.

I believe these are worthy projects with positive benefit-to-cost ratios and capable non-Federal sponsors. Nevertheless, the inability to provide adequate funding for these projects means that project construction schedules are spread out over a longer period of time, resulting in increased construction costs and delays in achieving project benefits.

Mr. President, I recognize that budget allocations and Corps appropriations are beyond the purview of the authorization package that I am introducing today, but I believe that the backlog issue should impact the way we approach WRDA2000 in three very important ways.

First, we need to control the mission creep of the Corps of Engineers. I am not convinced that there is a Corps role in water and sewage plant construction, and I am pleased to report that the bill that I am introducing today contains no authorizations for environmental infrastructure, such as wastewater treatment plants or combined

sewer overflow systems. Another example is the brownfields remediation authority proposed by the White House for the Corps. Brownfield remediation is a very important issue. It is a big problem in my state of Ohio and I am working to remove federal impediments to State cleanups. Having said that, I do not believe this is a mission of the Corps of Engineers, and the bill that I am introducing today does not contain authority for the Corps to be involved in brownfields remediation.

We need to recognize and address the large unmet national needs within the traditional Corps mission areas: needs such as flood control, navigation and the emerging mission area of restoration of nationally significant environmental resources like the Florida Everglades.

The second thing that we need to do is to make sure that the projects Congress authorizes meet the highest standard of engineering, economic and environmental analysis. We must be sure that these projects and project modifications make maximum net contributions to economic development and environmental quality.

We can only assure that projects meet these high standards if projects have received adequate study and evaluation to establish project costs, benefits, and environmental impacts to an appropriate level of confidence. This means that a feasibility report must be completed before projects are authorized for construction. Thus, WRDA 2000 only contains projects which have completed feasibility reports.

Finally, we have to preserve the partnerships and cost sharing principles of the Water Resources Development Act of 1986. WRDA '86 established the principle that water resources project should be accomplished in partnerships with states and local governments and that this partnership should involve significant financial participation by the non-federal sponsors. This bill contains no cost share changes.

My experience as Mayor of Cleveland and Governor of Ohio convinced me that the requirement for local funding to match federal dollars results in much better projects than where Federal funds are simply handed out. Whether it's parks, housing, highways, or water resources projects, the requirement for a local cost share provides a level of accountability that is essential to a quality project. Cost sharing principles must not be weakened, and I am pleased to report that they are not in this legislation.

Mr. President, the bill that I am introducing today ensures that we only commit to those projects that are properly within the purview of the Corps of Engineers, it provides that each project meets the necessary criteria for federal involvement and it preserves the cost-sharing arrangement with state and local sponsors that has been in place for more than a decade. It is a responsible approach to meeting our nation's water resources needs, and I look forward to working with my colleagues to advance the goals of this legislation.

Thank you, Mr. President. I ask unanimous consent that a copy of the Water Resources Development Act of 2000 be printed in the RECORD following my remarks.

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

S. 2796

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.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
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Sec. 501. Visitors centers.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the designated report: The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,000,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,000,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $26,400,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,300,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $90,000,000, with an estimated Federal cost of $58,000,000 and an estimated non-Federal cost of $32,000,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $168,900,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $124,900,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $43,100,000, with an estimated Federal cost of $27,800,000 and an estimated non-Federal cost of $15,300,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $17,100,000, with an estimated Federal cost of $8,600,000 and an estimated non-Federal cost of $8,500,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $28,280,000, with an estimated Federal cost of $18,390,000 and an estimated non-Federal cost of $9,890,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $26,000,000, with an estimated Federal cost of $16,900,000 and an estimated non-Federal cost of $9,100,000.

(12) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $7,245,000, with an estimated Federal cost of $4,709,000 and an estimated non-Federal cost of $2,536,000.

(13) BARBERS POINT HARBOR, OAHU, HAWAII.—The project for navigation, Barbers Point Harbor, Oahu, Hawaii, at a total cost of $51,000,000, with an estimated Federal cost of $21,000,000 and an estimated non-Federal cost of $30,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $183,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(17) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(18) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(19) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $30,081,000, with an estimated Federal cost of $19,553,000 and an estimated non-Federal cost of $10,528,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(20) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(21) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $100,000,000, with an estimated Federal cost of $65,000,000 and an estimated non-Federal cost of $35,000,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(22) OHIO RIVER.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $160,000,000 and an estimated non-Federal cost of $40,000,000.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(11) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(12) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(13) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(14) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(15) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(16) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(17) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Perry Creek, Iowa.''.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).''.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking ''State legislative''; and

(2) by inserting before the period at the end the following: ''of the State or a body politic of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

''(1) the Secretary of the Interior;

''(2) the Secretary of Agriculture;

''(3) the Secretary of Commerce;

''(4) the Administrator of the Environmental Protection Agency; and

''(5) the heads of other appropriate agencies.

''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to the Delaware River basin.

''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

''(f) COST-SHARING REQUIREMENTS.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

''(2) CREDIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—

(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and

(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—

''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding ''and'' at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) may consider additional criteria relating to—

''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: ''in cases in which the activities require specialized training relating to hydroelectric power generation''.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law,

the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It shall'';

(2) by striking ''However, such structures'' and inserting the following:

''(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)'';

(3) by striking ''When plans'' and inserting the following:

''(c) MODIFICATION OF PLANS.—When plans'';

(4) by striking ''The approval'' and inserting the following:

''(d) APPLICABILITY.—

''(1) BRIDGES AND CAUSEWAYS.—The approval''; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

''(2) DAMS AND DIKES.—

''(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

''(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

''(i) shall be subject to section 10; and

''(ii) shall not be subject to the approval requirements of this section.''.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

''(A) in the case of—

''(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

''(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

''(B) in the case of an environmental protection and restoration project—

''(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

''(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

''(C) in the case of any other water resources project, the performance of physical work under a construction contract.

''(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

''(A) are authorized for construction; and

''(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for construction of the project or separable element by the end of that period.

''(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

''(A) that are authorized for construction;

''(B) for which Federal funds have been obligated for construction of the project or separable element; and

''(C) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

''(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), 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 is or would be located.

''(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

''(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 3 years after the date of enactment of this subsection.''.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking ''Such guidelines shall address'' and inserting the following:

''(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting ''that non-Federal interests shall adopt and enforce'' after ''policies'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking ''FLOOD PLAIN'' and inserting ''FLOODPLAIN''; and

(2) in the first sentence, by striking ''flood plain'' and inserting ''floodplain''.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) in subsection (a), by striking ''the following'' and all that follows and inserting ''the amounts of project storage that are recommended by the report required under subsection (b).''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''and does not significantly impact other authorized project purposes'';

(B) in paragraph (2), by striking ''2000'' and inserting ''2002''; and

(C) in paragraph (3)—

(i) by inserting ''and to what extent'' after ''whether'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) project storage should be reallocated to sustain the tail water trout fisheries.''.

SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines

that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho.

(b) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification, the Secretary may construct and adaptively manage for 10 years, at full Federal expense, a project under this section if the Secretary determines that the project—

(1) is a cost-effective means of providing ecosystem restoration, flood damage reduction, and erosion protection;

(2) is environmentally acceptable and technically feasible; and

(3) will improve the economic and social conditions of the Shoshone-Bannok Indian Tribe.

(c) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in subsection (a), the Shoshone-Bannock Indian Tribe shall provide land, easements, and rights-of-way necessary for implementation of the project.

SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 306. MORGANZA, LOUISIANA.

The Secretary shall credit toward the non-Federal share of the project costs of the Mississippi River and tributaries, Morganza, Louisiana, to the Gulf of Mexico, project, authorized under section 101(b)(16), the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

SEC. 307. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 309. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 311. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as ''Government Tract Numbers FM–46 and FM–47'', administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 312. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term ''Fort Peck Lake'' means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term ''hatchery project'' means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may carry out dredging of Mines Falls Park, New Hampshire.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is cost-effective, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking ''MAIN STEM,'' and inserting ''FLOOD MANAGEMENT PROJECT,''.

SEC. 316. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled ''Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 317. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area

constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' file numbers:

(1) Auditor's File Numbers 101244 and 1234170 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.''.

SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term ''Lake Champlain watershed'' means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 321. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz

River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the eastern portion of the Strait of Juan de Fuca.

(c) PROJECT SELECTION.—In consultation with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal, tribal, State, and local agencies, the Secretary may—

(1) identify critical restoration projects in the area described in subsection (b); and

(2) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(d) PRIORITIZATION OF PROJECTS.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(1) the Salmon Recovery Funding Board;

(2) the Northwest Straits Commission;

(3) the Hood Canal Coordinating Council;

(4) county watershed planning councils; and

(5) salmon enhancement groups.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.''.

SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking ''$7,000,000'' and inserting ''$20,000,000''; and

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

''(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

''(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

''(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.''.

SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term ''Great Lake'' includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term ''Great Lakes Commission'' means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term ''Great Lakes Fishery Commission'' has the meaning given the term ''Commission'' in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 328. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized''; and

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.''.

SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is rendered acceptable for unrestricted open water disposal or beneficial reuse; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 330. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term ''New England'' means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be determined in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 331. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962

(76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682.300.86, E639,005.80).

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary may conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary may conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary may conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary may conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary may conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary may conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary may conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary may conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 411. BOISE RIVER, IDAHO.

The Secretary may conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 412. WOOD RIVER, IDAHO.

The Secretary may conduct a reconnaissance study to determine the Federal interest in carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 413. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary may study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 414. BOEUF AND BLACK, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 415. PORT OF IBERIA, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 416. SOUTH LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary may conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) STUDY OF REDESIGNATION AS ANCHORAGE.—The Secretary may conduct a study to determine the feasibility of redesignating as anchorage a portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(b) STUDY OF REAUTHORIZATION.—The Secretary may conduct a study to determine the feasibility of reauthorizing for the purpose of maintenance as anchorage a portion of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent to and outside the limits of the 11-foot channel and the 9-foot channel.

SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary may conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary may conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary may conduct a study to determine the feasibility of modifying the

project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary may conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH DAKOTA, AND NEBRASKA.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—In cooperation with the Secretary of the Interior, the State of South Dakota, the State of North Dakota, the State of Nebraska, county officials, ranchers, sportsmen, other affected parties, and the Indian tribes referred to in subsection (c)(2), the Secretary may conduct a study to determine the feasibility of the conveyance to the Secretary of the Interior of the land described in subsection (c), to be held in trust for the benefit of the Indian tribes referred to in subsection (c)(2).

(c) LAND TO BE STUDIED.—The land authorized to be studied for conveyance is the land that—

(1) was acquired by the Secretary to carry out the Pick-Sloan Missouri River Basin Program, authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665); and

(2) is located within the external boundaries of the reservations of—

(A) the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota;

(B) the Standing Rock Sioux Tribe of North Dakota and South Dakota;

(C) the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

(D) the Yankton Sioux Tribe of South Dakota; and

(E) the Santee Sioux Tribe of Nebraska.

SEC. 424. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary may—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.''.

SEC. 425. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary may conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 426. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary may—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary may conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 429. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a)—

(A) shall not exceed 25 percent; and

(B) shall be provided in the form of in-kind contributions.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary may conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 431. CEDAR BAYOU, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

The Secretary may conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary may review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 435. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary may conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''at Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the 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 under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''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.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance; as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

Mr. SMITH of New Hampshire. Mr. President, I am proud to join my colleagues, Senators VOINOVICH and BAUCUS, in the introduction of the Water Resources Development Act of 2000. As many of you know, the administration presented a proposal to Congress in April of this year, which I introduced by request at that time. The bill we introduce today includes a number of the provisions contained in the Administration's request, in addition to those Member requests which met the criteria agreed to by myself, Senator VOINOVICH, the chairman of the Transportation and Infrastructure Subcommittee, and Senator BAUCUS, the ranking member of the Committee.

In responding to questions regarding what projects were included in this bill, I remind my colleagues that it has been the policy of the Committee to authorize only those construction projects that conform with cost-sharing policies established in the Water Resources Development Act of 1986, and amended by subsequent WRDAs. In addition, it has been the policy of the Committee to require projects to have undergone full and final engineering, economic, and environmental review by the Chief of Engineers to ensure that the project is indeed justified.

In ensuring the integrity of the WRDA process, that criteria served as the base to guide us to where we are today. S. xxxx is a responsible bill that provides for the traditional mission of the U.S. Army Corps of engineers and which also recognizes the Corps' expanding presence in the area of environmental restoration. This bill contains 23 authorizations for flood control, navigation, shoreline protection, and environmental restoration projects for which a Chief's Report is expected by the end of the calendar year. In addition, there are approximately 31 project-related modifications and provisions, as well as 35 feasibility studies. While half of the projects in this bill are in the navigation mission, nearly a quarter are dedicated to environmental and ecosystem restoration projects, demonstrating this chairman's belief that the Corps is moving in the right direction. This bill strongly adheres to the fundamental purposes and principles of the Army Corps of Engineers.

This sound bill deserves prompt action by not only the Senate, but our counterparts in the House of Representatives, The number of legislative days left this year is dwindling. If we are to enact water resources legislation prior to adjournment, it will take the full cooperation of both Chambers of Congress and our respected leadership. I look forward to working with my colleagues to move the WRDA process forward as expeditiously as possible.

By Mr. SMITH of New Hampshire (for himself, Mr. BAUCUS, Mr. VOINOVICH, Mr. GRAHAM, and Mr. MACK):

S. 2797. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Environment and Public Works.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. SMITH of New Hampshire. Mr. President, today is a historic day. I am pleased to be joined by Senators GRAHAM, MACK, VOINOVICH, and BAUCUS, in introducing a measure to restore, preserve and protect one of America's unique ecosystems: the Everglades. More than six months ago, I went to Florida and made a promise to the people of that state and this nation. I promised to make Everglades restoration my top priority as the new chairman of the Environment and Public Works Committee. I am proud to say that after many months of hard work, intense negotiation, and through it all, uncompromising dedication, we have before us the bill to restore America's Everglades.

Our bill not only has the support of the two Senators from Florida, the chairman and ranking member of the Environment and Public Works Committee and the chairman of the subcommittee of jurisdiction, it has the support of the State of Florida and the administration. It truly is bipartisan. It truly is historic.

We all know that the Everglades face grave peril, but such dire situations do not always serve to motivate Congress to act, particularly in a presidential election year. The truth of the matter is that the federal government is partially responsible for the condition of the Everglades and it is our obligation to fix what we helped break. The Everglades cannot afford for Congress to delay.

The unintended consequence of the 1948 federal flood control project is the too efficient redirection of water from Lake Okeechobee. Approximately 1.7 billion gallons of water a day is needlessly directed out to sea. The original Central and Southern Florida Project was done with the best of intentions—the federal government simply had to act when devastating floods took thousands of lives prior to the project's construction. Unfortunately, the very success of the Central and Southern Florida Project disrupted the natural sheet

flow of water through the so-called ''River of Grass,'' altering or destroying the habitat for many species of native plants, mammals, reptiles, fish and wading birds.

Well, we are going to recapture that wasted water, store it, and redirect it, when needed, to the natural system in the South Florida ecosystem. It sounds simple, but in actuality, the Comprehensive Everglades Restoration Plan is quite complex and will take 30 years to construct. Each step in the Plan was carefully chosen and the bill my colleagues and I have introduced today represents the first stage of that process.

A project of this size is not without uncertainties. Our bill authorizes four pilot projects to get at some of those unknowns. In addition, this bill authorizes an initial suite of ten construction projects. These projects were carefully selected by the Army Corps of Engineers and the South Florida Water Management District and included in the plan as the projects that would, once constructed, have immediate benefits to the natural system. Almost right away, the plan gets at restoring the natural sheet flow that years of human interference has interrupted.

Our bill goes farther, by authorizing programmatic authority for the Corps and the non-federal sponsor to move forward with critical projects that will have immediate, independent, and substantial benefits to the natural system. Together, these components represent the first phase. The rest of the projects will come to Congress for authorization as part of the biennial Water Resources Development Act.

One of my favorite aspects of the Comprehensive Everglades Restoration Plan is its inherent flexibility. If we learn something new about the ecosystem, perfect our modeling techniques, or just plain see that something isn't working right, through the concept of adaptive management, we can modify the plan based on the new information on hand.

Is this bill expensive? I suppose that depends on your point of view. I am well-known as a fiscal conservative and I certainly do not believe in wasting the taxpayers' money. The total cost of implementing the Comprehensive Everglades Restoration Plan is $7.8 billion dollars. The total cost to the Federal government, however, is $3.9 billion. That's right. The State of Florida is picking up fifty percent of the tab. $3.9 billion over the number of years that this project will be constructed amount to an average of $200 million a year. That is about a can of coke, if you can find the right machine, for each American each year to restore this national treasure. It should be noted that I fully support increasing the budget of the Corps of Engineers so that it can comfortably fund not only this project, but the numerous other meritorious projects within the Corps mission.

I hear my colleagues asking: how do we know the natural system is going to be the primary beneficiary of the water made available by this project? I'll tell you how. Our bill contains painstakingly negotiated ''assurances language'' that provide the mechanism by which water is reserved and allocated for the natural system. The Secretary of the Army and Governor of the State of Florida will enter into an up-front, binding agreement that will ensure that water available from the plan will be available for the natural system. Furthermore, the Secretary of the Army, in concurrence with the Governor of the State of Florida and the Secretary of the Interior will promulgate programmatic regulations to ensure that the goals and purposes of the Comprehensive Everglades Restoration Plan are achieved.

I repeat for the benefit of my colleagues, this bill has the support of the State of Florida, the administration, and a bipartisan group of co-sponsors. This truly is a remarkable feat that deserves recognition by the Senate in the form of swift passage.

I am afraid too often people forget that the Everglades is a national environmental treasure. Restoration benefits not only Floridians, but the millions of us who visit Florida each year to behold this unique ecosystem. We need to view our efforts as our legacy to future generations, as my dear friend and predecessor, the late John Chafee so exemplified. Many years from now, I hope that this Congress will be remembered for putting aside partisanship, politics, self-interest and short-term thinking by answering the call and saving the Everglades while we still had the chance.

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. 2797

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 ''Restoring the Everglades, An American Legacy Act''.

SEC. 2. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—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).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this Act or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this Act.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this Act, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to—

(i) restore, preserve and protect the South Florida ecosystem;

(ii) provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades; and

(iii) provide for the water-related needs of the region, including—

(I) flood control;

(II) the enhancement of water supplies; and

(III) other objectives served by the Central and Southern Florida Project.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions in subparagraph (D), 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:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), 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:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs–Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—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 the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or the Central Lakebelt Storage Project until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE FEDERAL COST.—The total Federal cost of all projects carried out under this subsection shall not exceed $206,000,000

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under any programs such as the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose.

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER TREATMENT.—

(A) IN GENERAL.—On completion and evaluation of the wastewater treatment pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater treatment in meeting, in a cost effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater treatment is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this Act, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—No appropriation shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State, shall ensure, by regulation or other appropriate means, that water made available under the Plan for the restoration of the natural system is available as specified in the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the President or the Governor to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the President or the Governor, as the case may be, to comply with the agreement, or for other appropriate relief.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process to—

(i) provide guidance for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan;

(iii) ensure the protection of the natural system consistent with the goals and purposes of the Plan; and

(iv) include a mechanism for dispute resolution to resolve any conflicts between the Secretary and the non-Federal sponsor.

(C) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(D) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) EXISTING WATER USERS.—The Secretary shall ensure that the implementation of the Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause significant adverse impact on existing legal water users, including—

(i) water legally allocated or provided through entitlements to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(ii) the Miccosukee Tribe of Indians of Florida;

(iii) annual water deliveries to Everglades National Park;

(iv) water for the preservation of fish and wildlife in the natural system; and

(v) any other legal user, as provided under Federal or State law in existence on the date of enactment of this Act.

(B) NO ELIMINATION.—Until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of implementation of the Plan, the Secretary shall not eliminate existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) Everglades National Park; or

(v) the preservation of fish and wildlife.

(C) MAINTENANCE OF FLOOD PROTECTION.—The Secretary shall maintain authorized levels of flood protection in existence on the date of enactment of this Act, in accordance with current law.

(D) NO EFFECT ON STATE LAW.—Nothing in this Act prevents the State from allocating or reserving water, as provided under State law, to the extent consistent with this Act.

(E) NO EFFECT ON TRIBAL COMPACT.—Nothing in this Act amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the State, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the State of Florida that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(j) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(k) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary 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 Plan. Such reports shall be completed not less often than every 5 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 (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) 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 projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h); and

(2) a review of the activities performed by the Secretary under subsection (j) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Mr. GRAHAM. Mr. President, today I rise with my colleagues, Senator SMITH of New Hampshire, Senator BAUCUS, Senator VOINOVICH, and Senator MACK, to introduce legislation to restore America's Everglades. The diversity of this group speaks volumes about the national commitment to restoring America's Everglades.

The Everglades is sick. We need to perform the surgery to make it well. Since the passage of the Central and South Florida Flood Control Project in 1948, nearly half of the original Everglades has been drained or otherwise altered. According to the National Parks and Conservation Association, the national parks and preserves contained in the Everglades are among the ten most endangered in the nation.

In 1983, when I was Governor, Florida launched an effort—known as Save Our Everglades—to revitalize this precious ecosystem. Our goal was simple. By the end of our efforts, we wanted the Everglades to look and function more like it had in 1900 than it did in 1983. Back then, restoring the natural health and function of this precious ecosystem seemed like a distant dream. But after seventeen years of bipartisan progress in the context of a strong federal-state partnership, we now stand on the brink of seeing that dream become reality.

I want to speak for a moment about that federal-state partnership. I often compare this unique partnership to a marriage—if both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage, and this legislation contains several provisions born out of the respect that sustains this marriage.

For example, it requires that the Federal Government pay half of the costs of operations and maintenance. It offers assurances to both the Federal and State governments regarding the use and distribution of water in the Everglades ecosystem. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand.

I look forward to working with my colleagues, the administration, the State, and stakeholders in this project to continue that cooperation and achieve the historic goal of preserving the Everglades for our children and grandchildren.

Mr. MACK. Mr. President, I rise today in strong support for the Everglades restoration bill introduced today by my friend, and chairman of the Environment and Public Works Committee, Senator BOB SMITH. This bill represents a tremendous amount of effort and hard work and I am grateful to all my colleagues who have joined Senator GRAHAM and me in this effort.

Today is an important day in the nearly twenty-year process of restoring America's Everglades. It is important because we are standing at last at the historic juncture between planning and action. It is important because now—at long last—we have a realistic chance of restoring, and protecting for future generations, a unique environmental treasure that is fractured, starved for water, and locked in a steady state of decline. And it is important because the bill we're introducing today represents the cumulative efforts of all those who did the work on the largest and most significant environmental restoration project in our nation's history.

Why does this bill matter? Why are the Everglades deserving of Congress' time and effort? Let me offer a few reasons. This bill matters because in the last century a wonderful, pristine natural system in the heart of South Florida was systematically robbed of its beauty and uniqueness in the name of short-term human interest. This bill matters because the America's Everglades is a national treasure, unique in the world, and deserving of a better fate than what is currently written for it in the laws of this country. Our bill matters because we Floridians—after years of acrimony and conflicting goals—have come together behind a balanced plan that fully reconciles the needs of the natural system with those

of the existing water users. And the restoration matters—to us, as legislators—because past Congresses caused this problem, and we in our generation should fix it.

It has been well documented how the Congress in 1948—acting under the pressures of the day—authorized the systematic destruction of the Everglades in the name of flood control, urban development, and agriculture. That is history and we cannot change that. Instead, we must respond to the needs and priorities of our own generation, and pass this good bill to restore America's Everglades.

Let's be clear, Mr. President. Passing this bill, this year, is all that remains between the long years of study and the actual restoration of America's Everglades. The administration has done their part in devoting a tremendous amount of time and effort on the document before you. To Governor Bush's credit, the State of Florida has already written this plan into Florida's laws and arranged funding for Florida's share of the cost. There is only one task remaining: we in Congress must pass this plan, this year, and let the work of restoration begin.

I urge my colleagues to join with me in supporting the bill we're introducing today. Thank you, Mr. President. I yield the floor.

By Mr. ALLARD:

S. 2798. A bill to amend the Federal Deposit Insurance Act to require periodic cost-of-living adjustments to the amount of deposit insurance coverage available under that Act; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSIT AND SHARE INSURANCE ADJUSTMENT ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing the Federal Deposit and Share Insurance Adjustment Act of 2000.

This bill will insure that the value of Federal Deposit and Share Insurance is not eroded by inflation and remains at a steady value of $100,000. This legislation will help consumers to retain their confidence in financial institutions and will provide a constant level of security to depositors.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 2798

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 ''Deposit and Share Insurance Adjustment Act of 2000''.

SEC. 2. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF DEPOSIT INSURANCE COVERAGE.

Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended, by striking subparagraph (B) and inserting the following:

''(B) NET AMOUNT OF INSURED DEPOSIT.—

''(i) IN GENERAL.—Subject to the adjustments to be made pursuant to clause (ii), the net amount due to any depositor under this Act at an insured depository institution shall not exceed $100,000, as determined in accordance with this subparagraph and subparagraphs (C) and (D).

''(ii) ADJUSTMENTS.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the maximum net amount due to any depositor at an insured depository institution under clause (i) shall be increased by an amount equal to—

''(I) $100,000; multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(iii) ROUNDING.—If the amount determined under clause (ii) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(iv) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board of Directors shall cause to be published in the Federal Register the maximum net amount due to any depositor at an insured depository institution for the ensuing 3-year period.''.

SEC. 3. PERIODIC ADJUSTMENTS TO MAXIMUM AMOUNT OF SHARE INSURANCE COVERAGE.

Section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) by striking ''(1) Subject'' and inserting the following: ''INSURED AMOUNTS.—

''(1) DEFINITION OF 'INSURED ACCOUNT'.—

''(A) IN GENERAL.—Subject'';

(2) by inserting '', subject to the adjustments made pursuant to subparagraph (B)'' after ''$100,000''; and

(3) by adding at the end the following:

''(B) ADJUSTMENTS.—

''(i) IN GENERAL.—For the calendar year commencing January 1, 2001, and for each subsequent 3-year period, the $100,000 amount referred to in subparagraph (A) shall be increased by an amount equal to—

''(I) $100,000; multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986, for such calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(iii) NOTICE.—Not later than January 15 of the first year of each 3-year period referred to in clause (ii), commencing January 15, 2001, the Board shall cause to be published in the Federal Register the maximum net amount due with respect to any member account at an insured credit union for the ensuing 3-year period.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking ''$100,000 per account in an amount not to exceed $100,000 per account'' and inserting ''the amount determined in accordance with paragraph (1)(B) per account''; and

(2) in paragraph (3)(A)(iii), by striking ''$100,000'' and inserting ''the amount determined in accordance with paragraph (1)(B)''.

(b) FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(1) in paragraph (2)(A), in the matter following clause (v), by striking ''in an amount not to exceed $100,000 per account'' and inserting ''the amount determined in accordance with paragraph (1)(B) per account''; and

(2) in paragraph (3), by striking ''in the amount of $100,000 per account'' and inserting ''in an amount not to exceed the amount determined in accordance with paragraph (1)(B) per account''.

By Mr. MURKOWSKI (for himself, Mr. ABRAHAM, and Mr. CAMPBELL):

S. 2799. A bill to allow a deduction for Federal, State, and local taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000; to the Committee on Finance.

EMERGENCY FUEL TAX ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am joined by Senator CAMPBELL and Senator ABRAHAM today in introducing legislation that will ease the burden that the American motorist is facing every time he or she fills up at the gas pump. Those of us who are going to the gas pumps lately know that we are starting to see gas prices at an all-time high. We have never had gas prices approaching $1.75, which is the standard price for regular gasoline in the United States today.

Our legislation recognizes that many consumers are facing a gasoline emergency. They use their cars to get to work, drive to day care, and take their children to summer school. Suddenly they are finding that filling up the family car's gas tank is costing $50 to $70 or even $100 in some parts of the country. And in an America where the Clinton-Gore administration has done its best for seven years to increase America's dependence on OPEC, the American public was lulled by the Administration into believing that gas prices would always remain stable and cheap. The result: Nearly 50 percent of all vehicles sold are low-mileage sport utility vehicles (SUVs).

Earlier this year, I co-sponsored legislation that would have temporarily repealed the 4.3 cent gas tax increase that was enacted in 1993 with Vice President AL GORE's tie-breaking vote. Many Senators expressed concern that a temporary repeal of the tax would affect the highway construction program. Although our legislation resolved that problem, all Democrats and a few Republicans rejected providing gas tax relief and the measure was defeated.

This is a new concept in one sense. But it does not establish a precedent. The bill I am introducing is to temporarily reduce the burden of all gasoline taxes on the American motorist. The bill will allow individuals and families to take an above-the-line deduction on their income that they pay taxes on for gasoline taxes incurred between July 1 and December 31 of the year 2000. This means every taxpayer who drives will be able to take advantage of the tax deduction from his or her income tax.

The deduction of gasoline taxes is not a new idea. Up until 1978, motorists could deduct the State and local gasoline taxes if they itemized those taxes.

Legislation I have introduced today goes a step further by also permitting the deduction of Federal gasoline taxes, and it is an inclusive tax deduction since it will allow itemizers and nonitemizers to claim these taxes.

For example, if we adopt this measure, and a family in my State of Alaska has a car that gets 20 miles per gallon and they drive perhaps 9,000 miles in the next 6 months, they will get a $118 tax deduction; the same family in Michigan will get a $195 tax deduction; a family in Colorado will receive a $181 tax deduction.

Some detractors say citizens will have to itemize returns. Most people go to self-service gas stations where a receipt is provided. I think most Americans would welcome this $195 or $181 tax deduction. I don't think it is too much to ask motorists.

The IRS will surely draft some easy-to-use tables that will list by State the total gasoline tax burden. I have an example of what the tables look like. I ask unanimous consent that gas tax tables prepared by the American Petroleum Institute be printed in the RECORD.

Mr. MURKOWSKI. Mr. President, the average national price of unleaded regular gasoline is anywhere from $1.70 to $1.80 today. This weekend begins the summer driving season. Gasoline prices could well go above $2 a gallon in many parts of the country. As we know, they are already over $2.30 in Chicago, Milwaukee, and other areas.

Our proposal is a modest attempt to help the American family cope with these extraordinary price rises. This isn't going to solve the problem of high gasoline prices. We could have solved that problem 5 or 6 years ago if we would have adopted the 1995 budget which permitted drilling in America's most promising new oil area, the sliver of the Arctic Coastal Plain, but President Clinton vetoed that bill, surely with the concurrence of Vice President GORE. So today we are dependent as never before on imported oil. The result is the record gasoline prices.

I ask unanimous consent the text of the Emergency Fuel Act of 2000 and the previously referenced tax tables be printed in the RECORD.

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

S. 2799

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 Emergency Fuel Tax Act of 2000.

SEC. 2. TEMPORARY INCOME TAX DEDUCTION FOR FEDERAL, STATE, AND LOCAL FUELS TAXES.

(a) ALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—In the case of the retail sale of gasoline, diesel fuel, or other motor fuel after June 30, 2000, and before January 1, 2001, there shall be allowed to the purchaser a deduction under section 164 of the Internal Revenue Code of 1986 in an amount equal to the Federal, State, and local taxes on the sale.

(2) DEDUCTION ALLOWED TO NONITEMIZERS.—The deduction under subsection (a) shall be taken into account in computing adjusted gross income under section 62 of such Code.

(b) TAXES IMPOSED OTHER THAN AT RETAIL.—For purposes of subsection (a), any tax on any gasoline, diesel fuel, or other motor fuel which is imposed other than on the retail sale shall be treated as having been imposed on such sale and as having been paid by the purchaser.

(c) GUIDELINES.—The Secretary of the Treasury shall establish such procedures (including the publication of tables where appropriate) as are necessary to enable taxpayers to determine the amount of taxes for which a deduction is allowed under subsection (a).

(d) MOTOR FUEL.—For purposes of this section, the term ''motor fuel'' means any motor fuel subject to tax under subtitle D of the Internal Revenue Code of 1986.

GASOLINE TAXES STATE-BY-STATE, 1998

State	State excise tax [1]	Other State taxes [2]	Total State taxes	Total Federal & State taxes [3]
Alabama	16.0	3.4	19.4	37.7
Alaska	8.0	0	8.0	26.3
Arizona	18	1.0	19.0	37.3
Arkansas	18.5	0.2	18.7	37.0
California	18.0	9.2	27.2	45.5
Colorado	22.0	0	22.0	40.3
Connecticut	32.0	3.1	35.1	53.4
Delaware	23.0	0	23.0	41.3
Dist. of Columbia	20.0	0	20.0	38.3
Florida	13.0	15.1	28.1	46.4
Georgia	7.5	3.4	10.9	29.2
Hawaii	16.0	20.4	36.4	54.7
Idaho	25.0	0	25.0	43.3
Illinois	19.0	5.2	24.2	42.5
Indiana	15.0	3.6	18.6	36.9
Iowa	20.0	1.0	21.0	39.3
Kansas	18.0	1.0	19.0	37.3
Kentucky	15.0	1.4	16.4	34.7
Louisiana	20.0	0	20.0	38.3
Maine	19.0	0	19.0	37.3
Maryland	23.5	0	23.5	41.8
Massachusetts	21.5	0	21.5	39.8
Michigan	19.0	6.1	25.1	43.4
Minnesota	20.0	2.0	22.0	40.3
Mississippi	18.0	2.4	20.4	38.7
Missouri	17.0	0	17.0	35.3
Montana	27.0	0.8	27.8	46.1
Nebraska	23.5	0.9	24.4	42.7
Nevada	23.0	10.0	33.0	51.3
New Hampshire	18.0	1.7	19.7	38.0
New Jersey	10.5	4.0	14.5	32.8
New Mexico	17.0	1.0	18.0	36.3
New York	8.0	22.4	30.4	48.7
North Carolina	21.6	0.3	21.9	40.2
North Dakota	20.0	0	20.0	38.3
Ohio	22.0	0	22.0	40.3
Oklahoma	16.0	1.0	17.0	35.3
Oregon	24.0	0	24.0	42.3
Pennsylvania	12.0	14.3	26.3	44.6
Rhode Island	28.0	1.0	29.0	47.3
South Carolina	16.0	0.8	16.8	35.1
South Dakota	21.0	2.0	23.0	41.3
Tennessee	20.0	1.4	21.4	39.7
Texas	20.0	0	20.0	38.3
Utah	24.0	0.5	24.5	42.8
Vermont	19.0	1.0	20.0	38.3
Virginia	17.5	0.7	18.2	36.5
Washington	23.0	0	23.0	41.3
West Virginia	20.5	4.9	25.4	43.7
Wisconsin	25.4	3.0	28.4	46.7
Wyoming	13.0	1.0	14.0	32.3
U.S. averaged [4]	17.8	4.8	22.6	40.9

[1] State excise taxes represent rates effective as of July 1998.

[2] Largely excludes local taxes which are estimated to average approximately 2 cents per gallon nationwide. However, some local county taxes in Alabama, California, Florida, Hawaii, Nevada, New York, and Virginia are included. Includes state sales taxes, gross receipts taxes, and underground storage tank taxes. State sales taxes, expressed in cents per gallon, are based on selected city average retail gasoline prices as of April 1998. See notes to tax tables for individual states.

[3] Includes 18.3 cents per gallon federal excise tax and volume-weighted average U.S. total state taxes.

[4] Represents the average of state tax rates multiplied by state gasoline consumption records.

Sources: API Field Operations Issues Support, ''State Gasoline and Diesel Excise Taxes, July 1998,'' the Federal Highway Administration, ''Monthly Motor Fuel Reported by States''; and the U.S. Energy Information Administration, ''Motor Gasoline Watch.'' and ''On-Highway Diesel Retail Prices.'' American Petroleum Institute.

Gasoline taxes ranked by State

[Figures by cents]

Hawaii	54.8
Connecticut	53.5

Gasoline taxes ranked by State—Continued

Nevada	51.4
New York	48.8
Rhode Island	47.4
Wisconsin	46.8
Florida	46.5
Montana	46.2
California	45.6
Pennsylvania	44.7
West Virginia	43.8
Michigan	43.5
Idaho	43.4
Utah	42.9
Nebraska	42.8
Illinois	42.6
Oregon	42.4
Maryland	41.9
Washington	41.4
South Dakota	41.4
Delaware	41.4
Ohio	40.4
Minnesota	40.4
Colorado	40.4
North Carolina	40.3
Massachusetts	39.9
Tennessee	39.8
Iowa	39.4
Mississippi	38.8
Vermont	38.4
Texas	38.4
North Dakota	38.4
Louisiana	38.4
Dist. of Columbia	38.4
New Hampshire	38.1
Alabama	37.8
Maine	37.4
Kansas	37.4
Arizona	37.4
Arkansas	37.1
Indiana	37.0
Virginia	36.6
New Mexico	36.4
Oklahoma	35.4
Missouri	35.4
South Carolina	35.2
Kentucky	34.8
New Jersey	32.9
Wyoming	32.4
Georgia	29.3
Alaska	26.4

By Mr. LAUTENBERG (for himself and Mr. CRAPO):

S. 2800. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee on Environment and Public Works.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce bipartisan legislation, the Streamlined Environmental Reporting and Pollution Prevention Act of 2000, with Senator CRAPO, my colleague on the Environment and Public Works Committee, as an original cosponsor.

This bill will require the U.S. Environmental Protection Agency (EPA) to give businesses one point of contact for all federal environmental reporting requirements, and to otherwise minimize the administrative burdens of environmental reporting. This ''one-stop'' reporting system will use a common nomenclature throughout and use language understandable to business people, not just to environmental specialists. Its electronic version will also provide pollution prevention information to the business. The bill will also

give each State, tribal, or local agency the option of reporting information to one point of contact at EPA, which will facilitate their efforts to streamline environmental reporting.

Mr. President, a law streamlining environmental reporting will obviously benefit industry. It will be of great environmental benefit as well. High-quality environmental information is the foundation of environmental policymaking. Unfortunately, there are significant gaps and inaccuracies in the environmental information reported by businesses today. This is because environmental reporting currently involves scouring several different EPA offices for the applicable requirements, and then mastering a bewildering variety of reporting formats and regulatory nomenclatures. Reducing needless complications, as our bill does, will increase compliance with reporting programs and improve the accuracy of the information reported.

In addition to improving environmental information, a law streamlining environmental reporting will help businesses prevent pollution at the source. Mainstream business decision-makers—those who design the business's product, decide how to make it, manufacture it, and instruct customers in its use—inadvertently make the vast majority of environmental decisions at the business. When a business designs its product and the process for manufacturing the product, it is locking in its major environmental impacts. Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations. This will make it easier to incorporate environmental considerations into the design of products and production processes, and instructions on their use—that is, preventing pollution at the source.

This bill is endorsed by the National Federation of Independent Businesses, the Printing Industries of America, the National Association of Metal Finishers, the American Electroplaters and Surface Finishers Society, the Metal Finishing Suppliers Association, the U.S. Public Interest Research Group, Environmental Defense, the National Environmental Trust, and the National Pollution Prevention Roundtable. I ask unanimous consent that their statements of support, the text of the bill, and a section-by-section summary of the bill be entered into the RECORD.

Mr. President, this is a bipartisan win-win bill that will be good for U.S. industry and good for the environment. I urge my colleagues to join Senator CRAPO and me in supporting this legislation.

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

S. 2800

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 ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INTEGRATED REPORTING SYSTEM.—The term ''integrated reporting system'' means the integrated environmental reporting system established under section 3.

(3) PERSON.—The term ''person'' means an individual, trust, firm, joint stock company, corporation, partnership, or association, or a facility owned or operated by the Federal Government or by a State, tribal government, municipality, commission, or political subdivision of a State.

(4) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The term ''reporting requirement'' means—

(i) a routine, periodic, environmental reporting requirement; and

(ii) any other reporting requirement that the Administrator may by regulation include within the meaning of the term.

(B) EXCLUSIONS.—The term ''reporting requirement'' does not include—

(i) the reporting of information relating to an emergency, except for information submitted as part of a routine periodic environmental report, and except for the purpose specified in subparagraph (C); or

(ii) the reporting of information to the Administrator relating only to business transactions (and not to environmental or regulatory matters) between the Administrator and a person, including information provided—

(I) in the course of fulfilling a contractual obligation between the Administrator and the reporting person; or

(II) in the filing of financial claims against the Administrator.

(C) CERTAIN DATA STANDARDS FOR REPORTING OF INFORMATION RELATING TO AN EMERGENCY.—The Administrator shall implement data standards under section 3(b)(5)(A) for the reporting of information relating to emergencies.

SEC. 3. INTEGRATED REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Administrator shall integrate and streamline the reporting requirements established under laws administered by the Administrator for each person subject to those reporting requirements—

(1) in accordance with subsection (b);

(2) to the extent not explicitly prohibited by Act of Congress; and

(3) to the extent consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) COMPONENTS OF REPORTING SYSTEM.—In establishing the integrated reporting system, to ensure consistency and facilitate use of the system, the Administrator shall—

(1) allow each person required to submit information to the Administrator under reporting requirements administered by the Administrator to report the information to 1 point of contact—

(A) using a single electronic system or paper form; and

(B) in the case of an annual reporting requirement, at 1 time during the year;

(2)(A) allow each State, tribal, or local agency that has been authorized or delegated authority to implement a law administered by the Administrator to report information regarding any person subject to the law, as required under the law (including a regulation), agreement, or other instrument, authorizing or delegating the authority, to report to 1 point of contact—

(i) using a single electronic system; and

(ii) in the case of an annual reporting requirement, at 1 time during each year; and

(B) provide each State, tribal, or local agency that reports through the integrated reporting system full access to the data reported to the Administrator through the system;

(3) provide a reporting person, upon request, full access to information reported by the person to the Administrator, or to any State, tribal, or local agency that was subsequently reported to the Administrator, in a variety of formats that includes a format that the person may modify by incorporating information applicable to the current reporting period and then submit to the Administrator to comply with a current reporting requirement;

(4)(A) consult with heads of other Federal agencies to identify environmental or occupational safety or health reporting requirements that are not administered by the Administrator; and

(B) as part of the electronic version of the integrated reporting system, post information that provides direction to the reporting person in—

(i) identifying requirements identified under subparagraph (A) to which the person may be subject; and

(ii) locating sources of information on those requirements;

(5) in consultation with a committee of representatives of State and tribal governments, reporting persons, environmental groups, information technology experts, and other interested parties (which, at the discretion of the Administrator, may occur through a negotiated rulemaking under subchapter IV of chapter 5 of title 5, United States Code), implement, and update as necessary, in each national information system of the Environmental Protection Agency that contains data reported under the reporting system established under this Act, data standards for—

(A) the facility site (including a facility registry identifier), geographic coordinates, mailing address, affiliation, organization, environmental interest, industrial classification, and individuals that have management responsibility for environmental matters at the facility site;

(B) units of measure;

(C) chemical, pollutant, waste, and biological identification; and

(D) other items that the Administrator considers to be appropriate;

(6) in consultation with the committee referred to in paragraph (5), implement, and update as necessary, a nomenclature throughout the integrated reporting system that uses terms that the Administrator believes are understandable to reporting persons that do not have environmental expertise;

(7) consolidate reporting of data that, but for consolidation under this paragraph, would be required to be reported to the integrated reporting system at more than 1 point in the same data submission;

(8) provide for applicable data formats and submission protocols, including procedures for legally enforceable electronic signature in accordance with the Government Paperwork Elimination Act (44 U.S.C. 3504 note) that, as determined by the Administrator—

(A) conform, to the maximum extent practicable, with public-domain standards for electronic commerce;

(B) are accessible to a substantial majority of reporting persons; and

(C) provide for the integrity and reliability of the data reported sufficient to satisfy the legal requirement of proof beyond a reasonable doubt;

(9) establish a National Environmental Data Model that describes the major data types, significant attributes, and interrelationships common to activities carried out by the Administrator and by State, tribal, and local agencies (including permitting, compliance, enforcement, budgeting, performance tracking, and collection and analysis of environmental samples and results), which the Administrator shall—

(A) use as the framework for databases on which the data reported to the Administrator through the integrated system shall be kept; and

(B) allow other Federal agencies and State, tribal, and local governments to use;

(10) establish an electronic commerce service center, accessible through the point of contact established under paragraph (1), to provide technical assistance, as necessary and feasible, to each person that elects to submit applicable electronic reports;

(11) provide each reporting person access, through the point of contact established under paragraph (1), to scientifically sound, publicly available information on pollution prevention technologies and practices;

(12) at the discretion of the Administrator, develop, within the reporting system, different methods by which the reporting person may electronically provide the required information, in order to facilitate use of the system by different sectors, sizes, and categories of reporting persons;

(13) provide protection of confidential business information or records as defined under section 552a of title 5, United States Code, so that each reported item of data receives protection equivalent to the protection that item of data would receive if the item were reported to the Administrator through means other than the integrated reporting system;

(14) develop (or cause to be developed), and make available free of charge through the Internet, software for use by the reporting person that, to the maximum extent practicable, assists the person in assembling necessary data, reporting information, and receiving information on pollution prevention technologies and practices as described in paragraph (9); and

(15) provide a mechanism by which a reporting person may, at the option of the reporting person, electronically transfer information from the data system of the reporting person to the integrated reporting system through the use, in the integrated reporting system, of—

(A) open data formats (such as the ASCII format); and

(B) a standard that enables the definition, transmission, validation, and interpretation of data by software applications and by organizations through use of the Internet (such as the XML standard).

(c) SCOPE OF DATA STANDARDS AND NOMENCLATURE.—The data standards and nomenclature implemented and updated under paragraphs (5) and (6) of subsection (b) shall not affect any regulatory standard or definition in effect on the date of enactment of this Act, except to the extent that the Administrator amends, by regulation, the standard or definition.

(d) USE OF REPORTING SYSTEM.—Nothing in this Act requires that any person use the integrated reporting system instead of an individual reporting system.

SEC. 4. INTERAGENCY COORDINATION.

(a) IN GENERAL.—At the request of any Federal, State, tribal, or local agency, the Administrator shall coordinate the integration of reporting required under section 3 with similar efforts by the agency that, as determined by the Administrator, are consistent with this Act.

(b) INTEGRATED REPORTING ACROSS JURISDICTIONS.—Under subsection (a), the Administrator may develop a procedure under which a person that is required to report information under 1 or more laws administered by the Administrator and 1 or more laws administered by a State, tribal, or local agency may report all required information—

(1) through 1 point of contact using a single electronic system or paper form; and

(2) in the case of an annual reporting requirement, at 1 time each year.

(c) COMMON DATA FORMAT ACROSS JURISDICTIONS.—To facilitate reporting by persons with facilities in more than 1 State, tribal, or local jurisdiction, the Administrator shall encourage the use of a common data format by any State, tribal, or local agency coordinating with the Administrator under subsection (a).

(d) PROVISION OF INFORMATION.—At the request of the Administrator, the head of a Federal department or agency shall provide to the Administrator information on reporting requirements established under a law administered by the agency.

(e) SELECTIVE USE OF INTEGRATED REPORTING SYSTEM.—The Administrator may design the integrated system to allow a reporting person to use the integrated reporting system for some purposes and not for others.

SEC. 5. REGULATIONS.

The Administrator may promulgate such regulations as are necessary to carry out this Act.

SEC. 6. REPORTS.

Not later than 2 years after the date of enactment of this Act, if the Administrator determines that 1 or more provisions of law explicitly prohibit or hinder the integration of reporting and other actions required under this Act, the Administrator shall submit to Congress a report identifying those provisions.

SEC. 7. SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act limits, modifies, affects, amends, or otherwise changes, directly or indirectly, any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) EFFECT.—Neither this Act nor the integrated reporting system shall alter or affect the obligation of a reporting person to provide the information required under any reporting requirement.

(c) REPORTING.—Nothing in this Act authorizes the Administrator to require the reporting of information that is in addition to, or prohibit the reporting of, information that is reported as of the day before the date of enactment of this Act.

NFIB,
Washington, DC, February 11, 2000.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the 600,000 small business owners that make up the National Federation of Independent Business (NFIB), I would like to express support for the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.''

The 1996 Code of Federal Regulations, which is the annual listing of agency regulations, takes up 204 volumes with a total of 132,112 pages. According to research conducted by the Small Business Administration, small businesses bear 63 percent of the total regulatory burden. It is no wonder that a 1996 NFIB Education Foundation Study ranked unreasonable government regulations and federal paperwork burdens as two of the top ten problems facing small business.

Simplying this complex system of regulations is a priority for NFIB. As you know, we set our positions on matters of public policy by regularly polling our membership. When we asked small business owners whether they would support the creation of a short-form reporting system, 81 percent of our members said, ''yes.''

A group of small business owners that are NFIB members reviewed your proposed legislation and they were particularly pleased with the following:

The shift to a one time annual reporting requirement will save valuable time and money.

The legislation wisely extends the benefits of a simplified reporting system to small business owners that do not have the capability of reporting electronically.

The requirement that information on new methods and technology be made available to assist in pollution prevention efforts will be helpful to small business owners that do not have direct access to research and development programs.

The requirement that the U.S. environmental protection Agency (EPA) shift to using common chemical identifiers and a common nomenclature will be helpful.

Your legislation provides the EPA with a much-needed push towards simpler regulatory requirements. I hope that you find our comments helpful, and I look forward to working with you on this bill and other efforts that will make it easier for small business owners to comply with environmental laws.

Sincerely,

DAN DANNER,
Senior Vice President,
Federal Public Policy.

PRINTING INDUSTRIES OF AMERICA, INC.,
Alexandria, VA, March 8, 2000.

Senator FRANK LAUTENBERG,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Printing Industries of America, we wish to express our support for the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.'' We believe that this legislation is a win-win for the environment and the economy, and we look forward to working with you to enact this legislation during the 106th Congress.

As a trade association representing thousands of small printers, we believe the vast majority of small businesses want to do the right thing by the environment, but often they simply do not know what is required of them. This legislation establishes a mandatory duty on the EPA Administrator to develop a way for businesses to fulfill all of their annual reporting obligation in a single electronic filing. While there are no guarantees, we believe this mandate will set in motion a process that leads to simplified reporting and fewer duplicative request for information. By simplifying reporting requirements, more small businesses will understand their reporting and compliance obligations, and we can achieve our dual goals of easing regulatory burdens and improving the environment.

The proposed legislation also contains important protections that should address potential concerns stakeholders. For example, statutory impediments to integrated reporting are not repealed, but EPA must identify such provisions within two years of enactment. Businesses who choose to report on paper or under the current system can continue to do so. A state or local agency can maintain its separate reporting requirements, or it can request EPA to collect its data requirements on the EPA reporting system. Existing protections for confidential business information are maintained. Overall, we believe this legislation is carefully tailored to address a real problem, while

avoiding unnecessary controversy. We believe this is legislation that can and should be enacted this year.

Once again, thank you for your leadership in introducing this legislation.

Sincerely,

BENJAMIN Y. COOPER,
Vice-President of Government Affairs.

NATIONAL ASSOCIATION OF METAL FINISHERS, AMERICAN ELECTROPLATERS AND SURFACE FINISHERS SOCIETY, METAL FINISHING SUPPLIERS ASSOCIATION,

May 31, 2000.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This letter is to express our appreciation for your work on environmental reporting issues, and to endorse the bill you plan to introduce with Senator Crapo, the ''Streamlined Environmental Reporting and Pollution Prevention Act.''

As the three leading trade and professional associations for the nation's surface finishing industry, we work to advance the viability and critical economic contribution of approximately 5000 manufacturing facilities, which range from small ''job shops'' to Fortune 500 companies. The National Association of Metal Finishers (NAMF) represents the interests of finishing companies and owners, the American Electroplaters and Surface Finishers Society (AESF) represents technical, research and scientific personnel associated with the industry, and the Metal Finishing Suppliers Association (MFSA) represents a wide range of vendors of equipment, chemicals and environmental consulting expertise.

As you know, our work during the '90s with USEPA on the reinvention front has led to better environmental performance for the finishing industry and constructive regulatory change. It remains our view that one of the most significant environmental regulatory challenges in the coming years will be the management of the ever-increasing weight and complexity of reporting burdens, particularly for small business. Your legislation takes sensible, incremental steps to address issues with which the Agency continues to have great difficulty.

A key project undertaken by our industry and USEPA under the ''Common Sense Initiative'' is the so-called ''RIITE'' study. This effort applied a Business Process Reengineering approach to identify and evaluate environmental reporting burdens across the entire federal system. The results were compelling, and pointed to the overwhelming need for consolidating and streamlining the reporting system. We have strongly encouraged the Agency to attack these issues in the context of its ''Reinventing Environmental Information'' initiative, and agency officials appear to be making an attempt in concert with involvement from the states, including New Jersey. However, discrete and meaningful changes are still on the far horizon.

Accordingly, we commend your work and that of your staff, Nikki Roy, in advancing sensible discussion on this issue, and look forward to working with you on your legislative effort in the coming months.

Sincerely,

CHRISTIAN RICHTER,
Director, Federal Relations.

U.S. PUBLIC INTEREST RESEARCH GROUP, NATIONAL ASSOCIATION OF STATE PIRGS.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express U.S. PIRG's endorsement of your bill, ''The Streamlined Environmental Reporting and Pollution Prevention Act 1999.'' This bill presents an important opportunity to advance environmental protection while reducing the burden associated with environmental reporting requirements.

The bill will require EPA, within four years, to provide businesses with one point of contact for all federal environmental reporting requirements. This 'one-stop' reporting system will use a common nomenclature and language understandable to businesspeople, not just to environmental specialists. Its electronic version will also provide pollution prevention information to businesses.

By helping businesses identify environmental reporting requirements to which they are subject, this new system will make it easier for businesses to comply both with those requirements and with other environmental laws. Using a common nomenclature and simpler language will also improve the accuracy of the environmental information reported. In addition, by providing information on pollution prevention to businesses as they report their environmental information, this system will promote pollution prevention. These are all objectives for which U.S. PIRG has long advocated.

Thank you for your leadership in demonstrating once again that government can advance environmental protection while helping business.

Sincerely,

JEREMIAH BAUMANN,
Environmental Advocate.

ENVIRONMENTAL DEFENSE,
Washington, DC, February 14, 2000.

Dr. MANIK ROY,
Office of Senator Lautenberg,
U.S. Senate, Washington, DC.

DEAR NIKKI: I am writing in support of the intent and approach of Mr. Lautenberg's draft bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

Integrating environmental reporting is a common sense way to make government work better for regulated entities as well as those who seek to use public information to advance environmental protection. When properly structured, these reforms can lessen the administrative burden on reporting entities while using the ''teachable moment'' of reporting to illuminate pollution prevention opportunities.

With continued careful attention to specific language, Senator Lautenberg's legislation will make good sense for both the environment and the economy.

Sincerely,

KEVIN MILLS,
Director,
Pollution Prevention Alliance.

NATIONAL ENVIRONMENTAL TRUST,
Washington, DC.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the National Environmental Trust, we wish to thank you for sponsoring ''The Streamlined Environmental Reporting and Pollution Prevention Act of 1999.'' NET will fully support enactment of this legislation because it will improve environmental protection and at the same time reduce the administrative burden associated with environmental reporting.

This proposed legislation demonstrates that it is possible to achieve a cleaner environment and maintain a strong economy at the same time. If enacted, this legislation will provide business with ''one-stop'' reporting through a single point of contact for all federal environmental reporting requirements, which will reduce redundancies and paperwork. By making it easier to report, compliance should improve. The provisions for pollution prevention ''feedback'' through the new system will assist businesses in achieving cleaner operations.

We thank you for your leadership in introducing this important legislation which will reduce businesses' costs of environmental reporting and compliance and at the same time result in vast improvement in environmental performance.

Sincerely,

PATRICIA G. KENWORTHY,
Vice President,
Government Affairs.

NATIONAL POLLUTION PREVENTION ROUNDTABLE,
December 22, 1999.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the National Pollution Prevention Roundtable (National Roundtable), to express the National Roundtable's endorsement of your bill, ''the Streamlined Environmental Reporting and Pollution Prevention Act of 1999.'' The bill advances concepts included in the National Roundtable's proposed amendments to strengthen the Pollution Prevention Act of 1990.

The bill will require EPA, within four years, to provide each business with one point of contact for all federal environmental reporting requirements. This ''one-stop'' reporting system will use language understandable to business people, not just to environmental specialists. In addition, the ''one-stop'' reporting system will simplify reporting due to the use of common nomenclature. The electronic version will also provide pollution prevention information to businesses.

Obviously, a law that streamlines environmental reporting will benefit industry by allowing them to spend less time on reporting and more on actually preventing pollution and other substantive environmental improvements.

Mainstream business decision-makers—those who design the business's products, decide how to make it, then proceed to produce it and instruct customers on its use and disposal—make the vast majority of environmental decisions in our society. Unfortunately, many times such decisions are made without consideration of their environmental consequences. This is largely due to the complexity of environmental regulations, which typically lead businesses to hire environmental specialists, who often act in isolation of product and process designers.

Streamlining environmental reporting will make it easier for mainstream business decision-makers to understand their environmental obligations and incorporate environmental considerations into the design and production of their products. Streamlined reporting is a critical tool needed to meet the challenging pollution problems of the 21st century.

If you have any questions about our comments or about the National Roundtable please have your staff contact either Natalie Roy or Michele Russo in our Washington D.C. office at 202/466–P2P2. We look forward to working more closely with you on this important piece of legislation.

Sincerely,

PATRICIA GALLAGHER,
Chair, Board of Directors.

THE STREAMLINED ENVIRONMENTAL REPORTING AND POLLUTION PREVENTION ACT OF 2000—SUMMARY

Section 1. Short title

This Act may be cited as the ''Streamlined Environmental Reporting and Pollution Prevention Act of 2000.''

Sec. 2. Definitions

Administrator means the Administrator of the U.S. Environmental Protection Agency (EPA).

Integrated reporting system means the system established under section 3 of this Act.

Person includes both private and government facilities.

Reporting requirement means a routine, periodic, environmental reporting requirement. The term refers neither to most emergency information, nor to business transaction information (e.g. information submitted by EPA contractors).

Sec. 3. Integrated environmental reporting

(a) Within 4 years of enactment, EPA integrates and streamlines its reporting requirements in accordance with subsection (b), to the extend not prohibited by Act of Congress, and in a manner consistent with the preservation of the integrity, reliability, and security of the data reported.

(b) The integrated reporting system has the following attributes:

(1) EPA establishes one point of contact through which reporting persons may submit all information required by EPA reporting requirements. The information may be submitted in paper form or through electronic media, such as an EPA webpage. This provision operates at the discretion of the reporting person. (See subsection (c).)

(2)(A) Each State, tribal, or local agency that receives information on a reporting person which it then must report to EPA (for example, under a delegation agreement) is allowed to submit such information to one point of contact at EPA. This provision operates at the discretion of the State, tribal, or local agency, and facilitates such agencies' efforts to streamline their own reporting requirements. (See Section 5.)

(2)(B) Each State, tribal, or local agency that reports through the integrated reporting system has full access to the data reported to EPA through the system.

(3) A reporting person has full access to any information it reports to EPA and to State, tribal, or local agencies that is subsequently reported to EPA. In order to ease future reporting, EPA provides the person the information in a modifiable format, allowing the person to update the information on the form and send it in to comply with a current reporting requirement.

(4) The reporting system directs the reporting person to information on applicable OSHA reporting requirements and environmental reporting requirements administered by other Federal agencies.

(5) The reporting system uses consistent units of measure and consistent terms for chemicals, pollutants, waste, and biological material. It also uses a standard method of identifying reporting facilities. EPA develops such ''data standards'' in consultation with State and tribal governments, reporting persons (i.e. industry), environmental groups, and information technology experts. (If EPA prefers, the data standards may be developed through a negotiated rulemaking with the stakeholders.)

(6) The reporting system uses a nomenclature that uses terms understandable to reporting persons that do not have environmental expertise.

(7) Information that would otherwise be reported at more than one point in the same data submission is reported only once.

(8) The reporting system uses protocols consistent with the Government Paperwork Elimination Act and public-domain standards for electronic commerce.

(9) EPA establishes a National Environmental Data Model to use as the framework for EPA databases on which reported data is kept. The data model is made available for use by other Federal, State, tribal, and local agencies, as their discretion.

(10) Reporting persons may receive technical assistance from an electronic commerce service center that is accessible through the reporting system.

(11) Reporting persons may receive scientifically-sound publicly-available information on pollution prevention technologies and practices through the reporting system.

(12) EPA may develop different ''interfaces'' for the reporting system to facilitate use by different sectors, sizes, and categories of reporting persons.

(13) Each reported data element receives protection equivalent to that provided under current law to protect confidential business information and privacy.

(14) EPA develops and disseminates software, to the maximum extent practicable, that helps the reporting person in assembling necessary data, reporting information, and receiving pollution prevention information under paragraph (11).

(15) The reporting system uses an ''open data format'' (such as ASCII format) that allows persons to download information from their own internal data management systems directly to the integrated reporting system. This provision operates at the discretion of the reporting person.

(c) Existing regulatory definitions are not modified by the data standards and nomenclature implemented under paragraphs (5) and (6) above unless amended by regulation.

(d) Nothing in this Act requires any person to use the integrated electronic reporting system instead of an individual reporting system.

Sec. 4. Interagency coordination

(a) EPA coordinates with State, tribal and local efforts that EPA believes consistent this Act, at the request of the State, tribal or local agency. (See section 3(b)(2).)

(b) Under subsection (a), EPA may coordinate with a State, tribal, or local agency to establish a reporting system that integrates reporting to both EPA and the other agency.

(c) To ease reporting by persons with facilities in several jurisdictions, EPA encourages the use of a common data format by any State, tribal, or local agency coordinating with EPA under subsection (a).

(d) Other Federal agencies provide EPA information on their reporting requirements.

(e) EPA may design the integrated reporting system to allow a reporting person to use it to comply with some requirements and not others.

Sec. 5. Regulations

EPA may promulgate such regulations as are necessary to carry out this Act.

Sec. 6. Reports

Within 2 years of enactment, EPA reports to Congress those provisions of law that prohibit or hinder implementation of this Act.

Sec. 7. Savings clause

(a) Nothing in this Act affects any provision of Federal or State law or the obligation of any person to comply with any provision of law.

(b) Nothing in this Act affects the obligation of a reporting person to provide the information required under any reporting requirement.

(c) Nothing in this Act authorizes new reporting requirements or requires the elimination of existing reporting requirements.●

By Mr. SHELBY:

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act; read the first time.

THE CHINESE NEWS AGENCY DIVESTITURE ACT OF 2000

Mr. SHELBY. Mr. President, the Washington Times reported last week that the Chinese Government-owned news agency, Xinhua, had purchased property on Arlington Ridge Road in Virginia a location that overlooks the Pentagon and has direct line of sight to many of our key Government buildings including this Capitol and the White House.

In fact, the property is so appealing that the East Germans bought it in the early 1980s, which led Congress to amend the Foreign Missions Act.

The Secretary of State, through the Foreign Missions Act, has broad authority to oversee the purchase of buildings in the United States by foreign government entities. Under the Act certain identified governments are required to notify the State Department of their intent to purchase property in the United States. China is one such country.

The Secretary of State then has 60 days to review the sale, and receive input from the Secretary of Defense and the Director of the FBI. She has the option to disapprove the sale during this period.

None of this occurred—despite the fact that China was notified in 1985 that its news agency was required to follow these procedures—and on June 15 the sale was finalized.

The Foreign Missions Act provides the Secretary of State with the authority to remedy this violation of law. Under section 205 of the act, the Secretary may force the news agency to divest itself of the property.

The legislation I am introducing today will ensure that this broad authority is used.

The legislation has two basic requirements: First, it requires the Secretary of State to report to the Intelligence and Foreign Relations Committees whether she intends to force the news agency to divest itself of the property.

Second, the bill prohibits any State Department funds from being used to negotiate with the Chinese on the relocation of the Chinese Embassy in Washington until she certifies that she has instituted divestiture proceedings and will ensure that any further purchase of property by the news agency will be pursuant to the Foreign Missions Act.

By prohibiting funds for further negotiations until this violation of U.S. law is resolved, this second provision

will also ensure that this issue is handled separately from on-going negotiations to relocate both the U.S. Embassy in Beijing and the Chinese Embassy in Washington, DC.

The potential for this building to be a source of unparalleled espionage is not a theoretical matter. While there is nothing new about PRC spying, as an emerging economic and military power, China increasingly challenges vital U.S. interests around the globe through its aggressive security and intelligence service—employing both traditional intelligence methods as well as non-traditional methods such as open source collection, elicitation, and exploitation of scientific and commercial exchanges.

In December 1999, the Director of Central Intelligence and the Director of the FBI reported to the Intelligence Committee, in unclassified form, that:

> As the most advanced military power with respect to equipment and strategic capabilities, the United States continues to be the [Military Intelligence Department of the People's Republic of China]'s primary target.

The DCI went on to report:

> During the past 20 years, China has established a notable intelligence capability in the United States through its commercial presence.

And added that China's commercial entities play a significant role in pursuit of U.S. proprietary information and trade secrets.

One of China's greatest successes has been its collection against the U.S. nuclear weapons labs. As the U.S. Intelligence Community concluded last year:

> China obtained by espionage classified U.S. nuclear weapons information, [including] at least basic design information on several modern U.S. nuclear reentry vehicles, including the Trident II (W88).

The special advisory panel of the President's Foreign Intelligence Advisory Board PFIAB concluded:

> [T]he nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the [DOE] weapons labs in particular. . . . The Chinese services have become very proficient in the art of seemingly innocuous elicitations of information. This approach has proved very effective against unwitting and ill-prepared DOE personnel.

In another example, an investigation by the Senate Select Committee on Intelligence concluded that U.S. officials "failed to take seriously enough the counterintelligence threat" in launching U.S. satellites on PRC rockets. Technology transfers in the course of U.S.-PRC satellite launches:

> Enable the PRC to improve its present and future space launch vehicle and intercontinental ballistic missile.

But the Chinese are also active in traditional methods of intelligence gathering, which brings us to the subject of my legislation. Especially in the wake of U.S. military success in the Gulf War, the acquisition of advanced U.S. military technology has been a primary thrust of PRC espionage and intelligence collection efforts.

If you want money, and if you are so inclined, you rob a bank because, as a bank robber Willy Sutton famously observed: "that's where the money is."

If you want information on the most advanced military power in the world, the Pentagon is where the information is.

I am hopeful that this bill can be taken up and passed quickly by the Senate and the House in order to ensure that the divestiture occurs in an orderly and speedy manner.

Mr. President, this is a serious matter.

By Mr. WELLSTONE:

S. 2802. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Health, Education, Labor, and Pensions.

DESIGNATION OF WHITE EARTH TRIBAL & COMMUNITY COLLEGE AS A 1994 LAND GRANT INSTITUTION

Mr. WELLSTONE. Mr. President, I am introducing legislation today which will add the White Earth Tribal & Community College of Mahnomen, Minnesota to the list of 1994 Land Grant Institutions. Designation as a 1994 land grant institution would give White Earth Tribal & Community College access to critical federal funding and resources made available under the Equity in Educational Land-Grant Status Act of 1994 as well as providing eligibility for other programs.

Tribal colleges provide their students and their communities at-large with otherwise non-existent opportunities. They serve as library facilities for historical tribal documents—things like the oral history of elders that might otherwise be lost in time. They promote pride in their shared tribal background, and they provide unique opportunities for learning about this background. They are a center of learning for the entire community—not only learning about their tribal history, but also the basic learning that enables some to continue adult education, some to go on to 4-year institutions and some to finish graduate school. The colleges also offer a place for alcohol abuse workshops, job training seminars, and in some cases even day care centers. These colleges can offer benefits for all people in their communities, which is why we should offer our help to those tribal colleges who demonstrate their ability to serve their students and their community in this way.

The purpose of the 1994 land-grant act was to enable tribal colleges to receive funds to build their programs, enhance their infrastructure, and educate their communities. However, new tribal colleges, founded since 1994 are not automatically eligible for land grant status, they must be so designated by legislation. One such college is the White Earth Tribal & Community College in Mahnomen, Minnesota. Founded in 1997, this college is now the center of learning for approximately 100 students. Their courses cover a wide range of material including math, history, computer science, and business communications. The college is currently seeking accreditation and is a member of the American Indian Higher Education Consortium (AIHEC). White Earth Tribal & Community College is also recognized by its peers as an important place of higher learning. Other local colleges, such as Moorhead State University, Northwest Technical College, and Northland Community and Technical College, accept its transfer credits.

Mr. President, we should offer this college the opportunity it deserves to expand and strengthen its efforts to enhance the lives of everyone around it. Giving White Earth Tribal & Community College the same federal land-grant status that we gave other tribal colleges in 1994 is a matter of basic equity. Adoption of this legislation would signal a willingness to continue our support of new tribal colleges in their efforts to enhance education in their communities.

ADDITIONAL COSPONSORS

S. 1150

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land

Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2357

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of 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.

S. 2459

At the request of Mr. ROTH, his name was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

At the request of Mr. GREGG, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. ROBERTS, his name was added as a cosponsor of S. 2459, supra.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2587

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2587, a bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires.

S. 2609

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2769

At the request of Mr. MACK, his name was added as a cosponsor of S. 2769, a bill to authorize funding for National Instant Criminal Background Check System improvements.

S. 2790

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2790, a bill instituting a Federal fuels tax holiday.

S. 2791

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2791, a bill instituting a Federal fuels tax suspension.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S.Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3198

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3198 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes.

AMENDMENT NO. 3551

At the request of Mr. L. CHAFEE, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of amendment No. 3551 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3602

At the request of Mr. BOND, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3604

At the request of Mrs. MURRAY, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 3604 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3628

Mr. SMITH of New Hampshire proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, add the following:

"SEC. . PURCHASE OF FETAL TISSUE.

''None of the funds made available in this Act may be used to pay, reimburse, or otherwise compensate, directly or indirectly, any abortion provider, fetal tissue procurement contractor, or tissue resource source, for fetal tissue, or the cost of collecting, transferring, or otherwise processing fetal tissue, if such fetal tissue is obtained from induced abortions.''.

REID (AND BOXER) AMENDMENTS NOS. 3629–3630

Mr. REID (for himself and Mrs. BOXER) proposed two amendments to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3629

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report 600,000-800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(5) OSHA's November 1999 Compliance Directive has helped clarify the duty of employers to use safer needle devices to protect their workers. However, millions of State and local government employees are not covered by OSHA's bloodborn pathogen standard and are not protected against the hazards of needlesticks.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

AMENDMENT NO. 3630

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ''employer'' means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term ''engineered sharps injury protections'' means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term ''needleless system'' means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term ''sharp'' means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term ''sharps injury'' means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $10,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3631

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. . PART A OF TITLE I.

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part A of title I of the Elementary and Secondary Education Act of 1965 shall be $10,000,000,000.

WYDEN AMENDMENT NO. 3632

Mr. WYDEN proposed an amendment to the bill, H.R. 4577, supra, as follows:

At the appropriate place, insert:

SEC. . None of the funds made available under this Act may be made available to any entity under the Public Health Service Act after September 1, 2001, unless the Director of NIH has provided to the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001.

INHOFE (AND OTHERS) AMENDMENT NO. 3633

Mr. INHOFE (for himself, Mr. MURKOWSKI, and Mr. SESSIONS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. ____. IMPACT AID.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title to carry out title VIII of the Elementary and Secondary Education Act of 1965 shall be $1,108,200,000;

(2) the total amount appropriated under this title for basic support payments under section 8003(b) of the Elementary and Secondary Education Act of 1965 shall be $896,200,000, and

(3) amounts made available under title I for the administrative and related expenses of the Department of Labor, Health and Human Services, and Education shall be further reduced on a pro rata basis by $78,200,000.

HATCH (AND LEAHY) AMENDMENT NO. 3634

Mr. HATCH (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provided to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The survey required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office of the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term 'Internet service provider' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SANTORUM AMENDMENT NO. 3635

Mr. SANTORUM proposed an amendment to the bill, H.R. 4577, supra, as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE VI—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Neighborhood Children's Internet Protection Act''.

SEC. 602. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

''(l) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

''(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

''(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

''(A) has—

''(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

''(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

''(B)(i) has adopted and implemented an Internet use policy that addresses—

''(I) access by minors to inappropriate matter on the Internet and World Wide Web;

''(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

''(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

''(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

''(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

''(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

''(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making such determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.''.

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (l), all telecommunications''.

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 603. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of the enactment of this Act, the Federal Communications Commission shall adopt rules implementing this title and the amendments made by this title.

KERRY AMENDMENT NO. 3636

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be $450,000,000; and

(2) amounts made available under titles I and II, and this title, for administrative and related expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $25,000,000.

REED (AND OTHERS) AMENDMENTS NOS. 3637–3639

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted three amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3637

At the end of title III, insert the following:

SEC. ___. GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000, which shall become available on October 1, 2001.

AMENDMENT NO. 3638

At the end of title III, insert the following:

SEC. ___. GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000.

AMENDMENT NO. 3639

At the end of title III, insert the following:

SEC. ___. GEAR UP PROGRAM.

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated $100,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

BROWNBACK AMENDMENT NO. 3640

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) Ocular Albinism is an x-linked genetic disorder affecting 1 in 50,000 American children, mostly males;

(2) affected patients show nystagmus, strabimus, photophobia, severe reduction in visual acuity, and loss of three dimensional vision due to abnormal development of the retina and optic pathways; and

(3) there is a paucity of National Institutes of Health-sponsored research in this disorder and its 5 related conditions (Fundus Hypopigmentations, Macular Hypoplasia, Iris Transillumination, Visual Pathway Misrouting and Nystagmus).

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the National Institutes of Health should develop and fund a research initiative in cooperation with the National Eye Institute into the causes of and treatments for Ocular Albinism and related disorders.

VOINOVICH AMENDMENT NO. 3641

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 59, line 10, insert ''; to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);'' after ''qualified teachers''.

COLLINS (AND REED) AMENDMENT NO. 3642

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . From amounts made available under this title for the Center for Substance Abuse Treatment (discretionary account), $10,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals.

COLLINS (AND OTHERS) AMENDMENT NO. 3643

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ____. (a) IN GENERAL.—In addition to amounts appropriated under this title, there is appropriated $5,000,000 to be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships, that meet the requirements of subsection (b), to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) REQUIREMENTS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross;

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require; and

(4) is located in and serves a rural area (as determined by the Secretary of Health and Human Services).

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) OFFSET.—Amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $5,000,000.

WELLSTONE AMENDMENT NO. 3644

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

SEC. ____. (a) In addition to any amounts appropriated under this title for the loan forgiveness for child care providers program under section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078-11), an additional $10,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by $10,000,000.

LANDRIEU AMENDMENT NO. 3645

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 55, strike line 21 and all that follows through page 56, line 8, and insert the following:

Higher Education Act of 1965, $9,586,800,000, of which $2,912,222,521 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,674,577,479 shall become available on October 1, 2001, and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $6,985,399,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,200,400,000 shall be available for concentration grants under section 1124A: *Provided further*, That $750,000,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965: *Provided further*, That grant awards under * * *

BROWNBACK AMENDMENT NO. 3646

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title V, add the following:

SEC. ____. (a) Congress finds that—

(1) family structure and function have a significant impact on children's physical and emotional health, academic performance, social adjustment, and well-being;

(2) research on family structure and function may prove helpful in reducing health care costs, strengthening families, and improving the health and well-being of children; and

(3) the Federal Interagency Forum on Child and Family Statistics has recommended increased data collection relating to family structure and function.

(b)(1)(A) The Federal officers and employees described in paragraph (2) shall conduct research relating to family structure and function, and their impact on children.

(B) In conducting the research, the officers and employees shall collect data that describe—

(i) children's living arrangements;

(ii) children's interactions with parents and guardians (including non-residential parents); and

(iii) the number of children who live with biological parents, stepparents, adoptive parents, or guardians, or with no parent or guardian.

(2) The Federal officers and employees referred to in paragraph (1) are—

(A) in the Department of Health and Human Services—

(i) the Director of the National Center for Health Statistics in the Centers for Disease Control and Prevention;

(ii) the Director of the Agency for Healthcare Research and Quality;

(iii) the Director of the National Institute of Child Health and Human Development of the National Institutes of Health;

(iv) the Assistant Secretary for Children and Families;

(v) the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration; and

(vi) the Assistant Secretary for Planning and Evaluation; and

(B) in the Department of Labor, the Commissioner of Labor Statistics.

(c) There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001.

COVERDELL AMENDMENTS NOs. 3647–3648

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3647

On page 92, between lines 4 and 5, insert the following:

SEC. . PROHIBITION.

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

AMENDMENT NO. 3648

Strike Sec. 505 and insert the following:

''SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needless or syringes for the hypodermic injection of any illegal drug.''

BINGAMAN (AND OTHERS) AMENDMENT NO. 3649

Mr. BINGAMAN (for himself, Mr. REED, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 57, line 19, after ''year'' insert the following: '': *Provided further*, That in addition to any other funds appropriated under this title, there are appropriated, under the authority of section 1002(f) of the Elementary and Secondary Education Act of 1965, $250,000,000 to carry out sections 1116 and 1117 of such Act''.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3650

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''Higher Education Act of 1965, $8,986,800,000, of which $2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000–2001: *Provided*, That $7,113,403,000 shall be available for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965: *Provided further*, That up to $3,500,000 of those funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That $1,222,397,000 shall be available for concentration grants under section 1124A of that Act: *Provided further*, That, in addition to the amounts otherwise made available under this heading, an amount of $1,000 (which shall become available on October 1, 2000) shall be transferred to the account under this heading from the amount appropriated under the heading ''PROGRAM ADMINISTRATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' in title III, for carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively: *Provided further*, That grant awards under sec-''.

DOMENICI AMENDMENT NO. 3651

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 4, between lines 6 and 7, insert the following:

Of the funds made available under this heading for dislocated worker employment and training activities, $5,000,000 shall be available to the New Mexico Telecommunications Call Center Training Consortium for such activities.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3652

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REID, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end, add the following:

Division B

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Energy Security Tax Act of 2000'.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

Sec. 101. Credit for certain energy-efficient property used in business.

Sec. 102. Energy Efficient Commercial Building Property Deduction.

TITLE II—NONBUSINESS ENERGY SYSTEMS

Sec. 201. Credit for certain nonbusiness energy systems.

TITLE III—ALTERNATIVE FUELS

Sec. 301. Allocation of alcohol fuels credit to patrons of a cooperative.

TITLE IV—AUTOMOBILES

Sec. 401. Extension of credit for qualified electric vehicles.

TITLE V—CLEAN COAL TECHNOLOGIES

Sec. 501. Credit for investment in qualifying clean coal technology.

Sec. 502. Credit for production from qualifying clean coal technology.

Sec. 503. Risk pool for qualifying clean coal technology.

TITLE VI—METHANE RECOVERY

Sec. 601. Credit for capture of coalbed methane gas.

TITLE VII—OIL AND GAS PRODUCTION

Sec. 701. Credit for production of re-refined lubricating oil.

Sec. 702. Oil and gas from marginal wells.

Sec. 703. Deduction for delay rental payments.

Sec. 704. Election to expense geological and geophysical expenditures.

TITLE VIII—RENEWABLE POWER GENERATION

Sec. 801. Modifications to credit for electricity produced from renewable resources.

Sec. 802. Credit for capital costs of qualified biomass-based generating system.

Sec. 803. Treatment of facilities using bagasse to produce energy as solid waste disposal facilities eligible for tax-exempt financing.

TITLE IX—STEELMAKING

Sec. 901. Credit for investment in energy-efficient steelmaking facilities.

See. 902. Extension of credit for electricity to production from steel cogeneration.

TITLE X—AGRICULTURE

Sec. 1001. Agricultural Conservation Tax Credit.

TITLE XI—ENERGY EMERGENCIES

Sec. 1101. Energy Policy and Conservation Act Amendments.

Sec. 1102. Annual Home Heating Readiness Reports.

Sec. 1103. Summer Fill and Fuel Budgeting Programs.

Sec. 1104. Use of Energy Futures for Fuel Purchases.

Sec. 1105. Full Expensing of Home Heating Oil and Propane Storage Facilities.

TITLE XII—ENERGY EFFICIENCY

Sec. 1201. Energy Savings Performance Contracts.

Sec. 1202. Weatherization.

TITLE XIII—ELECTRIC RELIABILITY

Sec. 1301. Short Title.

Sec. 1302. Electric Reliability Organization.

Title I—Energy-Efficient Property Used in Business

SEC. 101. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter I (relating to rules

for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. ENERGY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

''(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

''(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

''(b) ENERGY PERCENTAGE.—

''(1) IN GENERAL.—The energy percentage is—

''(A) except as otherwise provided in this subparagraph, 10 percent,

''(B) in the case of energy property described in clauses (i), (iii), (vi), and (vii) of subsection (c)(1)(A), 20 percent,

''(C) in the case of energy property described in subsection (c)(1)(A)(v), 15 percent, and

''(D) in the case of energy property described in subsection (c)(1)(A)(ii) relating to a high risk geothermal well, 20 percent.

''(2) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

''(c) ENERGY PROPERTY DEFINED.—

(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

''(A) which is—

''(i) energy property,

''(ii) geothermal energy property,

''(iii) energy-efficient building property,

''(iv) combined heat and power system property,

''(v) low core loss distribution transformer property,

''(vi) qualified anaerobic digester property, or

''(vii) qualified wind energy systems equipment property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) which can reasonably be expected to remain in operation for at least 5 years,

''(D) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(E) which meets the performance and quality standards (if any) which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

''(ii) are in effect at the time of the acquisition of the property.

''(2) EXCEPTIONS.—

''(A) PUBLIC UTILITY PROPERTY.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), except for property described in paragraph (1)(A)(iv).

''(B) CERTAIN WIND EQUIPMENT.—Such term shall not include equipment described in paragraph (1)(A)(vii) which is taken into account for purposes of section 45 for the taxable year.

''(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat.

''(B) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include property with respect to which expenditures are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

''(C) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

''(2) GEOTHERMAL ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission state.

''(B) HIGH RISK GEOTHERMAL WELL.—The term 'high risk geothermal well' means a geothermal deposit (within the meaning of section 613(e)(2)) which requires high risk drilling techniques. Such deposit may not be located in a State or national park or in an area in which the relevant State park authority or the National Park Service determines the development of such a deposit will negatively impact on a State or national park.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—

''(A) IN GENERAL.—The term 'energy-efficient building property' means—

''(i) a fuel cell that—

''(I) generates electricity and heat using an electrochemical process,

''(II) has an electricity-only generation efficiency greater than 35 percent, and

''(III) has a minimum generating capacity of 5 kilowatts,

''(ii) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater under standards prescribed by the Secretary of Energy,

''(iii) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(iv) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.60 for cooling,

''(v) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(vi) an advanced natural gas water heater that—

''(I) increases steady state efficiency and reduces standby and vent losses, and

''(II) has an energy factor of at least 0.65,

''(vii) an advanced natural gas furnace that achieves a 95 percent AFUE, and

''(viii) natural gas cooling equipment—

''(I) that has a coefficient of performance of not less than .60, or

''(II) that uses desiccant technology and has an efficiency rating of 40 percent.

''(B) LIMITATIONS.—The credit under subsection (a)(1) for the taxable year may not exceed—

''(i) $500 in the case of property described in subparagraph (A) other than clauses (i) and (iv) thereof,

''(ii) $500 for each kilowatt of capacity in the case of a fuel cell described in subparagraph (A)(i), and

''(iii) $1,000 in the case of a natural gas heat pump described in subparagraph (A)(iv).

''(4) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—The term 'combined heat and power system property' means property—

''(i) comprising a system for using the same energy source for the sequential generation of electrical power, mechanical shaft power, or both, in combination with steam, heat, or other forms of useful energy,

''(ii) that has an electrical capacity of more than 50 kilowatts, and

''(iii) that produces at least 20 percent of its total useful energy in the form of both thermal energy and electrical or mechanical power.

''(B) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(5) LOW CORE LOSS DISTRIBUTION TRANSFORMER PROPERTY.—The term 'low core loss distribution transformer property' means a distribution transformer which has energy savings from a highly efficient core of at least 20 percent more than the average for power ratings reported by studies required under section 124 of the Energy Policy Act of 1992.

''(6) QUALIFIED ANAEROBIC DIGESTER PROPERTY.—The term 'qualified anaerobic digester property' means anaerobic digester for manure or crop waste that achieves at least 65 percent efficiency measured in terms of the fraction of energy input converted to electricity and useful thermal energy.

''(7) QUALIFIED WIND ENERGY SYSTEMS EQUIPMENT PROPERTY.—The term 'qualified wind energy systems equipment property' means wind energy systems equipment with a turbine size of not more than 50 kilowatts rated capacity.

''(e) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

''(1) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

"Applicable percentage		Credit amount is:
Greater than or equal to	Less than	
5 percent	10 percent	$500
10 percent	20 percent	1,000
20 percent	30 percent	1,500
30 percent		2,000

''(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

"Applicable percentage		Credit amount is:
Greater than or equal to	Less than	
20 percent	40 percent	$250
40 percent	60 percent	500
60 percent		1,000

''(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle', means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

''(A) A consumable fuel.

''(B) A rechargeable energy storage system.

''(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the

maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

''(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

''(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

''(A) any property for which a credit is allowed under section 25B or 30,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(6) REGULATIONS.—

''(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

''(B) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

''(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

''(i) subsidized energy financing, or

''(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103, the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

''(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

''(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

''(ii) the denominator of which is the basis of the property.

''(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

''(2) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(g) APPLICATION OF SECTION.—

''(1) IN GENERAL.—Except as provided by paragraph (2) and subsection (e), this section shall apply to property placed in service after December 31, 1999, and before January 1, 2004.

''(2) EXCEPTIONS.—

''(A) SOLAR ENERGY AND GEOTHERMAL ENERGY PROPERTY.—Paragraph (1) shall not apply to solar energy property or geothermal energy property.

''(B) FUEL CELL PROPERTY.—In the case of property that is a fuel cell described in subsection (d)(3)(A)(i), this section shall apply to property placed in service after December 31, 1999, and before January 1, 2005.''

(b) CONFORMING AMENDMENTS.—

(1) Section 48 is amended to read as follows:

"SEC. 48. REFORESTATION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 20 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

''(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.''

(2) Section 39(d) is amended by adding at the end the following:

''(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.''

(3) Section 280C is amended by adding at the end the following:

''(d) CREDIT FOR ENERGY PROPERTY EXPENSES.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the expenses for energy property (as defined in section 48A(c)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 48A(a).

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

''(A) the amount of the credit allowable for the taxable year under section 48A (determined without regard to section 38(c)), exceeds

''(B) the amount allowable as a deduction for the taxable year for expenses for energy property (determined without regard to paragraph (1)), the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

''(3) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection.''

(4) Section 29(b)(3)(A)(i)(III) is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48A(f)(1)(C)''.

(5) Section 50(a)(2)(E) is amended by striking ''section 48(a)(5)'' and inserting ''section 48A(f)(2)''.

(6) Section 168(e)(3)(B) is amended—

(A) by striking clause (vi)(I) and inserting the following:

''(I) is described in paragraph (1) or (2) of section 48A(d) (or would be so described if 'solar and wind' were substituted for 'solar' in paragraph (1)(B)),'', and

(B) in the last sentence by striking, ''section 48(a)(3)'' and inserting ''section 48A(c)(2)(A)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

''Sec. 48. Reforestation credit.

'Sec. 48A. Energy credit' ''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 102 ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION—

''(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the sum of the energy efficient commercial building amount determined under subsection (b).

(b) ''(1) DEDUCTION ALLOWED.—For purposes of subsection (a)—

''(A) IN GENERAL.—The energy efficient commercial building property deduction determined under this subsection is an amount equal to energy efficient commercial building property expenditures made by a taxpayer for the taxable year.

''(B) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient commercial building-property expenditures taken into account under subparagraph (A) shall not exceed an amount equal to the product of—

''(i) $2.25, and

''(ii) the square footage of the building with respect to which the expenditures are made.

''(C) YEAR DEDUCTION ALLOWED.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction of the building is completed.

''(2) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY EXPENDITURES.—For purposes of this subsection, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

''(A) for which depreciation is allowable under section 167,

''(B) which is located in the United States, and

''(C) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1–1999 (described in paragraph (3)). Such term includes expenditures for labor costs properly allocable to the on site preparation, assembly, or original installation of the property.

''(3) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—For purposes of paragraph (2)—

''(A) IN GENERAL.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under subparagraph (B) and certified by qualified professionals as provided under paragraph (6).

''(B) METHODS OF CALCULATION.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential ACM Manual. These procedures shall meet the following requirements:

''(i) In calculating tradeoffs and energy performance, the regulations shall prescribe

the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

''(ii) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

''(I) the expenses taken into account under paragraph (1) shall not occur until the date designs for all energy-using systems of the building are completed,

''(II) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1–1999, or

''(III) the expenses taken into account under paragraph (1) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with clause (iii).

''(iii) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

''(iv) The calculational methods under this subparagraph need not comply fully with section 11 of such Standard 90.1–1999.

''(v) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the heating source is a gas or oil furnace or an electric heat pump.

''(vi) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1–1999 or in the 1998 California Nonresidential ACM Manual, including the following:

''(I) Natural ventilation.

''(II) Evaporative cooling.

''(III) Automatic lighting controls such as occupancy sensors, photocells, and time-clocks.

''(IV) Daylighting.

''(V) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

''(VI) Improved fan system efficiency, including reductions in static pressure.

''(VII) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

''(VIII) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

''(C) COMPUTER SOFTWARE.—

''(i) IN GENERAL.—Any calculation under this paragraph shall be prepared by qualified computer software.

''(ii) QUALIFIED COMPUTER SOFTWARE.—For purposes of this subparagraph, the term 'qualified computer software' means software—

''(I) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

''(II) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this subsection, and

''(III) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

''(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the taxpayer for purposes of this subsection.

''(5) NOTICE TO OWNER.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(C)(ii)(III).

''(6) CERTIFICATION—

''(A) IN GENERAL.—Except as provided in this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 25B(c)(7).

''(B) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

''(C) PROFICIENCY OF QUALIFIED INDIVIDUALS.—The Secretary shall consult with nonprofit organizations and State agencies with expertise in energy efficiency calculations and inspections to develop proficiency tests and training programs to qualify individuals to determine compliance.

''(g) TERMINATION.—This section shall not apply with respect to—

''(1) any energy property placed in service after December 31, 2006, and

''(2) any energy efficient commercial building property expenditures in connection with property—

''(A) the plans for which are not certified under subsection (f)(6) on or before December 31, 2006, and

''(B) the construction of which is not completed on or before December 31, 2008.''.

TITLE II—NONBUSINESS ENERGY SYSTEMS

SEC. 201. CREDIT FOR CERTAIN NONBUSINESS ENERGY SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

''SEC. 25B. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

''(B) the credit amount (determined under section 48A(e)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(e)(2)), and

''(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

''Column A—Description in the case of	Column B—Credit amount the credit amount is	Column C—Period for the period	
		Beginning on	Ending on
30 percent property	$1,000	1/1/2000	12/31/2001
40 percent property	1,500	1/1/2000	12/31/2002
50 percent property	2,000	1/1/2000	12/31/2003

In the case of any new, highly energy-efficient principal residence, the credit amount shall be zero for any period for which a credit amount is not specified for such property in the table under subparagraph (C).

''(2) APPLICABLE PERCENTAGE—

''(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

''Col. A—Description in the case of	Col. B—Applicable percentage is	Col. C—Period for the period	
		Beginning on	Ending on
20 percent energy-eff. bldg. prop.	20	1/1/2000	12/31/2003
10 percent energy-eff. bldg. prop.	10	1/1/2000	12/31/2001
Solar water heating property	15	1/1/2000	12/31/2006
Photovoltaic property	15	1/1/2000	12/31/2006

''(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

Description of property item	Maximum allowable credit amount is
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump).	$500.
20 percent energy-efficient building property: fuel cell described in section 48A(d)(3)(A)(i).	$500 per each kw/hr of capacity.
Natural gas heat pump described in section 48A(d)(3)(D)(iv).	$1,000.
10 percent energy-efficient building property.	$250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

''(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) solar water heating property, and

''(iii) photovoltaic property.

''(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (B) and (C) of section 48A(d)(1) shall apply.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by section 48A(e)(3).

''(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

''(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means property

which, when installed in connection with a structure, uses a solar photovoltaic process to generate electricity for use in such structure.

''(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

''(i) such property is located in the United States,

''(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

''(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

''(B) 50, 40, OR 30 PERCENT PROPERTY.—

''(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

''(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

''(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

''(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

''(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

''(D) COMPLIANCE—

''(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

''(E) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as the taxpayer's principal residence.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who in tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ENERGY ITEMS—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

''(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

''(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

''(A) any property for which a credit is allowed under section 30 or 48A,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURE PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(f)(1)(C)).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(9) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating property, such property is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of photovoltaic property, such property meets appropriate fire and electric code requirements.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27)

and inserting''; and'', by adding at the end the following:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following:

''Sec. 25B. Nonbusiness energy property.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

TITLE III—ALTERNATIVE FUELS

SEC. 301. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

''(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

''(A) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage dividend for the taxable year referred to in subparagraph (A) is includible in gross income.

''(C) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part.''

(b) TECHNICAL AMENDMENT.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

''(k) CROSS REFERENCE.—

''For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE IV—AUTOMOBILES

SEC. 401. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 (relating to special rules) is amended by adding at the end the following:

''(5) NO DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(a)(2).''

(2) Paragraph (3) of section 30(d) (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(3) Paragraph (5) of section 179A(e) (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE V—CLEAN COAL TECHNOLOGIES

SEC. 501. CREDIT FOR INVESTMENT IN QUALIFYING CLEAN COAL TECHNOLOGY.

(a) ALLOWANCE OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and,'' and by adding at the end the following:

''(4) the qualifying clean coal technology facility credit.''

(b) AMOUNT OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 101(a), is amended by inserting after section 48A the following:

SEC 48B. QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying clean coal technology facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in a qualifying clean coal technology facility for such taxable year.

''(b) QUALIFYING CLEAN COAL TECHNOLOGY FACILITY—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'qualifying clean coal technology facility' means a facility of the taxpayer—

''(A)(i)(I) which replaces a conventional technology facility of the taxpayer and the original use of which commences with the taxpayer, or

''(II) which is a retrofitted or repowered conventional technology facility, the retrofitting or repowering of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such retrofitting or repowering), or

''(ii) that is acquired through purchase (as defined by section 179(d)(2)),

''(B) that is depreciable under section 167,

''(C) that has a useful life of not less than 4 years,

''(D) that is located in the United States, and

''(E) that uses qualifying clean coal technology.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) QUALIFYING CLEAN COAL TECHNOLOGY.—For purposes of paragraph (1)(A)—

''(A) IN GENERAL.—The term 'qualifying clean coal technology' means, with respect to clean coal technology—

''(i) applications totaling 1,000 megawatts of advanced pulverized coal or atmospheric fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,750 Btu's per kilowatt hour,

''(ii) applications totaling 1,500 megawatts of pressurized fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,400 Btu's per kilowatt hour,

''(iii) applications totaling 1,500 megawatts of integrated gasification combined cycle technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,550 Btu's per kilowatt hour, and

''(iv) applications totaling 2,000 megawatts or equivalent of technology for the production of electricity installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a carbon emission rate that is not more than 85 percent of conventional technology.

''(B) EXCEPTIONS.—Such term shall not include clean coal technology projects receiving or scheduled to receive funding under the Clean Coal Technology Program of the Department of Energy.

''(C) CLEAN COAL TECHNOLOGY.—The term 'clean coal technology' means advanced technology that utilizes coal to produce 50 percent or more of its thermal output as electricity including advanced pulverized coal or atmospheric fluidized bed combustion, pressurized fluidized bed combustion, integrated gasification combined cycle, and any other technology for the production of electricity that exceeds the performance of conventional technology.

''(D) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional technology' means—

''(i) coal-fired combustion technology with a design average net heat rate of not less than 9,300 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.53 pounds of carbon per kilowatt hour; or

''(ii) natural gas-fired combustion technology with a design average net heat rate of not less than 7,500 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.24 pound of carbon per kilowatt hour.

''(E) DESIGN AVERAGE NET HEAT RATE.—The term 'design average net heat rate' shall be based on the design average annual heat input to and the design average annual net electrical output from the qualifying clean coal technology (determined without regard to such technology's co-generation of steam).

''(F) SELECTION CRITERIA.—Selection criteria for clean coal technology facilities.—

''(i) shall be established by the Secretary of Energy as part of a competitive solicitation,

''(ii) shall include primary criteria of minimum design average net heat rate, maximum design average thermal efficiency, and lowest cost to the government, and

''(iii) shall include supplemental criteria as determined appropriate by the Secretary of Energy.

''(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualifying clean coal technology facility placed in service by the taxpayer during such taxable year.

''(d) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a qualifying clean coal technology facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'Construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credit to such property.

''(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2014.''

(c) RECAPTURE.—Section 50(a) (relating to other special rules) is amended by adding at the end the following:

''(6) SPECIAL RULES RELATING TO QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48B, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualifying clean coal technology facility (as defined by section 48B(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying clean coal technology facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualifying clean coal technology facility property shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualifying clean coal technology facility under section 48B, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying clean coal technology facility.''

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 101(b)(2), is amended by adding at the end the following:

''NO CARRYBACK OF SECTION 48B CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying clean coal technology facility credit determined under section 48B may be carried back to a taxable year ending before the date of the enactment of section 48B.''

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting, ''and,'' and by adding at the end the following:

''(iv) the portion of the basis of any qualifying clean coal technology facility attributable to any qualified investment (as defined by section 48B(c)).''

(2) Section 50(a)(4) is amended by striking ''and (2)'' and inserting '', (2), and (6).''

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 101(d), is amended by inserting after the item relating to section 48A the following:

''SEC. 48B. Qualifying clean coal technology facility credit.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 502. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

''(a) GENERAL RULE.—For purposes of section 38, the qualifying clean coal technology production credit of any taxpayer for any taxable year is equal to the applicable amount for each kilowatt hour—

''(1) produced by the taxpayer at a qualifying clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service, and

''(2) sold by the taxpayer to an unrelated person during such taxable year.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount with respect to production from a qualifying clean coal technology facility shall be determined as follows:

''(1) In the case of a facility originally placed in service before 2007, if—

''The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 8400	$0.0130	$0.0110
More than 8400 but not more than 8550	.0100	.0085
More than 8550 but not more than 8750	.0090	.0070.

''(2) In the case of a facility originally placed in service after 2006 and before 2011, if—

''The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7770	$.0100	.0080
More than 7770 but not more than 8125	0080	0065
More than 8125 but not more than 8350	.0070	.0055.

''(3) in the case of a facility originally placed in service after 2010 and before 2015, if—

The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7720	$.0085	$.0070
More than 7720 but not more than 7380	.0070	0045

''(c) INFLATION ADJUSTMENT FACTOR—Each amount in paragraphs (1), (2), and (3) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the amount is applied. If any amount as increased under the preceding sentence is not a multiple of 0.01 cent, such amount shall be rounded to the nearest multiple of 0.01 cent.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) any term used in this section which is also used in section 48B shall have the meaning given such term in section 48B,

''(2) the rules of paragraphs (3), (4), and (5) of section 45 shall apply,

''(3) the term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1998, and

''(4) the term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed by the Department of Commerce before March 15 of the calendar year.''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the qualifying clean coal technology production credit determined under section 45D(a).''

(c) TRANSITIONAL RULE.—Section 39(d) (relating to transitional rules), as amended by

section 501(d), is amended by adding at the end the following:

''(11) NO CARRYBACK OF CERTAIN CREDITS BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credits allowable under any section added to this subpart by the amendments made by the Energy Security Tax Act of 1999 may be carried back to a taxable year ending before the date of the enactment of such Act.''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45D. Credit for production from qualifying clean coal technology.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 503. RISK POOL FOR QUALIFYING CLEAN COAL TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a financial risk pool which shall be available to any United States owner of qualifying clean coal technology (as defined in section 48B(b)(3) of the Internal Revenue Code of 1986) to offset for the first 3 years of the operation of such technology the costs (not to exceed 5 percent of the total cost of installation) for modifications resulting from the technology's failure to achieve its design performance.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

TITLE VI—METHANE RECOVERY

SEC. 601. CREDIT FOR CAPTURE OF COALBED METHANE GAS.

(a) CREDIT FOR CAPTURE OF COALBED METHANE GAS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 502(a), is amended by adding at the end the following:

SEC. 45E. CREDIT FOR CAPTURE OF COALBED METHANE GAS.

(d) DEFINITION OF COALMINE METHANE GAS.—The term ''Coalmine Methane Gas'' as used in this section means any methane gas which is being liberated, or would be liberated, during coal mine operations or as a result of past coal mining operations, or which is extracted up to ten years in advance of coal mining operations as part of specific plan to mine a coal deposit.

For the purpose of section 38, the coalmine methane gas capture credit of any taxpayer for any taxable year is $1.21 for each one million British thermal units of coalmine methane gas captured by the taxpayer and utilized as a fuel source or sold by or on behalf of the taxpayer to an unrelated person during such taxable year (within the meaning of section 45).''

Credits for the capture of coalmine methane gas shall be earned upon the utilization as a fuel source or sale and delivery of the coalmine methane gas to an unrelated party, except that credit for coalmine methane gas which is captured in advance of mining operations shall be claimed only after coal extraction occurs in the immediate area where the coalmine methane gas was removed.

(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 502(b), is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following:

''(14) the coalmine methane gas capture credit determined under section 45E(a).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 502(d), is amended by adding at the end the following:

''Sec. 45E. Credit for the capture of coalmine methane gas.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to the capture of coalmine methane gas after the date of the enactment of this Act and on or before December 31, 2006.

TITLE VII—OIL AND GAS PRODUCTION

SEC. 701. CREDIT FOR PRODUCTION OF RE-REFINED LUBRICATING OIL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 601(a), is amended by adding at the end the following:

SEC. 45F. CREDIT FOR PRODUCING RE-REFINED LUBRICATING OIL.

(a) GENERAL RULE.—For purposes of section 38, the re-refined lubricating oil production credit of any taxpayer for any taxable year is equal to $4.05 per barrel of qualified re-refined lubricating oil production which is attributable to the taxpayer (within the meaning of section 29(d)(3)).

(b) QUALIFIED RE-REFINED LUBRICATING OIL PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified re-refined lubricating oil production' means a base oil manufactured from at least 95 percent used oil and not more than 2 percent of previously unused oil by a re-refining process which effectively removes physical and chemical impurities and spent and unspent additives to the extent that such base oil meets industry standards for engine oil as defined by the American Petroleum Institute document API 1509 as in effect on the date of the enactment of this section.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—Re-refined lubricating oil produced during any taxable year shall not be treated as qualified re-refined lubricating oil production but only to the extent average daily production during the taxable year exceeds 7,000 barrels.

''(3) BARREL.—The term 'barrel' has the meaning given such term by section 613A(e)(4).

''(c) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in subsection (a) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 29(d)(2)(B) by substituting '1998' for '1979').''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by section 601(b), is amended by striking ''plus'' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting '', plus,'' and by adding at the end the following:

''(15) the re-refined lubricating oil production credit determined under section 45F(a).''

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 601(c), is amended by adding at the end the following:

''Sec. 45F. Credit for producing re-refined lubricating oil.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 702. OIL AND GAS FROM MARGINAL WELLS.

''SEC. 45D. Credit for Producing Oil and Gas from Marginal Wells

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

(i) ''the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.''

''(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking 'plus' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting', 'plus', and by adding at the end the following new paragraph:

''(13) the marginal oil and gas well production credit determined under section 45D(a).''

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (1)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the marginal oil and gas well production credit'' after ''employment credit''.

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.''

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there''.

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

''Sec. 45D. Credit for producing oil and gas from marginal wells.''

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 703. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (i) the following new subsection:

''(j) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.''

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(j),'' after ''263(i),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 1999.

SEC. 704. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (j) the following new subsection:

''(k) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(k),'' after ''263(j),''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 1999.

TITLE VIII—RENEWABLE POWER GENERATION

SEC. 801. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking 'and' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following:

''(C) biomass (other than closed-loop biomass), or

''(D) poultry waste.''

(2) DEFINITIONS.—Section 45(c) is amended by redesignating paragraph (3) as paragraph (4) and by striking paragraph (2) and inserting the following:

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) closed-loop biomass, and

''(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

''(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

''(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and

''(iii) poultry waste, including poultry manure and litter, wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.

''(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.''

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (4) of section 45(c), as redesignated by subsection (a), is amended to read as follows:

''(4) QUALIFIED FACILITY.—

''(A) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2004.

''(B) CLOSED-LOOP BIOMASS FACILITY.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is—

''(i) originally placed in service after December 31, 1992, and before January 1, 2004, or

''(ii) originally placed in service before December 31, 1992, and modified to use closed loop biomass to co-fire with coal such date and before January 1, 2004.

''(C) BIOMASS FACILITY.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2004.

''(E) SPECIAL RULES.—

''(i) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term qualified facility shall include a facility using biomass to produce electricity and ethanol.

''(ii) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C) or (D)—

''(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

''(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.''

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—Paragraph (1) of section 45(a) (relating to general rule) is amended by inserting ''(1.0 cents in the case of electricity produced by biomass cofired in a facility which produces electricity from coal)'' after ''1.5 cents.''

(d) COORDINATION WITH OTHER CREDITS.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following:

''(8) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any production with respect to which the clean coal technology production credit under section 45(b) is allowed unless the taxpayer elects to waive the application of such credit to such production.''

''(9) PROPORTIONAL CREDIT FOR FACILITY USING COAL TO CO-FIRE WITH BIOMASS.—In the case of a qualified facility described in subsection (c)(3) (B) using coal to co-fire with biomass, the amount of the credit determined under subsection (a) for taxable year shall be reduced by the percentage of coal comprises (on a Btu Basis) of the average fuel input of the facility for the taxable year..''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the of the enactment of this Act.

SEC. 802. CREDIT FOR CAPITAL COSTS OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM.

(a) ALLOWANCE OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.—Section 46 (relating to amount of credit), as amended by section 501(a), is amended by striking 'and' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ', and', and by adding at the end the following:

''(5) the qualified biomass-based generating system facility credit.''

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 501(b), is amended by inserting after section 48C the following:

''SEC. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualified biomass-based generating system facility credit for any taxable year is an amount equal to 20 percent of the qualified investment in a qualified biomass-based generating system facility for such taxable year.

''(b) QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified biomass-based generating system facility' means a facility of the taxpayer—

''(A)(i) the original use of which commences with the taxpayer or the reconstruction of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such reconstruction), or

''(ii) that is acquired through purchase (as defined by section 179(d)(2)),

''(B) that is depreciable under section 167,

''(C) that has a useful life of not less than 4 years, and

''(D) that uses a qualified biomass-based generating system.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) QUALIFIED BIOMASS-BASED GENERATING SYSTEM.—For purposes of paragraph (1)(D), the term 'qualified biomass-based generating system' means a biomass-based integrated gasification combined cycle (IGCC) generating system which has an electricity-only generation efficiency greater than 40 percent.

''(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualified biomass-based generating system facility placed in service by the taxpayer during such taxable year.

''(d) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the mount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which—

''(A) cannot reasonably be expected to be completed in less than 18 months, and

''(B) it is reasonable to believe will qualify as a qualified biomass-based generating system facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY TO BE TAKEN INTO ACCOUNT.— Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property.''.

(c) RECAPTURE.—Section 50(a) (relating to other special rules), as amended by section 501(c), is amended by adding at the end the following:

''(7) SPECIAL RULES RELATING TO QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48C, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualified biomass-based generating system facility (as defined by section 48C(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualified biomass-based generating system facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualified biomass-based generating system facility shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified biomass-based generating system facility under section 48C, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualified biomass-based generating system facility.''.

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 501(d), is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 48C CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualified biomass-based generating system facility credit determined under section 48C may be carried back to a taxable year ending before the date of the enactment of section 48C.''

(e) TECHNICAL AMENDMENTS—

(1) Section 49(a)(1)(C), as amended by section 501(e), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following:

''(v) the portion of the basis of any qualified biomass-based generating system facility attributable to any qualified investment (as defined by section 48C(c)).''

(2) Section 50(a)(4), as amended by section 501(e), is amended by striking ''and (6)'' and inserting '', (6), and (7)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 501 (e), is amended by inserting after the item relating to section 48B the following:

''Sec. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 803. TREATMENT OF FACILITIES USING BAGASSE TO PRODUCE ENERGY AS SOLID WASTE DISPOSAL FACILITIES ELIGIBLE FOR TAX-EXEMPT FINANCING.

(a) IN GENERAL.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following:

''(k) SOLID WASTE DISPOSAL FACILITIES.—For purposes of subsection (a)(6), the term ''solid waste disposal facilities'' includes property located in Hawaii and used for the collection, storage, treatment, utilization, processing, or final disposal of bagasse in the manufacture of ethanol.''.

(b) EFFECITIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE IX—STEELMAKING

SEC. 901. CREDIT FOR INVESTMENT IN ENERGY-EFFICIENT STEELMAKING FACILITIES.

(a) ALLOWANCE OF ENERGY-EFFICIENT STEELMAKING FACILITY CREDIT.—Section 46 (relating to amount of credit), as amended by section 802(a), is amended by striking 'and' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ', and', and by adding at the end the following:

''(b) the energy-efficient steelmaking facility credit.''

(b) AMOUNT OF ENERGY-EFFICIENT STEELMAKING FACILITY CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 802(b), is amended by inserting after section 48C the following:

SEC. 48D. ENERGY-EFFICIENT STEELMAKING FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy-efficient steelmaking facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in an energy-efficient steelmaking facility for such taxable year.

''(b) ENERGY-EFFICIENT STEELMAKING FACILITY.—

''(I) IN GENERAL.—For purposes of subsection (a), the term 'energy-efficient steelmaking facility' means a facility of the taxpayer—

''(A)(i) which—

''(I) with respect to a facility the original use of which commences with the taxpayer, improves steelmaking energy efficiency by 20 percent over the energy efficiency norm of the industry as determined by the Secretary for the year in which such facility is placed in service, or

''(II) with respect to a facility which replaces an existing steelmaking facility and the original use of which commences with the taxpayer, improves steelmaking energy efficiency by 20 percent over the average energy efficiency of the replaced facility for the 2 taxable years preceding the year in which the replacing facility is placed in service (but only with respect to that portion of the basis which is properly attributable to such replacement), or

''(ii) that is acquired through purchase (as defined by section 179(d)(2)),

''(B) that is depreciable under section 167, and

''(C) that has a useful life of not less than 4 years.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) STEELMAKING ENERGY EFFICIENCY.—For purposes of paragraph (1)(A), steelmaking energy efficiency shall be measured in BTu's per ton of raw steel produced.

''(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of an energy-efficient steelmaking facility placed in service by the taxpayer during such taxable year.

''(d) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as an energy-efficient steelmaking facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self- constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF ENERGY-EFFICIENT STEELMAKING FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property.

''(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2004.''

(c) RECAPTURE.—Section 50(a) (relating to other special rules), as amended by section 802(c), is amended by adding at the end the following:

''(8) SPECIAL RULES RELATING TO ENERGY-EFFICIENT STEELMAKING FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48D, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to an energy-efficient steelmaking facility (as defined by section 48D(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the energy-efficient steelmaking facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the energy-efficient steelmaking facility property shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for an energy-efficient steelmaking facility under section 48D, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding an energy-efficient steelmaking facility.''

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 802(d), is amended by adding at the end the following:

''(12) NO CARRYBACK OF SECTION 48D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy-efficient steelmaking facility credit determined under section 48D may be carried back to a taxable year ending before the date of the enactment of section 48D.''

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by section 802(e), is amended by striking 'and' at the end of clause (iv), by striking the period at the end of clause (v) and inserting ', and', and by adding at the end the following:

''(vi) the portion of the basis of any energy-efficient steelmaking facility attributable to any qualified investment (as defined by section 48D(c)).''

(2) Section 50(a)(4), as amended by section 802(e), is amended by striking ''and (7)'' and inserting '', (7), and (8)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 802(e), is amended by inserting after the item relating to section 48C the following:

''Sec. 48D. Energy-efficient steelmaking facility credit.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 902. EXTENSION OF CREDIT FOR ELECTRICITY TO PRODUCTION FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources), as amended by section 801(a)(1), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following:

''(E) steel cogeneratiory.''

(b) STEEL COGENERATION.—Section 45(c), as amended by subsections (a)(2) and (b) of section 801, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

''(4) STEEL COGENERATION.—

''(A) IN GENERAL.—The term 'steel cogeneration' means the production of steam or other form of thermal energy of at least 20 percent of total production and the production of electricity or mechanical energy (or both) of at least 20 percent of total production if the cogeneration meets regulatory energy-efficiency standards established by the Secretary and only to the extent that such energy is produced from—

''(i) gases or heat generated during the production of coke,

''(ii) blast furnace gases or heat generated during the production of iron ore or iron, or

''(iii) waste gases or heat generated from the manufacture of steel that uses at least 20 percent recycled material.

''(B) TOTAL PRODUCTION.—For purposes of subparagraph (A), the term 'total production' means, with respect to any facility which produces coke, iron ore, iron, or steel, production from all waste sources described in clauses (i), (ii), and (iii) of subparagraph (A) (whichever applicable) from the entire facility.''

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(5) (defining qualified facility), as amended by section 801(b) and redesignated by subsection (b), is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

''(E) STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term 'qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 1999, and before January 1, 2005. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit under this section for more than 10 years of production.''

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting ''and waste energy'' after ''renewable''.

(2) The item relating to section 45 in the table of sections subpart D of part TV of subchapter A of chapter 1 is amended by inserting ''and waste energy'' after ''renewable''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and before January 1, 2005.

TITLE X—AGRICULTURE

SEC. 1001. AGRICULTURAL CONSERVATION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter I (relating to business related credits), as amended by section 701(a), is amended by adding at the end the following:

''SEC. 45G. AGRICULTURAL CONSERVATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible person, the agricultural conservation credit determined under this section for the taxable year is an amount equal to—

''(1) 10 percent of the eligible conservation tillage equipment expenses, and

''(2) 10 percent of the eligible irrigation equipment expenses, paid or incurred by such person in connection with the active conduct of the trade or business of fanning for the taxable year.

''(b) ELIGIBLE PERSON.—For purposes of this section, the term 'eligible person' means, with respect to any taxable year, any person if the average annual gross receipts of such person for the 3 preceding taxable years do not exceed $1,000,000. For purposes of the preceding sentence, rules similar to the rules of section 448(c)(3) shall apply.

''(c) LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $2,500 for each credit determined under paragraph (1) or (2) of such subsection.

''(d) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CONSERVATION TILLAGE EQUIPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'eligible conservation tillage equipment expenses' means amounts paid or incurred by a taxpayer to purchase and install conservation tillage equipment for use in the trade or business of the taxpayer.

''(B) CONSERVATION TILLAGE EQUIPMENT.—The term 'conservation tillage equipment' means a no-till planter or drill designed to minimize the disturbance of the soil in planting crops, including such planters or drills which may be attached to equipment already owned by the taxpayer.

''(2) ELIGIBLE IRRIGATION EQUIPMENT EXPENSES.—The term 'eligible irrigation equipment expenses' means amounts paid or incurred by a Taxpayer—

''(A) to purchase and install on currently irrigated lands new or upgraded equipment which will improve the efficiency of existing irrigation systems used in the trade or business of the taxpayer, including—

''(i) spray jets or nozzles which improve water distribution efficiency,

''(ii) irrigation well meters,

''(iii) surge valves and surge irrigation systems, and

''(iv) conversion of equipment from gravity irrigation to sprinkler or drip irrigation, including center pivot systems, and

''(B) for service required to schedule the use of such irrigation equipment as necessary to manage water application to the crop requirement based on local evaporation and transpiration rates or soil moisture.

''(e) SPECIAL RULES.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is determined under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so determined.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—For purposes of this section, under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—For purposes of this section, in the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(4) DENIAL OF DOUBLE BENEFIT.—No other deduction or credit shall be allowed to the taxpayer under this chapter for any amount taken into account in determining the credit under this section.''.

(b) Conforming Amendments—

(1) Section 38(b), as amended by section 701 (b), is amended by striking 'plus' at the end of paragraph (14), by striking the period at the end of paragraph (15), and inserting ', 'plus', and by adding at the end the following:

''(16) the agricultural conservation credit determined under section 45G.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 701 (c), is amended by adding at the end the following:

''SEC. 45G. Agricultural conservation credit.''.

(3) Section 1016(a), as amended by section 201 (b)(1), is amended by striking 'and' at the end of paragraph (27), striking the period at the end of paragraph (28) and inserting '; and', and adding at the end the following:

''(29) in the case of property with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(d)(1).''.

(c) EFFECTIVE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE XI ENERGY EMERGENCIES

SEC. 1101. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting ''through 2003'' after ''2000.''.

(b) In section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003.''.

Title 11 of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(a) In section 256(h) (42 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1999.''.

(b) In section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003.''.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

''Part D—Northeast Home Heating Oil Reserve

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.''.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States;

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

''(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) The Secretary may drawdown the Reserve only upon a finding by the President that an emergency situation exists in accordance with this section.

''(b) The Secretary may recommend to the President a drawdown of petroleum distillate from the Reserve under section 182(5) in an emergency situation if at least one of the following conditions applies:

''The price differential between crude oil and residential No. 2 heating oil in the northeast increases by—

''(1) more than 15% over a two week period, or

''(2) more than 25% over a four week period, or

''(3) more than 60% over its five year seasonally adjusted rolling average.

''(c) An emergency situation shall be deemed to exist if the President determines a severe energy supply disruption or a severe price increase exists, as demonstrated by the Secretary as set forth in (b), and the price differential continues to increase during the most recent week for which price information is available.

''(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

''(d) The drawdown of the Reserve shall be conducted by competitive bid. Bids shall be evaluated to ensure comparable market value.

''(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.''.

SEC. 1102. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''ANNUAL HOME HEATING READINESS REPORTS.

''(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(b) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''SEC. 107. Major fuel burning stationary source.

''SEC. 108. Annual home heating readiness reports;'' and

(2) in section 107 (42 U.S.C. 6215), by striking ''SEC. 107. (a) No Governor'' and inserting the following:

''SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor.''.

SEC. 1103. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) IN GENERAL.—Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

''(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

''((b) ASSISTANCE—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

''(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

''(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

''(c) PREFERENCE—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel and fuel budgeting programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2001; and

''(2) such sums as are necessary for each fiscal year thereafter.

''(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

''SEC. 273. Summer fill and fuel budgeting programs.''.

SEC. 1104. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study—

(1) to ascertain if the use of energy futures and options contracts could provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for governments, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey); and

(2) to ascertain how these entities may be most effectively educated in the prudent use of energy futures and options contracts to maximize their purchasing effectiveness, protect themselves against sudden or unanticipated surges in the price of heating oil, and minimize long-term heating oil costs.

(b) REPORT.—The Secretary, no later than 180 days after appropriations are enacted to carry out this Act, shall transmit the study required in this section to the Committee on

Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

(c) PILOT PROGRAM.—If the study required in subsection (a) indicates that futures and options contracts can provide cost-effective protection from sudden surges in heating oil prices, the Secretary shall conduct a pilot program, commencing not later than 30 days after the transmission of the study required in subsection (b), to educate such governmental entities, consumer cooperatives, and other organizations on the prudent and cost-effective use of energy futures and options contracts to increase their protection against sudden or unanticipated surges in the price of heating oil and increase the efficiency of their heating oil purchase programs.

(d) AUTHORIZATION.—There is authorized to be appropriated $3 million in fiscal year 2001 to carry out this section.

SEC. 1105. FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following—

''(5) FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil.''

TITLE XII—ENERGY EFFICIENCY

SEC. 1201. ENERGY SAVINGS PERFORMANCE CONTRACTS

That Section 155, Energy Savings Performance Contracts, of the Energy Policy Act (42 U.S.C. 8262), is amended—

(1) in section D,

(A) by striking from subsection iii, ''$750,000'';

(B) by inserting in subsection iii, $10,000,000''; and

(C) by inserting a new subsection v to read, ''Each agency head shall submit an annual report to Congress on the number, locations, and size of each Federal Energy Service Performance Contract into which they have entered.''

(2) by inserting a new section E to read, ''A federal agency may conduct a pilot program to use multiyear contracts under this title to cover the cost of constructing a new building from the energy savings resulting from closing an older building. Up to five pilot contracts may be entered into under this authority. Each agency participating in the pilot program shall submit a report to Congress on the location, energy savings, cost of new construction, and size of the Federal Energy Service Contract for each pilot project under this section.''

SEC. 1202. WEATHERIZATION.

(a) Section 414 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended by inserting the following sentence in subsection (a) the following sentence, ''The application shall contain the state's best estimate of matching funding available from state and local governments and from private sources,'' after the words ''assistance to such persons''. And, by inserting the words, ''without regard to availability of matching funding'', after the words ''low-income persons throughout the States,''

(b) Section 415 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking ''(A)'',

(B) striking ''approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan'' and inserting ''establish'', and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking ''paragraphs (3) and (4)'' and inserting ''paragraph (3)'',

(B) striking ''$1600'' and inserting ''$2500'',

(C) striking ''and'' at the end of subparagraph (C),

(D) striking the period and inserting '';and'' in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph: ''(E) the cost of making heating and cooling modifications, including replacement.'';

(4) in subsection (c)(3) by—

(A) striking ''1991, the $1600 per dwelling unit limitation'' and inserting ''2000, the $2500 per dwelling unit average'',

(B) striking ''limitation'' and inserting ''average'' each time it appears, and

(C) inserting ''the'' after ''beginning of'' in subparagraph (B); and

(5) by striking subsection (c)(4).

TITLE XIII—ELECTRIC RELIABILITY

SEC. 1301. SHORT TITLE.

This Act may be cited as the ''Electric Reliability 2000 Act''.

SEC. 1302. ELECTRIC RELIABILITY ORGANIZATION.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. ELECTRIC RELIABILITY ORGANIZATION.

''(a) DEFINITIONS.—In this section:

''(1) AFFILIATED REGIONAL RELIABILITY ENTITY.—The term 'affiliated regional reliability entity' means an entity delegated authority under subsection (h).

(2) BULK-POWER SYSTEM.—

''(A) IN GENERAL.—The term 'bulk-power system' means all facilities and control systems necessary for operating an interconnected electric power transmission grid or any portion of an interconnected transmission grid.

''(B) INCLUSIONS.—The term 'bulk-power system' includes—

''(i) high voltage transmission lines, substations, control centers, communications, data, and operations planning facilities necessary for the operation of all or any part of the interconnected transmission grid; and

''(ii) the output of generating units necessary to maintain the reliability of the transmission grid.

''(3) BULK-POWER SYSTEM USER.—The term 'bulk-power system user' means an entity that—

''(A) sells, purchases, or transmits electric energy over a bulk-power system; or

''(B) owns, operates, or maintains facilities or control systems that are part of a bulk-power system; or

''(C) is a system operator.

''(4) ELECTRIC RELIABILITY ORGANIZATION.—The term ''electric reliability organization'' means the organization designated by the Commission under subsection (d).

''(5) ENTITY RULE.—The term 'entity rule' means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more organization standards.

''(6) INDEPENDENT DIRECTOR.—The term 'independent director' means a person that—

''(A) is not an officer or employee of an entity that would reasonably be perceived as having a direct financial interest in the outcome of a decision by the board of directors of the electric reliability organization; and

''(B) does not have a relationship that would interfere with the exercise of independent judgment in carrying out the responsibilities of a director of the electric reliability organization.

''(7) INDUSTRY SECTOR.—The term 'industry sector' means a group of bulkpower system users with substantially similar commercial interests, as determined by the board of directors of the electric reliability organization.

''(8) INTERCONNECTION.—The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized so that the failure of 1 or more of the components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

''(9) ORGANIZATION STANDARD.—

''(A) IN GENERAL.—The term 'organization standard' means a policy or standard adopted by the electric reliability organization to provide for the reliable operation of a bulk-power system.

''(B) INCLUSIONS.—The term 'organization standard' includes—

''(i) an entity rule approved by the electric reliability organization; and

''(ii) a variance approved by the electric reliability organization.

''(10) PUBLIC INTEREST GROUP.—

''(A) IN GENERAL.— The term 'public interest group' means a nonprofit private or public organization that has an interest in the activities of the electric reliability organization.

''(B) INCLUSIONS.—The term 'public interest group' includes—

''(i) a ratepayer advocate;

''(ii) an environmental group; and

''(iii) a State or local government organization that regulates participants in, and promulgates government policy with respect to, the market for electric energy.

''(11) SYSTEM OPERATOR.—

''(A) IN GENERAL.—The term 'system operator' means an entity that operates or is responsible for the operation of a bulk-power system.

''(B) INCLUSIONS.—The term 'system operator' includes—

''(i) a control area operator;

''(ii) an independent system operator;

''(iii) a transmission company;

''(iv) a transmission system operator; and

''(v) a regional security coordinator.

''(12) VARIANCE.—The term 'variance' means an exception from the requirements of an organization standard (including a proposal for an organization standard in a case in which there is no organization standard) that is adopted by an affiliated regional reliability entity and is applicable to all or a part of the region for which the affiliated regional reliability entity is responsible.

''(b) COMMISSION AUTHORITY.—

''(1) JURISDICTION.—Notwithstanding section 201(f), within the United States, the Commission shall have jurisdiction over the electric reliability organization, all affiliated regional reliability entities, all system operators, and all bulk-power system users, including entities described in section 201(f), for purposes of approving organization standards and enforcing compliance with this section.

''(2) DEFINITION OF TERMS.—The Commission may by regulation define any term used in this section consistent with the definitions in subsection (a) and the purpose and intent of this Act.

(c) EXISTING RELIABILITY STANDARDS.—

''(1) SUBMISSION TO THE COMMISSION.—Before designation of an electric reliability organization under subsection (d), any person, including the North American Electric Reliability Council and its member Regional Reliability Councils, may submit to the Commission any reliability standard, guidance,

practice, or amendment to a reliability standard, guidance, or practice that the person proposes to be made mandatory and enforceable.

''(2) REVIEW BY THE COMMISSION.—The Commission, after allowing interested persons an opportunity to submit comments, may approve a proposed mandatory standard, guidance, practice, or amendment submitted under paragraph (1) if the Commission finds that the standard, guidance, or practice is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(3) EFFECT OF APPROVAL.—A standard, guidance, or practice shall be mandatory and applicable according to its terms following approval by the Commission and shall remain in effect until it is—

''(A) withdrawn, disapproved, or superseded by an organization standard that is issued or approved by the electric reliability organization and made effective by the Commission under section (e); or

''(B) disapproved by the Commission if, on complaint or upon motion by the Commission and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest.

''(4) ENFORCEABILITY.—A standard, guidance, or practice in effect under this subsection shall be enforceable by the Commission.

''DESIGNATION OF ELECTRIC RELIABILITY ORGANIZATION.—

''(1) REGULATIONS.—

''(A) PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Commission shall propose regulations specifying procedures and requirements for an entity to apply for designation as the electric reliability organization.

''(B) NOTICE AND COMMENT.—The Commission shall provide notice and opportunity—for comment on the proposed regulations.

(C) FINAL REGULATION.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate final regulations under this subsection.

''(2) APPLICATION.—

''(A) SUBMISSION.—Following the promulgation of final regulations under paragraph (1), an entity may submit an application to the Commission for designation as the electric reliability organization.

''(B) CONTENTS.—The applicant shall describe in the application—

''(i) the governance and procedures of the applicant; and

''(ii) the funding mechanism and initial funding requirements of the applicant.

''(3) NOTICE AND COMMENT.—The Commission shall—

''(A) provide public notice of the application; and

(B) afford interested parties an opportunity to comment.

''(4) DESIGNATION OF ELECTRIC RELIABILITY ORGANIZATION.—The Commission shall designate the applicant as the electric reliability organization if the Commission determines that the applicant—

''(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of bulk-power systems;

''(B) permits voluntary membership to any bulk-power system user or public interest group;

''(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards and the exercise of oversight of bulk-power system reliability;

''(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the applicant's discharge of its responsibilities as the electric reliability organization (including actions by committees recommending standards for approval by the board or other board actions to implement and enforce standards);

''(E) provides for governance by a board wholly comprised of independent directors;

''(F) provides a funding mechanism and requirements that—

''(i) are just, reasonable, not unduly discriminatory or preferential and in the public interest; and

''(ii) satisfy the requirements of subsection (1);

''(G) has established procedures for development of organization standards that—

''(i) provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards;

(ii) ensure openness, a balancing of interests, and due process; and

''(iii) includes alternative procedures to be followed in emergencies;

''(H) has established fair and impartial procedures for implementation and enforcement of organization standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

'(I) has established procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information that the directors reasonably determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

''(J) provides for the consideration of recommendations of States and State commissions; and

''(K) addresses other matters that the Commission considers appropriate to ensure that the procedures, governance, and funding of the electric reliability organization are just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(5) EXCLUSIVE DESIGNATION.—

''(A) IN GENERAL.—The Commission shall designate only I electric reliability organization.

''(B) Multiple applications.—If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application that the Commission determines will best implement this section.

''(e) ORGANIZATION STANDARDS.—

''(1) SUBMISSION OF PROPOSALS TO COMMISSION.—

''(A) IN GENERAL.—The electric reliability organization shall submit to the Commission proposals for any new or modified organization standards.

''(B) CONTENTS.—A proposal submitted under subparagraph (A) shall include—

''(i) a concise statement of the purpose of the proposal; and

''(ii) a record of any proceedings conducted with respect to the proposal.

''(2) REVIEW BY THE COMMISSION.—

''(A) NOTICE AND COMMENT.—The Commission shall—

''(i) provide notice of a proposal under paragraph (1); and

''(ii) allow interested persons 30 days to submit comments on the proposal.

''(B) ACTION BY THE COMMISSION.—

''(i) IN GENERAL.—After taking into consideration any submitted comments, the Commission shall approve or disapprove a proposed organization standard not later than the end of the 60-day period beginning on the date of the deadline for the submission of comments, except that the Commission may extend the 60-day period for an additional 90 days for good cause.

''(ii) FAILURE TO ACT.—If the Commission does not approve or disapprove a proposal within the period specified in clause (i), the proposed organization standard shall go into effect subject to its terms, without prejudice to the authority of the Commission to modify the organization standard in accordance with the standards and requirements of this section.

''(C) EFFECTIVE DATE.—An organization standard approved by the Commission shall take effect not earlier than 30 days after the date of the Commission's order of approval.

''(D) STANDARDS FOR APPROVAL.—

''(i) IN GENERAL.—The Commission shall approve a proposed new or modified organization standard if the Commission determines the organization standard to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(ii) CONSIDERATIONS.—In the exercise of its review responsibilities under this subsection, the Commission—

''(I) shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a new or modified organization standard; but

''(II) shall not defer to the electric reliability organization with respect to the effect of the organization standard on competition.

''(E) REMAND.—A proposed organization standard that is disapproved in whole or in part by the Commission shall be remanded to the electric reliability organization for further consideration.

''(3) ORDERS TO DEVELOP OR MODIFY ORGANIZATION STANDARDS.—The Commission, on complaint or on motion of the Commission, may order the electric reliability organization to develop and submit to the Commission, by a date specified in the order, an organization standard or modification to an existing organization standard to address a specific matter if the Commission considers a new or modified organization standard appropriate to carry out this section, and the electric reliability organization shall develop and submit the organization standard or modification to the Commission in accordance with this subsection.

''(4) VARIANCES AND ENTITY RULES.—

''(A) PROPOSAL.—An affiliated regional reliability entity may propose a variance or entity rule to the electric reliability organization.

''(B) EXPEDITED CONSIDERATION.—If expedited consideration is necessary to provide for bulk-power system reliability, the affiliated regional reliability entity may—

''(i) request that the electric reliability organization expedite consideration of the proposal; and

''(ii) file a notice of the request with the Commission.

''(C) FAILURE TO ACT.—

''(i) IN GENERAL.—If the electric reliability organization fails to adopt the variance or entity rule, in whole or in part, the affiliated regional reliability entity may request that the Commission review the proposal.

''(ii) ACTION BY THE COMMISSION.—If the Commission determines, after a review of the request, that the action of the electric reliability organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity

rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest and that the electric reliability organization has unreasonably rejected or failed to act on the proposal, the Commission may—

''(I) remand the proposal for further consideration by the electric reliability organization; or

''(II) order the electric reliability organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity.

''(D) PROCEDURE.—A variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the electric reliability organization for review and submission to the Commission in accordance with the procedures specified in paragraph (2).

''(5) IMMEDIATE EFFECTIVENESS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, a new or modified organization standard shall take effect immediately on submission to the Commission without notice or comment if the electric reliability organization—

''(i) determines that an emergency exists requiring that the new or modified organization standard take effect immediately without notice or comment;

''(ii) notifies the Commission as soon as practicable after making the determination;

''(iii) submits the new or modified organization standard to the Commission not later than 5 days after making the determination; and

''(iv) includes in the submission an explanation of the need for immediate effectiveness.

''(B) NOTICE AND COMMENT.—The Commission shall—

''(i) provide notice of the new or modified organization standard or amendment for comment; and

''(ii) follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard.

''(6) COMPLIANCE.—Each bulk power system user shall comply with an organization standard that takes effect under this section.

''(f) COORDINATION WITH CANADA AND MEXICO.—

''(1) RECOGNITION.—The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

''(2) INTERNATIONAL AGREEMENTS.—

''(A) IN GENERAL.—The President shall use best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for—

''(i) effective compliance with organization standards; and

''(ii) the effectiveness of the electric reliability organization in carrying out its mission and responsibilities.

''(B) COMPLIANCE.—All actions taken by the electric reliability organization, an affiliated regional reliability entity, and the Commission shall be consistent with any international agreement under subparagraph (A).

''(g) CHANGES IN PROCEDURE, GOVERNANCE, OR FUNDING.—

''(1) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

''(A) any proposed change in a procedure, governance, or funding provision; or

''(B) any change in an affiliated regional reliability entity's procedure, governance, or funding provision relating to delegated functions.

''(2) CONTENTS.—A submission under paragraph (1) shall include an explanation of the basis and purpose for the change.

''(3) EFFECTIVENESS.—

''(A) CHANGES IN PROCEDURE.—

''(i) CHANGES CONSTITUTING A STATEMENT OF POLICY, PRACTICE, OR INTERPRETATION.—A proposed change in procedure shall take effect 90 days after submission to the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of the procedure.

''(ii) OTHER CHANGES.—A proposed change in procedure other than a change described in clause (i) shall take effect on a finding by the Commission, after notice and opportunity for comment, that the change—

''(I) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(II) satisfies the requirements of subsection (d)(4).

''(B) CHANCES IN GOVERNANCE OR FUNDING.—A proposed change in governance or funding shall not take effect unless the Commission finds that the change—

''(i) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) satisfies the requirements of subsection (d)(4).

''(4) ORDER TO AMEND.—

''(A) IN GENERAL.—The Commission, on complaint or on the motion of the Commission, may require the electric reliability organization to amend a procedural, governance, or funding provision if the Commission determines that the amendment is necessary to meet the requirements of this section.

''(B) FILING.—The electric reliability organization shall submit the amendment in accordance with paragraph (1).

''(h) DELEGATIONS OF AUTHORITY.—

''(1) IN GENERAL.—

''(A) IMPLEMENTATION AND ENFORCEMENT OF COMPLIANCE.—At the request of an entity, the electric reliability organization shall enter into an agreement with the entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the electric reliability organization finds that—

''(i) the entity satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4); and

''(ii) the delegation would promote the effective and efficient implementation and administration of bulk-power system reliability.

''(B) OTHER AUTHORITY.—The electric reliability organization may enter into an agreement to delegate to an entity any other authority, except that the electric reliability organization shall reserve the right to set and approve standards for bulk-power system reliability.

''(2) APPROVAL BY THE COMMISSION.—

''(A) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

''(i) any agreement entered into under this subsection; and

''(ii) any information the Commission requires with respect to the affiliated regional reliability entity to which authority is delegated.

''(B) STANDARDS FOR APPROVAL.—The Commission shall approve the agreement, following public notice and an opportunity for comment, if the Commission finds that the agreement—

''(i) meets the requirements of paragraph (1); and

''(ii) is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(C) REBUTTABLE PRESUMPTION.—A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of the reliability of the bulk-power system.

''(D) INVALIDITY ABSENT APPROVAL.—No delegation by the electric reliability organization shall be valid unless the delegation is approved by the Commission.

''(3) PROCEDURES FOR ENTITY RULES AND VARIANCES.—

''(A) IN GENERAL.—A delegation agreement under this subsection shall specify the procedures by which the affiliated regional reliability entity may propose entity rules or variances for review by the electric reliability organization.

''(B) INTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.—In the case of a proposal for an entity rule or variance that would apply on an interconnection-wide basis, the electric reliability organization shall approve the entity rule or variance unless the electric reliability organization makes a written finding that the entity rule or variance—

''(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) would have a significant adverse impact on reliability or commerce in other interconnections;

''(iii) fails to provide a level of reliability of the bulk-power system wiin the interconnection such that the entity rule or variance would be likely to cause a serious and substantial threat to public health, safety, welfare, or national security; or

''(iv) would create a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

''(C) NONINTERCONNECTION-WIDE ENTITY RULES AND VARIANCE.—In the case of a proposal for an entity rule or variance that would apply only to part of an interconnection, the electric reliability organization shall approve the entity rule or variance if the affiliated regional reliability entity demonstrates that the proposal—

''(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) would not have an adverse impact on commerce that is not necessary for reliability;

''(iii) provides a level of bulk-power system reliability that is adequate to protect public health, safety, welfare, and national security and would not have a significant adverse impact on reliability; and

''(iv) in the case of a variance, is based on a justifiable difference between regions or subregions within the affiliated regional reliability entity's geographic area.

''(D) ACTION BY THE ELECTRIC RELIABILITY ORGANIZATION.—

''(i) IN GENERAL.—The electric reliability organization shall approve or disapprove a proposal under subparagraph (A) within 120 days after the proposal is submitted.

''(ii) FAILURE TO ACT.—If the electric reliability organization fails to act within the time specified in clause (i), the proposal shall be deemed to have been approved.

''(iii) SUBMISSION TO THE COMMISSION.—After approving a proposal under subparagraph (A), the electric reliability organization shall submit the proposal to the Commission for approval under the procedures prescribed under subsection (e).

''(E) DIRECT SUBMISSIONS.—An affiliated regional reliability entity may not submit a proposal for approval directly to the Commission except as provided in subsection (e)(4).

(4) FAILURE TO REACH DELEGATION AGREEMENT.—

''(A) IN GENERAL.—If an affiliated regional reliability entity requests, consistent with

paragraph (1), that the electric reliability organization delegate authority to it, but is unable within 180 days to reach agreement with the electric reliability organization with respect to the requested delegation, the entity may seek relief from the Commission.

''(B) REVIEW BY THE COMMISSION.—The Commission shall order the electric reliablity organization to enter into a delegation agreement under terms specified by the Commission if, after notice and opportunity for comment, the Commission determines that—

''(i) a delegation to the affiliated regional reliability entity would—

''(I) meet the requirements of paragraph (1); and

''(II) would be just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) the electric reliability organization unreasonably withheld the delegation.

''(5) ORDERS TO MODIFY DELEGATION AGREEMENTS.—

''(A) IN GENERAL.—On complaint, or on motion of the Commission, after notice to the appropriate affiliated regional reliability entity, the Commission may order the electric reliability organization to propose a modification to a delegation agreement under this subsection if the Commission determines that—

''(i) the affiliated regional reliability entity—

''(I) no longer has the capacity to carry out effectively or efficiently the implementation or enforcement responsibilities under the delegation agreement;

''(II) has failed to meet its obligations under the delegation agreement; or

''(III) has violated this section;

''(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of the implementation or enforcement responsibilities under the delegation agreement;

''(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity, and the difference in boundaries is inconsistent with the effective and efficient implementation and administration of bulk-power system reliability; or

''(iv) the agreement is inconsistent with a delegation ordered by the Commission under paragraph (4).

''(B) SUSPENSION.—

''(i) IN GENERAL.—Following an order to modify a delegation agreement under subparagraph (A), the Commission may suspend the delegation agreement if the electric reliability organization or the affiliated regional reliability entity does not propose an appropriate and timely modification.

''(ii) ASSUMPTION OF RESPONSIBILITIES.—If a delegation agreement is suspended, the electric reliability organization shall assume the responsibilities delegated under the delegation agreement.

''(i) ORGANIZATION MEMBERSHIP.—Each system operator shall be a member of—

''(1) the electric reliability organization; and

''(2) any affiliated regional reliability entity operating under an agreement effective under subsection (h) applicable to the region in which the system operator operates, or is responsible for the operation of, a transmission facility.

''(j) ENFORCEMENT.—

''(1) DISCIPLINARY ACTIONS.—

''(A) IN GENERAL.—Consistent with procedures approved by the Commission under subsection (d)(4)(H), the electric reliability organization may impose a penalty, limitation on activities, functions, or operations, or other disciplinary action that the electric reliability organization finds appropriate against a bulk-power system user if the electric reliability organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the bulk-power system user has violated an organization standard.

''(B) NOTIFICATION.—The electric reliability organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a bulk-power system user that affected or threatened to affect bulk-power system facilities located in the United States.

''(C) RIGHT TO PETITION.—A bulk-power system user that is the subject of disciplinary action under paragraph (1) shall have the right to petition the Commission for a modification or rescission of the disciplinary action.

''(D) INJUNCTIONS.—If the electric reliability organization finds it necessary to prevent a serious threat to reliability, the electric reliability organization may seek injunctive relief in the United States district court for the district in which the affected facilities are located.

''(E) EFFECTIVE DATE.—

''(i) IN GENERAL.—Unless the Commission, on motion of the Commission or on application by the bulk-power system user that is the subject of the disciplinary action, suspends the effectiveness of a disciplinary action, the disciplinary action shall take effect on the 30th day after the date on which—

''(I) the electric reliability organization submits to the Commission—

''(aa) a written finding that the bulk-power system user violated an organization standard; and

''(bb) the record of proceedings before the electric reliability organization; and

''(II) the Commission posts the written finding on the Internet.

''(ii) DURATION.—A disciplinary action shall remain in effect or remain suspended unless the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the disciplinary action.

''(iii) EXPEDITED CONSIDERATION.—The Commission shall conduct the hearing under procedures established to ensure expedited consideration of the action taken.

''(2) COMPLIANCE ORDERS.—The Commission, on complaint by any person or on motion of the Commission, may order compliance with an organization standard and may impose a penalty, limitation on activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a bulk-power system user with respect to actions affecting or threatening to affect bulk-power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the bulk-power system user has violated or threatens to violate an organization standard.

''(3) OTHER ACTIONS.—The Commission may take such action as is necessary against the electric reliability organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting electric reliability organization or affiliated regional reliability entity.

''(k) RELIABILITY REPORTS.—The electric reliability organization shall—

''(1) conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America; and

''(2) report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

''(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—

''(1) IN GENERAL.—The reasonable costs of the electric reliability organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation or enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the electric reliability organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all electric energy consumers.

''(2) RULE.—The Commission shall provide by rule for the review of costs and allocations under paragraph (1) in accordance with the standards in this subsection and subsection (d)(4)(F).

''(m) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

''(A) Activities undertaken by the electric reliability organization under this section or affiliated regional reliability entity operating under a delegation agreement under subsection (h).—

''(B) Activities of a member of the electric reliability organization or affiliated regional reliability entity in pursuit of the objectives of the electric reliability organization or affiliated regional reliability entity under this section undertaken in good faith under the rules of the organization of the electric reliability organization or affiliated regional reliability entity.

''(2) AVAILABILITY OF DEFENSES.—In a civil action brought by any person or entity against the electric reliability organization or an affiliated regional reliability entity alleging a violation of an antitrust law based on an activity under this Act, the defenses of primary jurisdiction and immunity from suit and other affirmative defenses shall be available to the extent applicable.

''(n) REGIONAL ADVISORY ROLE.—

''(1) ESTABLISHMENT OF REGIONAL ADVISORY BODY.—The Commission shall establish a regional advisory body on the petition of the Governors of at least two-thirds of the States within a region that have more than one-half of their electrical loads served within the region.

''(2) MEMBERSHIP.—A regional advisory body—

''(A) shall be composed of 1 member from each State in the region, appointed by the Governor of the State; and

''(B) may include representatives of agencies, States, and Provinces outside in United States, on execution of an appropriate international agreement described in subsection (f).

''(3) FUNCTIONS.—A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding—

''(A) the governance of an affiliated regional reliability entity existing or proposed within a region;

''(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discrimatory or preferential, and the public interest; and

''(C) whether fees proposed to be assessed within the regions are—

''(i) just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) consistent with the requirements of subsection (1).

''(4) DEFERENCE.—In a case in which a regional advisory body encompasses an entire interconnection, the Commission may give

deference to advice provided by the regional advisory body under paragraph (3).

''(o) APPLICABILITY OF SECTION.—This section does not apply outside the 48 contiguous States.

''(p) REHEARINGS COURT REVIEW OF ORDERS.—Section 313 applies to an order of the Commission issued under this section.

''(q) PRESERVATION OF STATE AUTHORITY.—

''(1) The Electric Reliability Organization shall have authority to develop, implement, and enforce compliance with standards for the reliable operation of only the Bulk Power System.

''(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facility or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

''(4) Not later than 90 days after the application of the Electric Reliability Organization or other affected party, the Commmission shall issue a final order dtermining whether a state action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration any recommendations of the Electric Reliability Organization.

''(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.''.

''(b) ENFORCEMENT.—

''(1) GENERAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is amended—

''(A) by striking ''subsection'' and inserting ''section''; and

''(B) by striking ''or 214'' and inserting ''214 or 215''.

''(2) CERTAIN PROVISIONS.—Section 316A of the Federal Power Act (16 U.S.C. 8250–1) is amended by striking ''or 214'' each place it appears and inserting ''214, or 215''.

HATCH (AND LEAHY) AMENDMENT NO. 3653

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill, H.R. 4577, supra; as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet Service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material or the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term 'Internet service provider' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

FRIST AMENDMENT NO. 3654

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 18, line 7, insert before '': *Provided*,'' the following: ''(minus $10,000,000)''.

On page 68, line 23, strike ''$496,519,000'' and insert ''$506,519,000''.

On page 69, line 3, strike ''$40,000,000'' and insert ''$50,000,000''.

On page 69, line 6, insert after ''103–227'' the following: ''and $20,000,000 of that $50,000,000 shall be made available for the Interagency Education Research Initiative''.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3655

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. HAGEL, Mr. SESSIONS, Mr. BROWNBACK, Mr. DEWINE, Mr. SANTORUM, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 58, line 15, strike ''$4,672,534,000'' and insert ''$3,372,534,000''.

On page 58, line 17, strike ''$2,915,000,000'' and insert ''$1,615,000,000''.

On page 58, line 22, strike ''$3,100,000,000'' and insert ''$1,800,000,000''.

JEFFORDS AMENDMENT NO. 3656

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 43, line 9, before the colon, insert the following: '', of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions''.

COLLINS AMENDMENT NO. 3657

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. ABRAHAM, and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 24, line 1, strike ''and''.

On page 24, line 7, insert before the colon the following: '', and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support''.

DASCHLE (AND OTHERS) AMENDMENT NO. 3658

Mr. HARKIN (for Mr. DASCHLE (for himself, Mr. MURKOWSKI, Mr. JOHNSON, Mr. WYDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. REID)) proposed an amendment to the bill H.R. 4577, supra; as follows:

On page 27, line 4, insert before the colon the following: '', and of which $10,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program''.

On page 34, line 13, insert before the colon the following: '', of which $15,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on June 29, 2000 in SR–328A at 10 a.m. The purpose of this meeting will be to mark up new legislation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 9:30 a.m., in open session to consider the

nominations of Lieutenant General Tommy R. Franks, USA for appointment to the grade of General and to be commander-in-chief, United States Central Command and Lieutenant General William F. Kernan, USA for appointment to the grade of General and to be commander-in-chief, United States Joint Forces Command/Supreme Allied Commander, Atlantic.

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

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 11:30 a.m., in open session to consider the nominations of Lieutenant General Tommy R. Franks, USA for appointment to the grade of General and to be commander-in-chief, United States Central Command and Lieutenant General William F. Kernan, USA for appointment to the grade of General and to be commander-in-chief, United States Joint Forces Command/Supreme Allied Commander, Atlantic.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 27, 2000 at 2:15 p.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Reprocessing of Single Use Medical Devices during the session of the Senate on Tuesday, June 27, 2000, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, June 27, 2000, at 9:30 a.m., in SD–226.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 27, 2000, at 2 p.m., in Hart 216.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 27, 2000, at 8:30 a.m., to receive testimony on the operations of the Library of Congress and the Smithsonian Institution.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production and Regulation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 27, 2000, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the April 2000 GAO Report entitled ''Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities.''

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

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Andrew Scott and Tracy Harris of my office have floor privileges for the remainder of the consideration of this amendment.

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

Mr. REED. Mr. President. I ask unanimous consent that a fellow in my office, Paul Tibbits, be granted floor privileges during the debate on the pending bill.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Caroline Chang, a fellow in my office, be granted the privilege of the floor for the remainder of this bill.

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

MEASURE READ THE FIRST TIME—S. 2801

Mr. MURKOWSKI. Mr. President, I understand that S. 2801 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2801) to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

Mr. MURKOWSKI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk.

COMMENDING AND CONGRATULATING THE LOUISIANA STATE UNIVERSITY TIGERS ON WINNING THE 2000 COLLEGE WORLD SERIES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 328, introduced earlier today by Senators LANDRIEU and BREAUX.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 328) to commend and congratulate the Louisiana State University Tigers on winning the 2000 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I congratulate the Louisiana State University Tigers on winning the 2000 College World Series. The Tigers finished the 2000 season with a regular season record of 46 and 12 and a perfect post season record of 13 and 0. Even though the Tigers enjoyed great success in both the regular and post seasons, winning the national title was no easy feat. Despite their stunning success in earlier post season games, the Tigers found themselves trailing the Stanford Cardinal 5 to 2 in the eighth inning of the final game of the world series. Through sheer will and determination the Tigers were able to come from behind with a single by Tiger catcher Brad Cresse, which brought Ryan Theriot home for the game winning run. LSU's thrilling victory enraptured loving fans throughout Louisiana.

This final victory was the culmination of a season's worth of persistence and hard work which has characterized their performance throughout the decade. To date, the Tigers have won five national titles but have refused to rest on their laurels. LSU's team batting average of .341 this season is a truly commendable achievement. Senior catcher Brad Cresse distinguished himself by hitting 30 home runs over the course of the season. Senior pitcher Trey Hodges earned the Most Outstanding Player Award of the College World Series by exhibiting the same discipline and skill that carried him through the year. The guiding hand for the Tiger's winning season, LSU coach Skip Bertman, continually instilled in his players a sense of dedication, teamwork, and sportsmanship. Coach Bertman's tireless efforts were recognized when he was awarded the National Coach of the Year Award by the Collegiate Baseball Newspaper. The accomplishments of these heroes of college baseball will certainly serve as the standard for generations to come.

Louisiana State University's national championship spotlights one of the Nation's premier State universities, which is committed to academic and athletic excellence.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 328

Whereas the Louisiana State University baseball team completed the year with 13 consecutive wins, with a record of 4–0 in the Southeastern Conference tournament, 3–0 in Subregional action, 2–0 in Super Regional contests and 4–0 in the College World Series, ending its exciting season by defeating the previously undefeated Stanford Cardinal 6–5 on June 17, 2000, in Omaha, Nebraska, to win its fifth national championship in 10 years;

Whereas Louisiana State University firmly established itself as the dominant college baseball team of the decade, winning the College World Series title in 1991, 1993, 1996, and 1997;

Whereas Louisiana State University finished with a regular season record of 46-12 and a team batting average of .341;

Whereas Louisiana State University's senior catcher, Brad Cresse, distinguished himself in the championship game and throughout the season as one of the premier players in all of college baseball, leading the nation by hitting a total of 30 home runs in 2000;

Whereas Louisiana State University's senior right-handed pitcher, Trey Hodges, who earned the Most Outstanding Player Award of the College World Series, gave up just 2 hits and 1 walk in 4 innings while striking out 4 batters in his second victory of the College World Series, personifying the persistence and competitiveness that carried Louisiana State University throughout the year;

Whereas Louisiana State University's coach, Skip Bertman, named The Collegiate Baseball Newspaper's National Coach of The Year, has never allowed the Tigers to lose a College World Series championship game;

Whereas Coach Skip Bertman has instilled in his players unceasing dedication and teamwork, and has inspired in the rest of us an appreciation for what it means to win with dignity, integrity, and true sportsmanship;

Whereas Louisiana State University's thrilling victory in the College World Series championship game enraptured their loyal and loving fans from Baton Rouge to Shreveport, taking ''Tigermania'' to new heights and filling the people of Louisiana with an overwhelming sense of pride, honor, and community; and

Whereas Louisiana State University's national championship spotlights one of the nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

Resolved,

SECTION 1. COMMENDING AND CONGRATULATING LOUISIANA STATE UNIVERSITY ON WINNING THE 2000 COLLEGE WORLD SERIES CHAMPIONSHIP.

The Senate commends and congratulates the Tigers of Louisiana State University on winning the 2000 College World Series championship.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the chancellor of the Louisiana State University and Agriculture and Mechanical College in Baton Rouge, Louisiana.

30TH ANNIVERSARY OF THE POLICY OF INDIAN SELF-DETERMINATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 611, S. Res. 277,

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 277) commemorating the 30th Anniversary of the Policy of Indian Self-Determination.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas the United States of America and the sovereign Indian Tribes contained within its boundaries have had a long and mutually beneficial relationship since the beginning of the Republic;

Whereas the United States has recognized this special legal and political relationship and its trust responsibility to the Indian Tribes as reflected in the Federal Constitution, treaties, numerous court decisions, federal statutes, executive orders, and course of dealing;

Whereas Federal policy toward the Indian Tribes has vacillated through history and often failed to uphold the government-to-government relationship that has endured for more than 200 years;

Whereas these Federal policies included the wholesale removal of Indian tribes and their members from their aboriginal homelands, attempts to assimilate Indian people into the general culture, as well as the termination of the legal and political relationship between the United States and the Indian tribes;

Whereas President Richard M. Nixon, in his ''Special Message to Congress on Indian Affairs'' on July 8, 1970, recognized that the Indian Tribes constitute a distinct and valuable segment of the American federalist system, whose members have made significant contributions to the United States and to American culture;

Whereas President Nixon determined that Indian Tribes, as local governments, are best able to discern the needs of their people and are best situated to determine the direction of their political and economic futures;

Whereas in his ''Special Message'' President Nixon recognized that the policies of legal and political termination on the one hand, and paternalism and excessive dependence on the other, devastated the political, economic, and social aspects of life in Indian America, and had to be radically altered;

Whereas in his ''Special Message'' President Nixon set forth the foundation for a new, more enlightened Federal Indian policy grounded in economic self-reliance and political self-determination; and

Whereas this Indian self-determination policy has endured as the most successful policy of the United States in dealing with the Indian Tribes because it rejects the failed policies of termination and paternalism and declared that ''the integrity and right to continued existence of all Indian Tribal and Alaska native governments, recognizing that cultural pluralism is a source of national strength'': Now, therefore, be it

Resolved, That the Senate of the United States recognizes the unique role of the Indian Tribes and their members in the United States, and commemorates the vision and leadership of President Nixon, and every succeeding President, in fostering the policy of Indian Self-Determination.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, turning to the Executive Calendar, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

Executive Calendar Nos. 544, 545, 546, 551, 552, 553, 554, 555, 556, 564, the nominations on the Secretary's desk in the Coast Guard and, finally, all the military nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF TRANSPORTATION

J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council for a term of two years. (New Position)

DEPARTMENT OF AGRICULTURE

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture, vice Wally B. Beyer.

AIR FORCE

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

To be major general

Brig. Gen. Craig P. Rasmussen, 0000

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

To be brigadier general

Col. Bruce S. Asay, 0000

The following named officer for appointment in the United States Air Force 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

Lt. Gen. Robert H. Foglesong, 0000

The following named officer for appointment in the United States Air Force 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. William T. Hobbins, 0000

The following named officer for appointment in the United States Air Force 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. Tome H. Walters, Jr., 0000

ARMY

The following named officer for appointment in the United States Army 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. Peter M. Cuviello, 0000

The following named officer for appointment in the United States Army 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. Timothy J. Maude, 0000

The following named officer for appointment in the United States Army 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. Paul T. Mikolashek, 0000

The following named officer for appointment in the United States Army 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. Robert W. Noonan, Jr., 0000

The following named officer for appointment in the United States Army 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. Daniel R. Zanini, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Tommy R. Franks, 0000

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

To be major general

Brig. Gen. Wayne D. Marty, 0000

The following named officer for appointment in the United States Army 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. Dan K. McNeill, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William F. Kernan, 0000

The following named officer for appointment in the United States Army 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

Lt. Gen. Donald L. Kerrick, 0000

MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. Michael J. Williams, 0000

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 general

Lt. Gen. Carlton W. Fulford, Jr., 0000

NAVY

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

To be rear admiral (lower half)

Capt. Peter L. Andrus, 0000
Capt. Steven B. Kantrowitz, 0000
Capt. James M. McGarrah, 0000
Capt. Elizabeth M. Morris, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James W. Metzger, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be vice admiral

Rear Adm. Michael G. Mullen, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Grossenbacher, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gregory G. Johnson, 0000

The following named officer for appointment in the United States Navy to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be rear admiral (lower half)

Capt. Eleanor C. Mariano, 0000

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

To be rear admiral (lower half)

Capt. Nancy E. Brown, 0000
Capt. Donald K. Bullard, 0000
Capt. Albert M. Calland III, 0000
Capt. Robert T. Conway, Jr., 0000
Capt. John P. Cryer III, 0000
Capt. Thomas Q. Donaldson V, 0000
Capt. John J. Donnelly, 0000
Capt. Steven L. Enewold, 0000
Capt. Jay C. Gaudio, 0000
Capt. Charles S. Hamilton II, 0000
Capt. John C. Harvey, Jr., 0000
Capt. Timothy L. Heely, 0000
Capt. Carlton B. Jewett, 0000
Capt. Rosanne M. Levitre, 0000
Capt. Samuel J. Locklear III, 0000
Capt. Richard J. Mauldin, 0000
Capt. Alexander A. Miller, 0000
Capt. Mark R. Milliken, 0000
Capt. Christopher M. Moe, 0000
Capt. Matthew G. Moffit, 0000
Capt. Michael P. Nowakowski, 0000
Capt. Stephen R. Pietropaoli, 0000
Capt. Paul J. Ryan, 0000
Capt. Michael A. Sharp, 0000
Capt. Vinson E. Smith, 0000
Capt. Harold D. Starling II, 0000
Capt. James Stavridis, 0000
Capt. Paul E. Sullivan, 0000
Capt. Michael C. Tracy, 0000
Capt. Miles B. Wachendorf, 0000
Capt. John J. Waickwicz, 0000
Capt. Anthony L. Winns, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph W. Dyer, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John B. Nathman, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Paul G. Gaffney II, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

Air Force nominations beginning Catherine T. Bacon, and ending Karin G. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Air Force nominations beginning Ronald A. Gregory, and ending Melody A. Warren, which nominations were received by the Senate and appeared in the Congressional Record of June 15, 2000.

ARMY

Army nominations beginning Philip W. Hill, and ending Joseph F. Hannon, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Ronald J. Buchholz, and ending *Jean M. Davis, which

nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Jack R. Christensen, and ending Daniel J. Travers, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Army nominations beginning Brent M. Boyles, and ending Frank J. Toderico, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning *Robin M. Adamsmccallum, and ending Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning Richard A. Gaydo, and ending John E. Zydron, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

Army nomination Thomas A. Holditz, , which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Army nominations beginning Karen A. Dixon, and ending Jesse J. Rose, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

COAST GUARD

Coast Guard nominations beginning Jeffrey D. Kotson, and ending Kimberly Orr, which nominations were received by the Senate and appeared in the Congressional Record of April 25, 2000.

MARINE CORPS

Marine Corps nominations beginning Dennis J. Allston, and ending David L. Stokes, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Marine Corps nominations beginning Arthur J. Athens, and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Marine Corps nominations beginning Tray J. Ardese, and ending Barian A. Woodward, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Marine Corps nomination of John M. Dunn, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

NAVY

Navy nomination of James R. Lake, which was received by the Senate and appeared in the Congressional Record of April 11, 2000.

Navy nomination of Robert E. Davis, which was received by the Senate and appeared in the Congressional Record of May 11, 2000.

Navy nominations beginning Lawrence J. Chick, and ending James R. Wimmer, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2000.

Navy nomination of Ray A. Stapf, which was received by the Senate and appeared in the Congressional Record of May 17, 2000.

Navy nomination of Jeffrey M. Armstrong, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Navy nomination of Billy J. Price, which was received by the Senate and appeared in the Congressional Record of June 14, 2000.

Navy nominations beginning Aurora S. Abalos, and ending Jerry L. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–34

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 27, 2000, by the President of the United States: Extradition Treaty with Sri Lanka (Treaty Document No. 106–34).

Further, I ask unanimous consent the treaty be considered as having been read for the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington September 30, 1999.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report states, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

Upon entry into force, this Treaty would enhance cooperation between the law enforcement authorities of both countries, and thereby make a significant contribution to international law enforcement efforts. The Treaty would supersede the 1931 United States-United Kingdom extradition treaty currently applicable to the United States and Sri Lanka.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 27, 2000*.

ORDERS FOR WEDNESDAY, JUNE 28, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 28. I further ask unanimous consent that on Wednesday, 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 resume consideration of the Hutchison and Daschle amendments to the Labor-Health and Human Services appropriations bill.

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

Mr. MURKOWSKI. I further ask unanimous consent that a vote occur in relation to the Hutchison amendment at 9:45, to be followed by a vote in relation to the Daschle amendment, with 4 minutes of debate equally divided prior to each vote and that no second-degree amendments be in order prior to the votes.

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

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, on Wednesday, the Senate will resume consideration of the Labor-HHS appropriations bill at 9:30 a.m. Under the previous order, there will be closing remarks on the Hutchison amendment regarding same-sex schools with a vote in relation to the amendment to occur at approximately 9:45 a.m. Following that vote, the Senate will proceed to a vote in relation to the Daschle amendment regarding fetal alcohol. After the votes, the Senate will continue debate on amendments as they are offered. Senators can anticipate votes throughout the day with the expectation of completing action on the bill during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, June 28, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 27, 2000:

THE JUDICIARY

ANNA BLACKBURNE-RIGSBY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

THOMAS J. MOTLEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN MCADAM MOTT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF TRANSPORTATION

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

ROBERT W. BAKER, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

GEOFFREY T. CROWLEY, OF WISCONSIN, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

ROBERT A. DAVIS, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

KENDALL W. WILSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR.

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS.

DEPARTMENT OF AGRICULTURE

CHRISTOPHER A. MCLEAN, OF NEBRASKA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CRAIG P. RASMUSSEN, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRUCE S. ASAY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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

LT. GEN. ROBERT H. FOGLESONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. WILLIAM T. HOBBINS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. TOME H. WALTERS, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. PETER M. CUVIELLO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. TIMOTHY J. MAUDE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. PAUL T. MIKOLASHEK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. ROBERT W. NOONAN, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. DANIEL R. ZANINI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TOMMY R. FRANKS, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WAYNE D. MARTY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. DAN K. MCNEILL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM F. KERNAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

LT. GEN. DONALD L. KERRICK, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. MICHAEL J. WILLIAMS, 0000

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 general

LT. GEN. CARLTON W. FULFORD, JR., 0000

NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PETER L. ANDRUS, 0000
CAPT. STEVEN B. KANTROWITZ, 0000
CAPT. JAMES M. MCGARRAH, 0000
CAPT. ELIZABETH M. MORRIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES W. METZGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601;

To be vice admiral

REAR ADM. MICHAEL G. MULLEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. GROSSENBACHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral (lower half)

CAPT. ELEANOR C. MARIANO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NANCY E. BROWN, 0000
CAPT. DONALD K. BULLARD, 0000
CAPT. ALBERT M. CALLAND, III, 0000
CAPT. ROBERT T. CONWAY JR., 0000
CAPT. JOHN P. CRYER, III, 0000
CAPT. THOMAS Q. DONALDSON, V, 0000
CAPT. JOHN J. DONNELLY, 0000
CAPT. STEVEN L. ENEWOLD, 0000
CAPT. JAY C. GAUDIO, 0000
CAPT. CHARLES S. HAMILTON, II, 0000
CAPT. JOHN C. HARVEY JR., 0000
CAPT. TIMOTHY L. HEELY, 0000
CAPT. CARLTON B. JEWETT, 0000
CAPT. ROSANNE M. LEVITRE, 0000
CAPT. SAMUEL J. LOCKLEAR, III, 0000
CAPT. RICHARD J. MAULDIN, 0000
CAPT. ALEXANDER A. MILLER, 0000
CAPT. MARK R. MILLIKEN, 0000
CAPT. CHRISTOPHER M. MOE, 0000
CAPT. MATTHEW G. MOFFIT, 0000
CAPT. MICHAEL P. NOWAKOWSKI, 0000
CAPT. STEPHEN R. PIETROPAOLI, 0000
CAPT. PAUL J. RYAN, 0000
CAPT. MICHAEL A. SHARP, 0000
CAPT. VINSON E. SMITH, 0000
CAPT. HAROLD D. STARLING, II, 0000
CAPT. JAMES STAVRIDIS, 0000
CAPT. PAUL E. SULLIVAN, 0000
CAPT. MICHAEL C. TRACY, 0000
CAPT. MILES B. WACHENDORF, 0000
CAPT. JOHN J. WAICKWICZ, 0000
CAPT. ANTHONY L. WINNS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. DYER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN B. NATHMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL G. GAFFNEY, II, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING CATHERINE T. BACON, AND ENDING KARIN G. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

AIR FORCE NOMINATIONS BEGINNING RONALD A. GREGORY, AND ENDING MELODY A. WARREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING PHILIP W. HILL, AND ENDING JOSEPH F. HANNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING RONALD J. BUCHHOLZ, AND ENDING JEAN M. *DAVIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING JACK R. CHRISTENSEN, AND ENDING DANIEL J. TRAVERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

ARMY NOMINATIONS BEGINNING BRENT M. BOYLES, AND ENDING FRANK J. TODERICO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING ROBIN M. *ADAMS-MCCALLUM, AND ENDING ESMERALDO ZARZABAL JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

ARMY NOMINATIONS BEGINNING RICHARD A. GAYDO, AND ENDING JOHN E. ZYDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be lieutenant colonel

THOMAS A. KOLDITZ, 0000

ARMY NOMINATIONS BEGINNING KAREN A. DIXON, AND ENDING JESSE J. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING JEFFREY D. KOTSON, AND ENDING KIMBERLY ORR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DENNIS J. ALLSTON, AND ENDING DAVID L. STOKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

MARINE CORPS NOMINATIONS BEGINNING ARTHUR J. ATHENS, AND ENDING MARC A. WORKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

MARINE CORPS NOMINATIONS BEGINNING TRAY J. ARDESE, AND ENDING BARIAN A. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. DUNN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES R. LAKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT E. DAVIS, 0000

NAVY NOMINATIONS BEGINNING LAWRENCE J. CHICK, AND ENDING JAMES R. WIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAY A. STAPF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY M. ARMSTRONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY J. PRICE, 0000

NAVY NOMINATIONS BEGINNING AURORA S. ABALOS, AND ENDING JERRY L. ZUMBRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2000.