

“(c) DUTIES OF CERTIFIED ENTITIES.—

“(1) **IN GENERAL.**—An entity that is certified under subsection (a) shall collect and analyze information, consistent with the requirement of subsection (b), provided to the entity under section 924(a)(4) to improve patient safety.

“(2) **INFORMATION TO BE REPORTED TO THE ENTITY.**—A medical event analysis entity shall, on a periodic basis and in a format that is specified by the Director, submit to the Director a report that contains—

“(A) a description of the medical events that were reported to the entity during the period covered under the report;

“(B) a description of any corrective action taken by providers of services with respect to such medical events or any other measures that are necessary to prevent similar events from occurring in the future; and

“(C) a description of the systemic changes that entities have identified, through an analysis of the medical events included in the report, as being needed to improve patient safety.

“(3) **COLLABORATION.**—A medical event analysis entity that is collaborating with a health care provider or provider of services to address close calls and adverse events may, at the request of the health care provider or provider of services—

“(A) provide expertise in the development of root cause analyses and corrective action plan relating to such close calls and adverse events; or

“(B) collaborate with such provider of services to identify on-going risk reduction activities that may enhance patient safety.

“(d) **CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.**—Notwithstanding any other provision of law, any information (including any data, reports, records, memoranda, analyses, statements, and other communications) collected by a medical event analysis entity or developed by or on behalf of such an entity under this part shall be confidential in accordance with section 925.

“(e) TERMINATION AND RENEWAL.—

“(1) **IN GENERAL.**—The certification of an entity under this section shall terminate on the date that is 3 years after the date on which such certification was provided. Such certification may be renewed at the discretion of the Director.

“(2) **NONCOMPLIANCE.**—The Director may terminate the certification of a medical event analysis entity if the Director determines that such entity has failed to comply with this section.

“(f) **IMPLEMENTATION.**—In implementing strategies to carry out the functions described in subsection (c), the Director may contract with public or private entities on a national or local level with appropriate expertise.

“SEC. 924. PROVIDER OF SERVICES SYSTEMS FOR REPORTING MEDICAL EVENTS.

“(a) **INTERNAL MEDICAL EVENT REPORTING SYSTEMS.**—Each provider of services that elects to participate in a medical error reporting system under this part shall—

“(1) establish a system for—

“(A) identifying, collecting information about, and evaluating medical events that occur with respect to a patient in the care of the provider of services or a practitioner employed by the provider of services, that may include—

“(i) the provision of a medically coherent description of each event so identified;

“(ii) the provision of a clear and thorough accounting of the results of the investigation of such event under the system; and

“(iii) a description of all corrective measures taken in response to the event; and

“(B) determining appropriate follow-up actions to be taken with respect to such events;

“(2) establish policies and procedures with respect to when and to whom such events are to be reported;

“(3) take appropriate follow-up action with respect to such events; and

“(4) submit to the appropriate medical event analysis entity information that contains de-

scriptions of the medical events identified under paragraph (1)(A).

“(b) **PROMOTING IDENTIFICATION, EVALUATION, AND REPORTING OF CERTAIN MEDICAL EVENTS.—**

“(1) **IN GENERAL.**—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a provider of services with respect to a medical event pursuant to a system established under subsection (a) shall be privileged in accordance with section 925.

“(2) **RULES OF CONSTRUCTION.**—Nothing in this subsection shall be construed as prohibiting—

“(A) disclosure of a patient’s medical record to the patient;

“(B) a provider of services from complying with the requirements of a health care oversight agency or public health authority; or

“(C) such an agency or authority from disclosing information transferred by a provider of services to the public in a form that does not identify or permit the identification of the health care provider or provider of services or patient.

“SEC. 925. CONFIDENTIALITY.

“(a) **CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.**—Notwithstanding any other provision of law—

“(1) any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database, collected by a medical event analysis entity, or developed by or on behalf of such an entity, or collected by a health care provider or provider of services for use under systems that are developed for safety and quality improvement purposes under this part—

“(A) shall be privileged, strictly confidential, and may not be disclosed by any other person to which such information is transferred without the authorization of the health care provider or provider of services; and

“(B) shall—

“(i) be protected from disclosure by civil, criminal, or administrative subpoena;

“(ii) not be subject to discovery or otherwise discoverable in connection with a civil, criminal, or administrative proceeding;

“(iii) not be subject to disclosure pursuant to section 552 of title 5, United States Code (the Freedom of Information Act) and any other similar Federal or State statute or regulation; and

“(iv) not be admissible as evidence in any civil, criminal, or administrative proceeding; without regard to whether such information is held by the provider or by another person to which such information was transferred;

“(2) the transfer of any such information by a provider of services to a health care oversight agency, an expert organization, a medical event analysis entity, or a public health authority, shall not be treated as a waiver of any privilege or protection established under paragraph (1) or established under State law.

“(b) **PENALTY.**—It shall be unlawful for any person to disclose any information described in subsection (a) other than for the purposes provided in such subsection. Any person violating the provisions of this section shall, upon conviction, be fined in accordance with title 18, United States Code, and imprisoned for not more than 6 months, or both.

“(c) **APPLICATION OF PROVISIONS.**—The protections provided under subsection (a) and the penalty provided for under subsection (b) shall apply to any information (including any data, reports, memoranda, analyses, statements, and other communications) collected or developed pursuant to research, including demonstration projects, with respect to medical error reporting supported by the Director under this part.

“SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”

SEC. 2504. EFFECTIVE DATE.

The amendments made by section 2503 shall become effective on the date of the enactment of this Act.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001”.

UNANIMOUS CONSENT
AGREEMENT—H.R. 4577

AMENDMENT NO. 3714

Mr. WARNER. Mr. President, during wrap-up of H.R. 4577, the Labor appropriations bill, amendment No. 3714, which had been agreed to, was inadvertently displaced. I ask unanimous consent that the amendment be placed back in its original position in the bill.

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

AMENDMENT NO. 3633

Mr. WARNER. Mr. President, I ask unanimous consent that with respect to amendment No. 3633, previously agreed to, a correction be made with the following change:

On line 7, strike \$1,065,000,000 and insert in lieu thereof \$1,075,000,000.

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

DISABLED VETERANS’ LIFE
MEMORIAL FOUNDATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 516, S. 311.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 311) to authorize the Disabled Veterans’ LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—THE DISABLED AMERICAN
VETERANS MEMORIAL**

[SECTION 1.] SECTION 101. AUTHORITY TO ESTABLISH MEMORIAL.

(a) **IN GENERAL.**—[The Disabled] *Notwithstanding section 3(c) of Public Law 99-652, as amended (40 U.S.C. 1003(c)), the Disabled Veterans’ LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor disabled American veterans who have served in the Armed Forces of the United States.*

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial authorized by subsection (a)

shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. [2.] 102. PAYMENT OF EXPENSES.

The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by section 1(a). No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. [3.] 103. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial authorized by section 1(a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. REFERENCE TO COMMEMORATIVE WORKS ACT.

(a) In this title the term "Act" means the Commemorative Works Act of 1986, as amended (Public Law 99-652; 40 U.S.C. 1001 et seq.).

SEC. 202. CLARIFICATIONS AND REVISIONS TO THE ACT.

(a) Section 1(b) of the Act (40 U.S.C. 1001(b)) is amended by striking the semicolon and inserting "and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;"

(b) Section 2 of the Act (40 U.S.C. 1002) is amended as follows:

(1) In subsection (c) by striking "or a structure which is primarily used for other purposes" and inserting "that is not a commemorative work as defined by this Act";

(2) In subsection (d) by striking "person" and inserting "sponsor";

(3) In subsection (e) by striking "Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986", and insert "the Reserve, Area I, and Area II as depicted on the map numbered 869/86501A, and dated March 23, 2000";

(4) By redesignating subsection (e) as subsection (f); and

(5) By adding a new subsection (e) as follows: "(e) the term "Reserve" means the great cross-axis of the Mall, which is a substantially completed work of civic art and which generally extends from the U.S. Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map described in subsection (f);".

(c) Section 3 of the Act (40 U.S.C. 1003) is amended as follows:

(1) In subsection (b)—

(A) by striking "work commemorating a lesser conflict" and inserting "work solely commemorating a limited military engagement";

(B) by striking "10" and inserting "25"; and

(C) by striking "the event." and inserting "such war or conflict.".

(2) In subsection (c) by striking "other than a military commemorative work as described in subsection (b) of this section"; and

(3) In subsection (d) by striking "House Oversight" and inserting "Resources".

(d) Section 4 of the Act (40 U.S.C. 1004) is amended as follows:

(1) By amending subsection (a) to read as follows:

"(a) The National Capital Memorial Commission is hereby established and shall include the following members or their designees:

"(1) Director, National Park Service (who shall serve as Chairman);

"(2) Architect of the Capitol;

"(3) Chairman, American Battle Monuments Commission;

"(4) Chairman, Commission of Fine Arts;

"(5) Chairman, National Capital Planning Commission;

"(6) Mayor, District of Columbia;

"(7) Commissioner, Public Buildings Service, General Services Administration; and

"(8) Secretary, Department of Defense."; and

(2) In subsection (b) by striking "Administrator" and inserting "Administrator (as appropriate)".

(e) Section 5 of the Act (40 U.S.C. 1005) is amended—

(1) By striking "Administrator" and inserting "Administrator (as appropriate)" and

(2) By striking "869/8501, and dated May 1, 1986." and inserting "869/8501A, and dated March 23, 2000.".

(f) Section 6 of the Act (40 U.S.C. 1006) is amended as follows:

(1) In subsection (a) by striking "3(b)" and inserting "3(d)";

(2) By redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(3) by adding a new subsection (a) as follows:

"(a) Sites for commemorative works shall not be authorized within the Reserve after January 1, 2000.".

(g) Section 7 of the Act (40 U.S.C. 1007) is amended as follows:

(1) By striking "person" and inserting "sponsor" each place it appears;

(2) In subsection (a) by striking "designs" and inserting "design concepts";

(3) In subsection (b) by striking "and Administrator" and inserting "or Administrator (as appropriate)";

(4) In subsection (b)(2) by striking "open space and existing public use; and" and inserting "open space, existing public use, and cultural and natural resources;";

(5) In subsection (b)(3) by striking the period at the end and inserting a semicolon; and

(6) by adding the following new paragraphs:

"(4) No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in subsection 2(f);

"(5) The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specified to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act; and"

"(6) Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.".

(h) Section 8 of the Act (40 U.S.C. 1008) is amended as follows:

(1) In subsection (a)(3) and (a)(4) and in subsection (b) by striking "person" each place it appears and inserting "sponsor";

(2) In subsection (b)(1) and (b)(2) by striking "persons" each place it appears and inserting "a sponsor";

(3) By adding at the end of subsection (b)(1), "All such proceeds shall be available, without further appropriation, for the non-recurring repair of the sponsor's commemorative work.";

(4) In subsection (b)(2), by striking "Congress authorizes and directs that," and inserting "Congress authorizes and directs that, upon request,";

(5) In subsection (b)(2) in the first sentence strike "Administrator", and inserting "Administrator (as appropriate)"; and

(6) By amending subsection (c) to read as follows:

"(c) The sponsor shall be required to submit to the Secretary or the Administrator (as appropriate) an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by

the sponsor authorized to construct the commemorative work.".

(i) Section 9 of the Act (40 U.S.C. 1009) is hereby repealed.

(j) Section 10 of the Act (40 U.S.C. 1010) is amended as follows:

(1) by amending subsection (b) to read as follows:

"(b) Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I where such addition authority has been granted, unless:

"(1) the Secretary or the Administrator (as appropriate) has issued a construction permit for the commemorative work during that period; or

"(2) the Secretary or the Administrator, in consultation with the National Capital Memorial Commission, has made a determination that final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts and that 75 percent of the amount estimated to be required to complete the memorial has been raised. If these two conditions have been met, the Secretary or the Administrator may extend the 7-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals will also expire."; and

(2) By adding a new subsection (f) as follows:

"(f) The National Capital Planning Commission, in coordination with the Commission of Fine Arts and the National Capital Memorial Commission, shall complete its master plan to guide the location and development of future memorials outside the Reserve for the next 50 years, including evaluation of and guidelines for potential sites.".

AMENDMENT NO. 3777

(Purpose: To clarify that the sites for memorials previously approved are not affected by the amendments to the Commemorative Works Act made in title II of the bill, and to make clarifying changes)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 3777.

The amendment is as follows:

On page 2, line 1, strike "American".

On page 2, line 10, strike "American".

On page 3, after line 16, insert the following new section and redesignate the following sections accordingly:

"SEC. 201. SHORT TITLE.

"This title may be cited as the "Commemorative Works Clarification and Revision Act of 2000".

On page 8, line 6, through page 9, line 6, strike subsection (h) in its entirety and insert the following:

"(h) Section 8 of the Act (40 U.S.C. 1008) is amended as follows:

"(1) In subsection (a)(3) and (a)(4) and in subsection (b) by striking "person" each place it appears and inserting "sponsor";

"(2) by amending subsection (b) to read as follows:

"(b) In addition to the foregoing criteria, no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such proceeds

shall be available for the nonrecurring repair of the sponsor's commemorative work pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

"(1) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

"(2) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2000 shall be credited to a separate account with the National Park Foundation.

"(3) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (1) or (2). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended." and

"(3) By amending subsection (c) to read as follows:

"(c) The sponsor shall be required to submit to the Secretary or the Administrator (as appropriate) an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the sponsor authorized to construct the commemorative work."

On page 10, after line 17, insert the following:

"SEC. 204. PREVIOUSLY APPROVED MEMORIALS.

"Nothing in this title shall apply to a memorial whose site was approved, in accordance with the Commemorative Works Act of 1986 (Public Law 99-652; 40 U.S.C. 1001 et seq.), prior to the date of enactment of this title."

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3777) was agreed to.

The committee amendments were agreed to.

The bill (S. 311), as amended, was read the third time and passed, as follows:

S. 311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—THE DISABLED VETERANS MEMORIAL

SECTION 101. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—Notwithstanding section 3(c) of Public Law 99-652, as amended (40 U.S.C. 1003(c)), the Disabled Veterans' LIFE Memorial Foundation is authorized to estab-

lish a memorial on Federal land in the District of Columbia or its environs to honor disabled veterans who have served in the Armed Forces of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial authorized by subsection (a) shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 102. PAYMENT OF EXPENSES.

The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial authorized by section 1(a). No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 103. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial authorized by section 1(a) (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS

SEC. 201. SHORT TITLE

This title may be cited as the "Commemorative Works Clarification and Revision Act of 2000".

SEC. 202. REFERENCE TO COMMEMORATIVE WORKS ACT.

(a) In this title the term "Act" means the Commemorative Works Act of 1986, as amended (Public Law 99-652; 40 U.S.C. 1001 et seq.).

SEC. 203. CLARIFICATIONS AND REVISIONS TO THE ACT.

(a) Section 1(b) of the Act (40 U.S.C. 1001(b)) is amended by striking the semicolon and inserting "and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;"

(b) Section 2 of the Act (40 U.S.C. 1002) is amended as follows:

(1) In subsection (c) by striking "or a structure which is primarily used for other purposes" and inserting "that is not a commemorative work as defined by this Act";

(2) In subsection (d) by striking "person" and inserting "sponsor";

(3) In subsection (e) by striking "Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986", and insert "the Reserve, Area I, and Area II as depicted on the map numbered 869/86501A, and dated March 23, 2000";

(4) By redesignating subsection (e) as subsection (f); and

(5) By adding a new subsection (e) as follows:

"(e) the term "Reserve" means the great cross-axis of the Mall, which is a substantially completed work of civic art and which generally extends from the U.S. Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map described in subsection (f);"

(c) Section 3 of the Act (40 U.S.C. 1003) is amended as follows:

(1) In subsection (b)—

(A) by striking "work commemorating a lesser conflict" and inserting "work solely

commemorating a limited military engagement";

(B) by striking "10" and inserting "25"; and

(C) by striking "the event." and inserting "such war or conflict."

(2) In subsection (c) by striking "other than a military commemorative work as described in subsection (b) of this section"; and

(3) In subsection (d) by striking "House Oversight" and inserting "Resources".

(d) Section 4 of the Act (40 U.S.C. 1004) is amended as follows:

(1) By amending subsection (a) to read as follows:

"(a) The National Capital Memorial Commission is hereby established and shall include the following members or their designees:

"(1) Director, National Park Service (who shall serve as Chairman);

"(2) Architect of the Capitol;

"(3) Chairman, American Battle Monuments Commission;

"(4) Chairman, Commission of Fine Arts;

"(5) Chairman, National Capital Planning Commission;

"(6) Mayor, District of Columbia;

"(7) Commissioner, Public Buildings Service, General Services Administration; and

"(8) Secretary, Department of Defense.";

(2) In subsection (b) by striking "Administrator" and inserting "Administrator (as appropriate)".

(e) Section 5 of the Act (40 U.S.C. 1005) is amended—

(1) By striking "Administrator" and inserting "Administrator (as appropriate)" and

(2) By striking "869/8501, and dated May 1, 1986," and inserting "869/8501A, and dated March 23, 2000."

(f) Section 6 of the Act (40 U.S.C. 1006) is amended as follows:

(1) In subsection (a) by striking "3(b)" and inserting "3(d)";

(2) By redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(3) by adding a new subsection (a) as follows:

"(a) Sites for commemorative works shall not be authorized within the Reserve after January 1, 2000."

(g) Section 7 of the Act (40 U.S.C. 1007) is amended as follows:

(1) By striking "person" and inserting "sponsor" each place it appears;

(2) In subsection (a) by striking "designs" and inserting "design concepts";

(3) In subsection (b) by striking "and Administrator" and inserting "or Administrator (as appropriate)";

(4) In subsection (b)(2) by striking "open space and existing public use; and" and inserting "open space, existing public use, and cultural and natural resources;";

(5) In subsection (b)(3) by striking the period at the end and inserting a semicolon; and

(6) by adding the following new paragraphs:

"(4) No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in subsection 2(f);

"(5) The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specified to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this Act; and"

"(6) Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site."

(h) Section 8 of the Act (40 U.S.C. 1008) is amended as follows:

(1) In subsections (a)(3) and (a)(4) and in subsection (b) by striking "person" each place it appears and inserting "sponsor".

(2) By amending subsection (b) to read as follows:

"(b) In addition to the foregoing criteria, no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such proceeds shall be available for the nonrecurring repair of the sponsor's commemorative work pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources:

"(1) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

"(2) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2000 shall be credited to a separate account with the National Park Foundation.

"(3) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (1) or (2). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended."

(3) By amending subsection (c) to read as follows:

"(c) The sponsor shall be required to submit to the Secretary or the Administrator (as appropriate) an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the sponsor authorized to construct the commemorative work."

(i) Section 9 of the Act (40 U.S.C. 1009) is hereby repealed.

(j) Section 10 of the Act (40 U.S.C. 1010) is amended as follows:

(1) by amending subsection (b) to read as follows:

"(b) Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I where such addition authority has been granted, unless:

"(1) the Secretary or the Administrator (as appropriate) has issued a construction permit for the commemorative work during that period; or

"(2) the Secretary or the Administrator, in consultation with the National Capital Memorial Commission, has made a determination that final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts and that 75 percent of the amount estimated to be required to complete the memorial has been raised. If these two conditions have been met, the Secretary or the Admin-

istrator may extend the 7-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals will also expire."; and

(2) By adding a new subsection (f) as follows:

"(f) The National Capital Planning Commission, in coordination with the Commission of Fine Arts and the National Capital Memorial Commission, shall complete its master plan to guide the location and development of future memorials outside the Reserve for the next 50 years, including evaluation of and guidelines for potential sites."

SEC. 204. PREVIOUSLY APPROVED MEMORIALS.

Nothing in this title shall apply to a memorial whose site was approved, in accordance with the Commemorative Works Act of 1986 (Public Law 99-652; 40 U.S.C. 1001 et seq.), prior to the date of enactment of this title.

Mr. DASCHLE. Mr. President, I am proud and pleased that today the Senate has voted to authorize a memorial in our Nation's Capital to honor disabled American veterans.

I must say that it is humbling for me to be a co-sponsor of this bill alongside some of the very people we are honoring—my fellow Senators MAX CLELAND, DANIEL INOUE and BOB KERREY. I know there are thousands of others across our country—some of whom I know personally—and they deserve much more than a monument. They all have had their lives disrupted, sometimes painfully, as a result of their willingness to fight for America and all that it stands for.

But we cannot undo the damage to limb and spirit that has already been inflicted. So we now authorize a permanent monument that will call attention to the special esteem we hold for our disabled veterans—living and dead. It is my sincere hope that we can create a singular commemorative site that will encourage all Americans to come, pause, and reflect on the meaning of sacrifice, patriotism, and the place of disabled citizens in our society.

Mr. President, wish the Disabled Veterans' LIFE Memorial Foundation all the best in the hard work to come, and I look forward to the day when the people of America can admire the memorial and reflect on the significant sacrifices it represents.

ORDERS FOR TUESDAY, JULY 11, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, July 11. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:15 a.m., with the time equally divided between Senators ROTH and MOYNIHAN.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:15 a.m. tomorrow. Following morning business, a cloture vote will occur on the motion to proceed to H.R. 8, the Death Tax Elimination Act.

If cloture is invoked, the Senate will continue postcloture debate on the motion to proceed. In addition, it is expected that the Senate will resume consideration of the Interior appropriations bill in an effort to make further progress on that bill. As previously announced, it will be the leadership's intention to debate amendments to the DOD authorization bill during evening sessions this week. Any votes ordered on DOD amendments will be postponed to occur the following morning. The Senate is also expected to return to the reconciliation bill late this week. Senators can expect votes each day this week, with late nights and the possibility of a late session on Friday or a session on Saturday in order to complete the reconciliation bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, July 11, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 2000:

DEPARTMENT OF LABOR

LESLIE BETH KRAMERICH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE RICHARD M. MCGAHEY, RESIGNED.

IN THE AIR FORCE

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. THOMAS R. CASE, 0000

IN THE NAVY

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. SCOTT A. FRY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN W. ALEXANDER, JR., 0000
MARIO M. AMEZCUA, 0000
LINDSEY E. ARNOLD, 0000
DIXEY R. BEHNKEN, 0000
SCOTT R. BORDERUD, 0000
DAVID R. BROCK, 0000
LAWRENCE J. CONWAY III, 0000
JOHN J. COOK III, 0000
DAVID L. DARBYSHIRE, 0000