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Senate

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

PRAYER

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

Gracious Father, we need You. Our hearts are filled with grief over the death of Senator PAUL COVERDELL. The Senate has lost a great friend, fellow leader, distinguished American, and outstanding legislator. We praise You for his intelligence, his integrity, and his intentionality. No one worked harder, longer, with greater commitment than this truly good man. He spelled love l-o-y-a-l-t-y and gained the respect, admiration, and esteem of Senators and staff alike. Lord, we'll miss the Senator's smile, his warmth, his caring concern. You have enriched our lives through this kind and gracious Georgian. Bless his wife Nancy. Comfort her and give her courage this morning. Tenderly watch over his dear mother and family. Uplift the Senator's staff whose faithfulness and admiration he was given with such enthusiasm.

Now Father, we reaffirm our conviction that death is not an ending, but a transition in eternal life, and only a small part of the whole of eternity. So help us to live our lives more fully, more selflessly for the cause of democracy, and more completely in trust in You. In You we live and move and have our being—forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume debate on the Agriculture appropriations bill, with amendments in order. Senators who have amendments are encouraged to work with the bill managers on a time to come to the floor to offer and debate their amendments.

Also, during today's session, Senators are welcome to come to the floor to share their thoughts and memories of our former friend and colleague, Senator PAUL COVERDELL.

For the information of all Senators, funeral services are being arranged, and Senators will be notified with the specifics as soon as they become available.

I thank my colleagues for their attention.

MEASURE PLACED ON THE CALENDAR—S. 2886

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

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2886) to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes.

Mr. ALLARD. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

The Senator from Nevada.

REMEMBERING SENATOR PAUL COVERDELL

Mr. REID. Mr. President, I learned shortly before Senator LOTT came to the floor last night that Senator COVERDELL had passed away. I felt it was in my best interest to leave at that time and not be present on the floor, as I usually am.

It was unique, in that I am in the minority—Senator COVERDELL was in the majority—that I got to know him as well as I did. I always knew that things were moving along and that we were going to get legislation completed when I would look over and Senator COVERDELL had been called into the Chamber by Senator LOTT to help move legislation.

As I look back, I remember the bankruptcy legislation. We started out with a little over 300 amendments on that legislation. Everyone thought it was futile to even try to pass it, but, of course, Senator COVERDELL came in and worked with me and the Senators on his side and my side, and we were able to get that legislation cleared and basically completed. That was the story for many, many different pieces of legislation.

I got to know him. He was very calm and deliberate and extremely courteous and polite—a real gentleman. I think it speaks volumes to recognize that Senator LOTT's No. 1 person he called on when there was trouble on the floor was PAUL COVERDELL. I think it speaks volumes to indicate that Governor Bush's No. 1 person in the Senate was PAUL COVERDELL.

He was someone that the people of Georgia will miss, this country will miss, the Senate will miss. I personally will miss him.

I have the honor of working on the minority side to help move legislation along. I personally will miss him. He was very, very good at being a legislator, in addition, obviously, to being such a good friend to everyone.

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

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I express my sympathy to Nancy and his staff. Speaking for the entire minority, we will miss a great legislator.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

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

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

REMEMBERING SENATOR PAUL COVERDELL

Mr. BENNETT. Mr. President, when my constituents ask me, what is the nicest thing about being a Senator, what do you enjoy the most, I have a ready answer: It is the people, the people we get to meet, the opportunities we have to interact with some of the most extraordinary individuals throughout the world.

When I say that, my constituents immediately think of the great names: Presidents of the United States, Presidents of other countries, famous Prime Ministers. Schoolchildren look at me and say: Have you ever met President Clinton? They are always a little in awe when I say yes. Then others, when I tell them of having met President Gorbachev, President Mubarak, or Chairman Arafat or some of the other names they read about all the time, say: Well, we can understand why you think that the people you get to meet is the fun part of the job and the most extraordinary benefit that comes from being a Senator. And that is true—meeting these famous people is something of a trip and a great opportunity.

I always explain to them that the great privilege is not only meeting the famous names. It is meeting my fellow Senators. This is an extraordinary body, filled with extraordinary individuals, many of whose names never get into the headlines beyond their own States or outside of the circle of the beltway, but who bring to this body an incredible background of wisdom, experience, humor, perspective, balance, and understanding that makes it a great privilege and blessing for the rest of us to be with them.

PAUL COVERDELL and I came in the same class. We were sworn in on the same day. We went through the experience of being freshman Senators who didn't quite know our way around.

We would get together on a weekly basis, those in that class, and swap stories about how we had foolishly gone to the wrong room, or lost our way in a corridor, or found ourselves buried in the unexpected tide of work, mail, phone calls, and requests. We went through all that together as friends. We decided, in taking advantage of our situation as freshmen and serving in the minority, we would use the time that comes with that condition—time which more senior and majority Senators don't have—to educate ourselves and prepare ourselves for the service on which we were embarking.

PAUL arranged a trip to Kennebunkport to see his good friends, George and Barbara. The rest of us didn't call them George and Barbara. It was Mr. President and Mrs. Bush. PAUL knew them well enough, went back long enough with them, that he arranged for the freshmen class of Republicans to go up to Maine and spend a day with the Bushes. It was about 3 or 4 months after President Bush had lost the election. He was full of stories, reflections, and philosophic observations. It was a wonderful time. We also went together, under the sponsorship of Senator Dole, to New Jersey to have a similar day with President Nixon. PAUL was one of those who would use that, and any other occasion, to learn as much as he could soak up, to prepare himself as much as he could for whatever might come. That was one of the delightful things about it. He was enormously curious, always searching, and always anxious to find out how he could be of greater help.

We finally stopped meeting every week as we got busier ourselves and as we got a little more experienced in the way the Senate works, so that we didn't need to commiserate quite so much about our earlier blunders. But our class remained close. We gathered together when KAY BAILEY HUTCHISON was under fire in Texas and gave a little party for her before she left for her trial. We told her we would keep things straight until she could come back fully exonerated, which, of course, she has done. PAUL was a moving force in putting together that bit of solidarity among the members of our class.

PAUL is the one who moved on to a leadership position in our class. We were all proud of him, all happy to support him. It goes without saying that we will miss him terribly. But it is my conviction, Mr. President, that as we mourn, we do not mourn for PAUL. I don't know the details of what goes on, but I think it is not out of the question to think that John Chafee may be showing PAUL the ropes now, suggesting to him that ''it will work a little better if you go this way,'' or, ''Yes, I tried that when I first got here. PAUL, let me show you the ropes.'' That may not be happening, but I don't think it is beyond the realm of possibility.

We do not mourn for PAUL; we mourn for ourselves, for the loss we have sustained, not for the problems he faces. The problems he faced are behind him now, as far as this life is concerned. And, knowing PAUL, he will be learning, inquiring, asking questions, trying to find out and progressing still further, as he always did as a Member of the Senate. It is our loss that moves us to tears—the fact that we will no longer have his companionship and his wisdom and his friendship. But just as I suggest John Chafee may be greeting PAUL, we can be confident that whenever the time might be for the rest of us, PAUL will be there to greet us, and that helps lift some of the gloom and sorrow we feel on this occasion.

I extend to Nancy and other members of PAUL's family my deepest sympathy and condolences at this time. And I express gratitude, once again, for the experiences I have had as a Senator of knowing great people, meeting extraordinary individuals, and partaking of their wisdom and guidance. I count PAUL COVERDELL in the first ranks of that group.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, except for those who knew PAUL COVERDELL and his constituents in Georgia, I suspect it is very hard for others who may be watching here today or who hear other tributes to PAUL COVERDELL to appreciate the depth of sadness that all of us in this Senate family feel by the loss of Senator PAUL COVERDELL.

PAUL COVERDELL was a special man. He was so active in nearly everything going on in the Senate that it is impossible to believe he is gone. The images of PAUL smiling, gesturing, counseling, are still so fresh. If there was an indispensable Senator, PAUL COVERDELL was it.

PAUL was a doer, as we all know. He was successful not because of his energy alone—though that was considerable—but because he was trusted by all and he sought no recognition for himself. His judgment was sound, his intelligence keen. He was always kind and cheerful, never critical. The word ''helpful'' does not even begin to describe the aid and assistance he was always so ready to provide.

I have lost a real friend and a confidant. Georgia and America have lost a great leader. PAUL's family's loss is incalculable, especially for Nancy and his mother. Our sense of grief is tempered only by the faith that the Lord has His own purposes. We take comfort in the wisdom of Abraham Lincoln who said:

Surely God would not have created such a being as man, with an ability to grasp the infinite, to exist only for a day. No, no, man was made for immortality.

Godspeed, Senator PAUL COVERDELL.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, as the American Revolution drew to a close in 1782, a Philadelphian turned to his friend, Dr. Benjamin Rush, and remarked, ''It looks as if the battle for independence has been won.''

Dr. Rush replied, ''Sir, you are mistaken. The Revolutionary War may be over, but the battle of independence has just begun.''

On the day before he died, as I had the opportunity to spend time with PAUL COVERDELL and his family, I thought about these words, and they have stayed in my mind over the last 48 hours because that idea—that only constant vigilance can keep the flame of freedom from being extinguished—is one that perhaps no one believed in more, at least since I have been in the Senate, or acted upon more decisively than PAUL COVERDELL. With his passing, America has lost one of its most principled leaders and freedom, one of its staunchest friends.

There will be a number of comments made today by people who have known Paul well, who have observed his commitment, his discipline, and his willingness to do jobs that most people leave to others, jobs he did in a way that was humble, gentle, and gave others the credit. We will hear again and again today because they were the hallmark of PAUL COVERDELL's work in this wonderful institution called the Senate.

As a Senator from the neighboring State of Tennessee, I had the opportunity to work side by side with PAUL COVERDELL as we addressed issues important to both our States. But if there is one idea, one word, that best summarizes PAUL COVERDELL, his commitment to public service, to family and community, the word is ''freedom.'' PAUL COVERDELL was a relentless, tireless champion of freedom.

I first met PAUL 6 years ago when I was still BILL FRIST, the physician who wanted to be a United States Senator. PAUL sat down, and talked to me about freedom. He came to help me with a campaign event in Chattanooga, TN, and his whole talk—while saying, ''Yes, people, come out and support this new guy on the block, BILL FRIST''—was about freedom.

And since I have been in the Senate, he continually fought for freedom. He fought for the rights of individuals to raise, educate and provide for their families free of government intervention and excessive taxation. He fought to protect the privacy of individual tax returns. He fought to free local education from too much federal control. Believing freedom to be under genuine attack from the corrupting influence of drugs, he fought to increase funding for law enforcement, especially along our borders, and created a program to coordinate resistance to drugs among parents, teachers and communities that became a model for the nation. Understanding, as Jefferson did, that a well-educated citizenry is the surest foundation for freedom and happiness, PAUL COVERDELL fought to ensure that all children, regardless of income, receive the very best education from kindergarten to college.

Perhaps it was his service with the U.S. Army in Okinawa that fanned the flames of freedom that never seemed to diminish in his heart. Perhaps it was his parents' ability—and I got to know his mom over the last 48 hours—to turn a small family business into a successful nationwide enterprise that strengthened his belief in the power of the individual to achieve the American Dream. Perhaps it was his experience with emerging democracies as President Bush's Director of the Peace Corp that deepened his resolve to ensure that freedom, once planted, has everything it needs to survive. President Bush and I spoke about that shortly after PAUL was admitted to the hospital. Or perhaps it was his beloved wife, Nancy, who is going through such a difficult time right now, who helped him realize that love and freedom are the great gifts God has planted in the human heart, and so we must do all we can to preserve them.

Whatever the reasons, PAUL COVERDELL believed in freedom, and he believed in America—the greatest expression of freedom next to man himself. He fought for both America and freedom because he understood, as Justice Brandeis once wrote, that ''liberty is the secret of happiness, and courage, the secret of liberty.''

Over the past few years, I had the honor and the privilege of seeing PAUL COVERDELL's courage up close—in the Senate Republican Working Group on Medicare, where his commitment to our seniors was very apparent; in the Foreign Relations Committee, where he specialized in areas of the world not addressed by others; a commitment that obviously grew out of his work with the Peace Corps; in Republican strategy sessions, where his expert guidance helped us ensure that the American people, as well as our colleagues, understood the importance of the issues before us. It was a quiet courage, characterized not by bluster, but by humility and respect for others.

PAUL COVERDELL knew what was right, and every day on this floor and in strategy sessions behind the scenes, he worked for what was right with all his might. Through men like him, the American Revolution is constantly reborn, the reservoir of freedom continually replenished, and all that is best America preserved for those who will follow.

He was a wonderful husband, a great citizen of Georgia and the United States, an outstanding Senator—as reflected by his position of leadership—and a great patriot. He will be sorely missed by all Members of this body.

May the Lord God who loves us all, shine His perpetual light upon our colleague, and comfort Nancy, his mother, and Nancy's parents in the days ahead.

Mr. President, I thank the chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to say a few words regarding the death of Senator PAUL COVERDELL.

Winding its way to the sea, the Savannah River forms a natural boundary between South Carolina and the State of Georgia. Yet the river is not a barrier dividing these two states. Rather, its lakes, tributaries, and bridges bring the people of these two states together as neighbors and friends. As neighbors, we share many fine attributes of southern living and culture, agriculture, and the values that Americans hold dear. As friends, we work and play together, raising our families and supporting our communities.

Today, I rise to pay tribute and respect to my neighbor and friend from Georgia, Senator PAUL COVERDELL. Senator COVERDELL was my neighbor. He was more than just a colleague from a neighboring state. For the past eight years we have walked together and worked in the same corridor of the Russell Senate Office Building.

Senator COVERDELL was also my friend. Everyday, each of us looked forward to his warm smile, kind words, and expressions of care and concern. As I worked with him on regional issues, in the Senate Republican Leadership circle, where he served as Republican Conference Secretary, or in more general circumstances, Senator COVERDELL always was thoughtful and considerate of others.

Senator COVERDELL leaves a great legacy. His life was dedicated to serving others and his Nation. After serving in the U.S. Army, he returned to Georgia and built the family business into a successful nationwide company. Elected to the Georgia State Senate, he was chosen by his peers to serve as Senate Minority Leader, a post he held for 15 years. In 1989, President Bush named him as Director of the United States Peace Corps, where he redefined the agency's mission to serve the emerging democracies of Eastern Europe.

Since his election in 1992, Senator COVERDELL has worked hard in the Senate as a defender of freedom. He led the fight against international narcotics and terrorism. Understanding that freedom is nurtured by a well-educated citizenry, he introduced education reforms, and served as Chairman of the Senate Republican Task Force on Education. Senator COVERDELL fought to protect the individual economic and political liberty of individuals and families.

We mourn the loss of PAUL COVERDELL. We shall miss his companionship,

but we will not forget the bond we had with him. Though his voice is silenced, we shall not forget the encouraging words he had for others. Though he now rests in peace, the impact of his good deeds will be felt for years to come.

Shortly before his death, our former colleague Senator Everett Dirksen, responded to the question which each person faces. It is found in the Bible, in the book of Job: ''If a man die, shall he live again?'' (Job 14:14.) I quote Senator Dirksen's words published in U.S. News & World Report, November 8, 1965, p. 124:

> What mortal being, standing on the threshold of infinity, has not pondered what lies beyond the veil which separates the seen from the unseen? What mortal being, responding to that mystical instinct that earthly dissolution is at hand, has not contemplated what lies beyond the grave? What mortal being, upon whom has descended that strange and serene resignation that life's journey is about at an end, has not thought about that eternal destination and what might be there?
>
> If there be a design in this universe and in this world in which we live, there must be a Designer. Who can behold the inexplicable mysteries of the universe without believing that there is a design for all mankind and also a Designer? . . . ''If a man die, shall he live again?'' Surely he shall, as surely as day follows night, as surely as the stars follow their courses, as surely as the crest of every wave brings its trough.

William Wordsworth, the revered poet, captured in verse a glimpse of this glorious plan and entitled his classic ''Ode to Immortality'':

> Our birth is but a sleep and a forgetting:
> The Soul that rises with us, our life's Star,
> Hath had elsewhere its setting,
> And cometh from afar:
> Not in entire forgetfulness,
> And not in utter nakedness,
> But trailing clouds of glory do we come
> From God, who is our home:
> Heaven lies about us in our infancy!

PAUL COVERDELL was a bright star in this world. Though it is now out of view, it is not dimmed. We take comfort that he has returned home, to his eternal destination. This day, my thoughts and prayers are with his wife Nancy, his family, his staff, and his constituents. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. KOHL. Last night, as we began consideration of the Agricultural appropriations bill, we were informed of the death of Senator COVERDELL. The bill officially is still on the floor this morning for Senators who wish to speak on the bill but more appropriately for Senators who wish to speak about Senator COVERDELL, who we all remember as an outstanding Senator, a good, a kind, and a decent man, a great patriot, and a great American.

We will be officially in session on the bill but more appropriately here to listen to remarks by fellow Senators in his behalf.

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. CLELAND. 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. CLELAND. Mr. President, it has been my honor, and a privilege, to know our distinguished friend and colleague, PAUL COVERDELL, for a long time. I have had, overnight, the opportunity to think about his life and about his death.

When a man dies, especially a friend, we are inevitably struck by the frailty of life, the speed of death, and the very painful void that is left behind. With the passing of our friend and colleague, PAUL COVERDELL, we are also struck by the promise of a truly brilliant future left unfulfilled.

Alphonse de Lamartine once said:

> Sometimes, when one person is absent, the whole world seems less.

Today, that is exactly how I feel. The world seems less today.

PAUL and I worked together for many years. We were sworn into the Georgia State Senate on the same day, in January of 1971. In Georgia, we sit not as partisans, across the aisle, but we sit by numbers of our State senate districts. Fate had it that Senator PAUL COVERDELL sat right in front of me. So even though he was of one party and I another, we shared space on the floor of the State senate. We worked together in harmony for 4 years. It was a joyous time. It was a marvelous time to get to know this young talent.

When I came to the U.S. Senate, PAUL had preceded me. PAUL stood on the floor of the Senate here with my parents watching from the balcony as I was sworn in. After that day, he helped me, he guided me, tutored me in the same way we had worked together so beautifully in the early 1970s in the Georgia senate. From time to time in this body, on different sides of the aisle, we were on different sides of the issues. But he helped me learn. He helped me because he was a good man and a great friend, because he knew it was good for Georgia and for the country.

I watched him work, incredulous—putting in 12- and 14- and 16-hour days. In Georgia, we have a saying: You are either a workhorse or a show horse. He was certainly a work horse. He fought hard for our State, for our farmers and businesses and the average taxpaying citizen. He used his deep breadth of knowledge in international affairs, which he had gained as Director of the Peace Corps, to fight what he called the most serious threat to America's freedom today—the war on drugs.

Our colleague, Senator MOYNIHAN, yesterday called PAUL COVERDELL a man of peace. I will reiterate that observation. From his time in the Georgia senate to his post as head of the Peace Corps under President Bush, to his quiet and wonderful leadership in the Senate, PAUL had a peaceful and resolute efficiency about his work that I think we could all try to emulate. He worked hard. He achieved results. And he didn't care who got the credit. To lose a leader of this quality in this body in this day of ''gotcha'' politics, and one-upmanship, is a loss for this body and for our country and for Georgia.

PAUL was a leader. He led in his own quiet, positive way. I never heard him speak an ill thought or an ill phrase or a mean-tempered comment about anyone. He was a great legislator and a dear personal friend.

I extend my deepest sympathies to his wife Nancy, whom I have known for almost 30 years. I knew them when they first got married.

Proverbs tell us:

> Good men must die, but death cannot kill their names.

I think we can all take great comfort in that. Nothing will lessen the impact that PAUL COVERDELL and his legacy have had on the State of Georgia and on this country. It is not the time for political thoughts or words but only words to remember one of the best U.S. Senators this body has ever known. PAUL COVERDELL, United States Senator from Georgia, a peach of a guy.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, cheerful, fun, accessible, down to earth, loyal, friend—those are the words you think of immediately when describing PAUL COVERDELL. I am not going to make a long statement today because I know there will be a time set aside for our memorials to PAUL COVERDELL. I have seen some of our friends today—PAUL'S friends, my friends—and many of them do not feel capable of talking about him right now. It is not that he wasn't one of our greatest friends. They are not here because they can't talk about him yet.

This is a man who served our country in so many ways, all the things a good citizen should do: He served in the Army; he was the head of the Peace Corps; he was a wonderful Senator, one of our leaders in the majority—the fourth highest ranking among us.

I do want to say more about him later, but for now I think our majority leader said it very well last night. All of our hearts are broken for the loss of this wonderful man who will have every tribute that we can give him in the future weeks.

I yield the floor.

Mr. KOHL. 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. DEWINE. 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. DEWINE. Mr. President, this is a sad day for all of us. It is a sad time in

the Senate. PAUL COVERDELL was, first of all, our friend. He was someone who, if we took a secret poll in this Senate, I think many Members would say, was their best friend. That tells us something about this man.

He was a kind, he was a gentle, he was a sweet man. This Senate will not be the same without PAUL. It will not be the same because of that kindness, because of that spirit, because of that unbelievable energy he brought to any task he took on, and did he take on the task. Whatever it was, PAUL would do it and do it effectively. He was one of the key people in making this Senate run. Candidly, he was that person not because of his leadership position, which was significant, but the leadership position he obtained was a result of the fact that he was one of the key players in the Senate and he got things done.

That effectiveness came because of his energy, because of his drive, because of his determination, but it also came because he could get along with people on both sides of the aisle. He knew people, he understood them, he liked people and people liked him back, and that made him effective.

He was effective because he did not have a big ego. We all have big egos in the Senate, but PAUL did not seem to have one. He did not seem to care if he got credit; another rarity, I suppose, among politicians. He just got the job done. He was always seeking some way to get it done. He did not seek the limelight. He did not worry about who got the credit.

Each one of us brings different stories or remembers different things about PAUL COVERDELL. I worked with him on Central American issues, Caribbean issues, and Latin American issues. PAUL COVERDELL is from Georgia. It was not necessarily logical that he had to concentrate on this hemisphere or worry about this hemisphere, but he did. He did because he understood it affected the people of Georgia and it affected the people of this country. He brought his passion to deal with the drug problem to that concentration and work on this hemisphere.

I worked with PAUL when we worked on the Caribbean initiative, when we worked on the initial drug bill we passed several years ago on drug interdiction in this hemisphere, and I worked with him when we were able to pass the Colombia aid bill.

I remember on both bills going to PAUL at different times and saying: PAUL, this is not going very well. What do we do?

Not only did the leadership responsibility go to PAUL COVERDELL to get things done, but people who are not in leadership went to PAUL to get things done. I remember PAUL would look at you, as only PAUL could, and say: Well, let's do this. And he would tick off three or four things. Basically then I had the plan. We got it done. That is what we are going to miss in this Senate.

The last time I talked with PAUL was as we were leaving for the weekend. I said: I am worried about what is going on in Colombia. Why don't you and I go down there.

He said: Let's do it. So we were talking about a trip sometime in the next few months to Colombia to look firsthand at the problem.

I know all of us at a later date will have more formal comments to make, but I wanted to pause here for a moment with my colleagues to say thank you for the life of PAUL COVERDELL. He is someone who made a difference every single day he was in the Senate. We will miss him very deeply.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 want to speak about my colleague, Senator COVERDELL. I know other Senators have. I absolutely have nothing rehearsed. There are many Senators who will speak about Senator COVERDELL probably in a more profound and moving way than I can.

There is one moment I want to remember about Senator COVERDELL because this small story tells a large story. We had had a major debate about the Colombia aid package. Senator COVERDELL and I were in a debate. We did not agree. It was a pretty good debate back and forth. I know from time to time during the debate I would reach over and touch his hand and say something to the effect: I just cannot believe you said this; this is wrong—something like that.

At the end of the debate, I said, because I believed it and believe it: Senator COVERDELL is a really good Senator.

He smiled and touched my hand and said: Senator WELLSTONE is a really good Senator.

I do not know if the latter part is true, but the point is that is the way he was. That is the kind of Senator he was. We talk about civility. He was just a beautiful person. I really enjoyed him. We need a lot of Senators like Senator COVERDELL: PAUL, you are wrong on the issues but you are a really good person.

The Senate has lost a wonderful person and a wonderful Senator, and the United States of America has lost a wonderful person and a wonderful Senator.

As a Senator from Minnesota, I send my love to PAUL's family.

I will not forget PAUL COVERDELL.

I yield the floor.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, we are all stunned and saddened by the sudden death of our friend and colleague. Our hearts and prayers are with Senator COVERDELL's wife Nancy, with his parents, with his family members, his many friends, and, I may say, particularly our colleagues on the other side of the aisle who have lost not only a close friend but a gifted leader.

The great English poet Alfred Tennyson wrote of a dear friend who died suddenly: ''God's finger touched him, and he slept.''

Yesterday, God's hand touched our friend. Now he sleeps. And now we mourn.

PAUL COVERDELL's life was too short in years, but it was long in accomplishment: A husband, a son, a friend, a loyal ally, an honorable opponent, an Army veteran, a business owner, a State senator, a Peace Corps director, and a U.S. Senator.

In his 61 years, PAUL COVERDELL filled all of those roles—and more—with dignity.

He spent half his life, and nearly all his adult life, in public service. He and I didn't see eye to eye on a lot of matters. To be honest, I can't think of too many times we found ourselves on the same side of the debate. But I can't think of a single time that he was not fair, that he was not decent, and that he was not honest.

PAUL COVERDELL, above and beyond anything else, was a gentleman. He was a reminder to us that we can all disagree without being disagreeable. He is also a reminder, sadly, that none of us knows how long we will be here; how many more opportunities we will have in this life to right a wrong or to advance a peace or to make a difference.

Last night, I was reading an interview Senator COVERDELL gave a year or so ago. He was asked why he worked so hard on so many tasks, usually with very little public recognition. He replied, characteristically: ''If you have been given a moment here, you shouldn't let the dust grow under you.''

PAUL COVERDELL felt that in the marrow of his bones. He worked hard every day—to advance the causes he believed in and to serve the Nation he loved—until God's finger touched him.

Now he sleeps the sleep of the just. We have lost a good and honorable friend. I will miss him.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, at this time of shock and loss we tend to focus on PAUL's death, but it seems to me that it is really a time that we should focus on his life. As we weigh how our lives and the life of our Nation has been diminished by the loss of PAUL COVERDELL, I think it is important that we also reflect on how our lives have been enriched.

I first—I first met PAUL COVERDELL when I went to Georgia. He was campaigning for the Senate. And he was doing an event in this dingy old steel mill about industrial renewal. I had

talked to him on the phone, I was—I was chairman of the Senatorial Committee, but I had not seen him in action. So I got up and spoke, and then PAUL got up and spoke in that squeaky voice, and he sort of had a way of jumping up and down when he was speaking and waving his hands, so I tried to delicately whisper to him, quit jumping up and down, be still, but little did I know at that moment that with all of his outward appearance and the squeaky voice, that this man had the heart of a lion.

He went on and won in that campaign. As chairman of the Senatorial Committee I was involved in 67 Senate campaigns. And he won the toughest race, defeated an incumbent, was in a runoff after the general election when everybody else would have sat down, given up, gotten tired.

PAUL COVERDELL did not sit down and give up or get tired. He came to the Senate and we were immediately involved in the Clinton health care debate, and he and JOHN MCCAIN and I traveled all over America. We did 147 events in this crusade to defeat the Clinton health care bill. And in all those events and all that travel—you all know PAUL COVERDELL—he never got tired or never let on he was tired or got irritable.

In the Senate where we all want glory, we all want to be out front, we all want to see our picture in the paper, PAUL was one of those remarkable people who simply wanted to get things done. There was no job too small for PAUL COVERDELL. And there is no job too big for PAUL COVERDELL. PAUL COVERDELL managed in eight short years to become absolutely indispensable to the United States Senate.

And I am very happy today about one thing—not much I am happy about today, but I am happy about one thing. We often feel something about people—we often love people, but, but we don't often tell them that. It's especially hard for men to tell other men that they love them. But what I am happy about—I can't quite get to it—is the following point. I realized over a year ago that PAUL COVERDELL had become an indispensable member of the Senate, that he was the greatest Senator from Georgia since Richard Russell. And so I always went to great lengths to say it. Here, in Georgia, and everywhere I got the opportunity to say it.

This is a hard time for the Senate, and I just would like to conclude on the two points I tried to open up with but didn't quite get said. In these terrible moments when we are shocked and hurt we tend to think about how someone died. But at these moments it is critical that we focus on how they lived. We tend to look at how our lives and the life of our nation have been diminished, but it is important that we focus on how our lives were enriched by PAUL COVERDELL. My grandmother used to say that as long as anyone remembers you, that you're not dead. As long as I live, PAUL COVERDELL will be remembered.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The distinguished Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, yesterday this body lost one of its finest Members. I greet this day with a very heavy heart.

PAUL COVERDELL was not only a good Senator, he was a good and decent man. I found him to be a very nice man. I worked with him closely as an original cosponsor of his Education Savings and School Excellence Act. I found him very dedicated and very easy to work with. I found him to be above political correctness; he strived to do what he believed would work and would help people.

We shared a common interest. We worked together on many antinarcotics efforts. We debated together on certification. I was his Democratic cosponsor of the Foreign Narcotics Kingpin Designation Act. We talked together about what was happening. We tried to plan together. I found him to have a deep and abiding knowledge about Mexico, Central America, and Latin America.

He had a kind of energy, enthusiasm, and dedication well known on both sides of the aisle here in the Senate. He was never one to seek the spotlight, but all of us here know how hard he worked. He wasn't the proverbial ''show horse''—he was a workhorse.

He was a man who served the people of Georgia and this Nation with great distinction. He worked all of his adult life in public service. Simply put, PAUL COVERDELL made this body a better place and a more collegial place. All one really had to do was spend time alone with him in an office and listen to him and his thoughts as he sought to frame and advance an issue.

Senator HARKIN was in the elevator as I came up this morning. He said: ''It's so hard because on Friday he was alive and well in the Senate and today he simply is not here.''

There is a passage from the Book of Ecclesiastes—Chapter 5, verse 12—I will leave with the Senate: ''The sleep of a laboring man is sweet.''

PAUL COVERDELL, you have labored hard. Your sleep will be sweet.

Mr. COCHRAN. 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.

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

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

Ms. SNOWE. Mr. President, it is with profound sadness and the heaviest of hearts that I come to the floor today to pay tribute to the memory of a friend, a colleague, and a man who brought honor upon the State of Georgia, our country, and the institution of the Senate—PAUL COVERDELL. My deepest sympathies go out to his wife Nancy, PAUL's family, friends and his staff at this most difficult of times.

It is tragedies like this that remind us that, beyond the policy and the politics and the tremendous gravity of the issues we deliberate—beyond the grandeur of this Chamber and the history we write on a daily basis—we are at heart an institution of individuals—of people. And when one of our own is lost to us forever, all of us are diminished by that loss.

I first met PAUL when I was a member of the House Foreign Affairs Committee and he came before us as President Bush's Director of the Peace Corps. I recall being struck not only by his obvious qualifications for the job, but by his warmth and his obvious esteem for the mission he was chosen to fulfill. To help foster the ideals of freedom and democracy for people throughout the world was for PAUL a high and noble calling. And it was one he answered with typical energy and enthusiasm, optimism and hope.

Indeed, when I think about all that PAUL was—all that he symbolized, all that he meant to those who cared about him and the people he served—the single word that comes to my mind is, ''decency''. PAUL COVERDELL was many things: a devoted husband, a talented legislator, a strong and principled leader—but above all else, PAUL was simply one of the most decent human beings one could ever hope to know. And any of us should be so fortunate to be remembered as that.

I well remember when I first came to the Senate from the House in 1995, PAUL had of course been here for 2 years, and he knew how difficult it was to get started, to get your feet firmly planted on the ground in these foreign surroundings.

And so he helped us freshmen—and woman—to find our way around, to set up offices, to figure out the basics of how things work around here. While it is perhaps true that none of us have ever really figured out that secret, PAUL and is staff certainly did their best to give advice and lend a helping hand. But then, knowing PAUL as I do now, that really comes as no big surprise.

PAUL was always helping people, always contributing to the world around him. From his service in the U.S. Army to the state legislature to Director of the Peace Corps to United States Senator, PAUL believed that to serve others was a privilege, not a burden. He truly believed that he could made a difference in people's lives. And he was right.

What a a lesson his life can teach an often cynical world. We ask ourselves, what can one person do? What kind of a positive impact can government truly have on the lives of others? What happened to the idea of public service as a noble calling?

To those questions there is one simple answer—people like PAUL COVERDELL exist in the world: Good, honorable, trustworthy people who call us to

our better nature, who exemplify what the framers of this Nation had in mind when they created what they hoped would one day be the greatest deliberative body on earth.

He personified another virtue that often seems in short supply in a world where the volume of one's indignation is all too frequently the sole measure of one's passion—and that virtue is civility. PAUL let the weight of his arguments speak for themselves, and where there were disagreements he respected those who disagreed with him. Perhaps that is why he engendered such deep respect in return.

It is little wonder, then, that PAUL rose so rapidly through the ranks of leadership. He had a keen grasp of policy and detail, and nobody worked harder on behalf of his constituents and his party.

He was truly a ''legislator's legislator''—not only creative in developing solutions, but always focused on moving the ball forward, on producing results for the people of Georgia and America whether in the areas of education, keeping drugs out of the hands of our children, or allowing hard-working Americans to keep more of their hard-earned money.

In fact, I remember at one point my staff commented to me that it seemed like everything we were considering in the Senate seemed to have PAUL's stamp on it. But that was typical of PAUL. He never stood still—and he never forgot the sacred trust that must exist between elected officials and those they are obliged to serve.

Just as important, PAUL was a man for whom his pledge was his bond—and that only counts for everything in this institution. His words had credibility, his ideas merit, and is actions sincerity. He made me proud to be a member of the United States Senate. He made us all proud.

Once again, my heart goes out to PAUL's wife Nancy, his family, friends and all of his staff—whom I know are heartbroken as we all are—and to the people of the State of Georgia, who have lost a great leader and true friend. He will surely be missed by all of us who were fortunate to have known him, but his legacy will just as surely live on in all those whose lives he has touched.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, after watching my colleagues and the depth of concern and personal passion they have at the loss of PAUL COVERDELL, I want to tell them of an experience I had last night. Something came to me when I was at a dinner and we had just heard the news. It was the seventh Beatitude:

> Blessed are the peacemakers: for they shall be called the sons of God.

It occurred to me that this was really PAUL COVERDELL; he was the ultimate peacemaker. It was impossible for PAUL to walk into a roomful of people, whether Democrats, Republicans, liberals, conservatives—hostility, anxiety, it all subsided when PAUL came in.

I remember when I was first elected from the House into the Senate in 1994. PAUL had just arrived here. He didn't give the first impression as being a dynamic person, even an articulate person. You had to know him and know him well. But after you did, he was unlike anyone else we have been exposed to here in this body.

I thought last night about all the things we deal with here in the Senate. It was articulated in Matthew 9, starting with verse 35. It says:

> Jesus went through all the towns and villages, teaching in their synagogues, preaching the good news of the kingdom and healing every disease and sickness. When he saw the crowds, he had compassion on them, because they were harassed and helpless, like sheep without a shepherd.

This is kind of the way we are. We are dealing with the problems of poverty, the problems of crime—a multitude of problems. So somebody has to be the one to take on those responsibilities.

I read the following verse:

> Then he [Jesus] said to his disciples, ''The harvest is plentiful, but the laborers are few. Ask the Lord of the harvest, therefore, to send out laborers into his harvest field.''

When I, last night, thought of that verse, I thought, really, PAUL COVERDELL is the laborer who was sent, was raised up to deal with these problems, and all the problems we deal with on a daily basis, in his own unique way. So I would just say our prayer for PAUL COVERDELL right now is the last verse of the 23d Psalm:

> Surely goodness and mercy shall follow me all the rest of my days; and I shall dwell in the house of the Lord for ever.

Amen.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I come to the floor to express my sadness at the passing of a very kind colleague. I want to say to his family and to his close friends, in Georgia and here in the Senate, who really loved him and who worked with him every day, I send you my strength and my prayers.

PAUL COVERDELL was never afraid to disagree because he came here with beliefs. But he never, ever was disagreeable. I went back through the RECORD this morning because I remember actually several occasions where he and I were on different sides on issues, tough issues. Gun control, for example, was one of them, where we disagreed on a particular piece of legislation; Education, where we disagreed on a particular piece of legislation. We were yielding time back and forth, and every single time it was ''my friend from Georgia,'' ''my friend from California.'' The disagreement was deep on the issue, but it was always collegial; it was a model for what should happen here in the Senate where we definitely have deep, heartfelt disagreements but we can disagree in a way that shows respect for one another and caring for one another. And he did that.

I wanted to come to the floor to say that because it is perhaps a quality we do not see enough of, and all of us ought to think about that.

I do not want to repeat what has been said about his contributions to this country. The record shows they were powerful and strong—from the Peace Corps, to serving in the Senate, to helping his party, to helping Governor Bush. He was his key person, as I understand it, in the Senate. People trusted him with these responsibilities.

I wanted to say as a Member from the other side of the aisle that I am stunned and saddened, and I see my colleagues are very impacted by this. I feel for everyone who feels this loss in a very personal way. I feel it in a way of someone on the other side of the aisle who really did respect this man and enjoyed the colloquies and debates we had because it never was with animus. It was always done with great respect. He will be missed. Again, I send my sympathy to his family and his friends. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is a heavy cloud hanging over the Senate Chamber today. A bouquet of flowers with a black tapestry is on the desk of our departed colleague, Senator PAUL COVERDELL, whose presence will be greatly missed.

There is a saying that in Washington, in Congress, in the Government, a great deal could be accomplished if there was less concern—perhaps no concern—for who gets the credit. PAUL COVERDELL epitomized that concept.

He was always in the thick of the action. He was always prepared to help. He did it with conciliation, with good will and accommodation, and in the spirit of compromise; self-effacing and never interested in the credit, not interested in the news reports or the television acclaim or any of what is customarily associated with the politics, the public relations of the Congress in Washington, DC. That kind of effective, quiet Senator behind the scenes is a relative rarity here.

He had a very distinguished career in the Georgia Legislature, in the Georgia State Senate, going back to 1970. He was the Republican leader. Just this morning I talked with people who knew him in Georgia. It was the same PAUL COVERDELL 30 years ago whom we saw in Washington heading up the Peace Corps, a nonglamorous but a very important undertaking to project America around the world with young people, and then in his election to the Senate in 1992 and the immediate recognition of his colleagues who knew him well, even though he was not so well known with the television cameras but very well known by his colleagues, and elected to a leadership position, No. 4, in the Republican caucus.

He was the point man for the Republican caucus on education. He brought

to that very important subject, a subject of priority second to none in America today and in the world today, again his quiet effectiveness.

I had the opportunity to work with him on the appropriations bills on the subcommittee which I chair which covers, among other Departments, the Department of Education. For the last 2 years, we had a list of a couple hundred amendments, and in the flurry of floor action, PAUL COVERDELL was enormously effective in talking to Senators about their amendments, saying which ones could be accepted, which ones could be accommodated without coming to the floor even for a voice vote, and then narrowing the frame of reference as to which ones had to be debated with time agreements and which ones had to be voted upon.

The management of a Senate appropriations bill is a complicated matter, especially when you have a $100 billion-plus budget and you have to worry about Head Start, drug-free schools, the National Institutes of Health, worker safety, and the myriad problems. PAUL COVERDELL was an effective man to get that job done.

Senator BILL FRIST—Dr. BILL FRIST—gave us all a report on the medical aspects of what happened to Senator COVERDELL: that it was not painful, an extraordinary medical incident with problems which simply could not be contained or controlled.

I know every Senator sends sympathies to the Coverdell family, to his wife Nancy. He will be sorely missed for the great contribution which he has made.

There are tough days in the Senate. Last year, in October, we had the passing of our dear friend, John Chafee, and now the passing of PAUL COVERDELL. While we intend to focus on matters of Government and high finance, international affairs and war and peace, nothing is more sobering than to see what is really important with the loss of a very special friend and a really great Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we celebrate today the life of our friend and colleague, PAUL COVERDELL. On behalf of my wife Elaine, who succeeded Paul in the job as director of the Peace Corps, and myself, I extend to Nancy and all of PAUL's friends our sincerest condolences.

I first met PAUL in 1988. I was traveling around the South during the Republican Presidential primaries. I was a supporter of then-Vice-President George Bush. I happened to find myself in Georgia, and ran into a State senator in Georgia named PAUL COVERDELL, who was also active in that campaign. PAUL, as he often did, made an immediate good impression. I recall the people in the Georgia meeting were all quite deferential to him. It was clear he had achieved a level of respect at that point in his career. Having served in the State senate in Georgia for 18 years, having been the leader of a rather small group of Republicans in that body, he had nevertheless achieved a level of respect at that point.

As we all know, Vice President Bush became President Bush, and the next time I met PAUL COVERDELL, he had been nominated to be director of the Peace Corps. As many Senators have said, he did an extraordinary job running that well-known agency.

Sometime in 1991, PAUL came into my office and said: I am thinking of running for the Senate. I am going to be running against an incumbent Democrat in the South. I know that is rather difficult to do.

We talked about the experience I had running against an incumbent Democrat in the South. We struck up the beginnings of a real friendship during which we talked off and on during his extraordinary quest for the Senate.

It was indeed an extraordinary quest. Because of the peculiarities of Georgia law, PAUL COVERDELL is surely in the Guinness Book of Records because he won four elections in 1 year. I am not certain what the law of Georgia is today. I think it is still the same with regard to primaries. In order to be the nominee of a party in Georgia, you have to get 50.1 percent of the vote. PAUL had a very contested primary for the nomination. He did not get 50.1 percent of the votes, so he was in a runoff in order to achieve the nomination. So it took our good friend two elections to get the nomination.

Then Georgia had—I believe they have since changed this law—a requirement that in the general election, in order to become a U.S. Senator, you had to get 50.1 percent of the vote.

Election day came and went, and neither PAUL nor his opponent, the incumbent, had achieved 50.1 percent of the vote. So there was a runoff for the general election—a hotly contested, spirited contest—in which PAUL came out on top, I believe, in early December of 1992.

So he had won four elections in 1 year in order to find his way to this body. PAUL was indeed tested right from the beginning in his quest to become a Senator.

I remember in the early stages of that campaign, people did not take PAUL very seriously. As I watched his growth and development, almost from the beginning it seemed he was consistently underestimated. But in his extraordinarily effective and friendly manner, he managed to make himself a force in the Senate very quickly, to the point, as many have said already, that he was elected as one of our leaders in his first term.

One of his staffers lives in my neighborhood. I noticed on the back of the car the Coverdell bumper sticker, which says: ''Coverdell Works.'' There may have been another bumper sticker somewhere in America that said: ''Someone Works,'' but I can't think of a bumper sticker or, for that matter, a better way to sum up our friend and colleague PAUL COVERDELL than ''Coverdell Works.''

He was ubiquitous. He was everywhere. As all of us who work in the Senate know, in order to make anything happen, you have to develop little groups to work in an area to try to advance the ball in the middle of these 100 substantial egos, each of which has its own goals and aspirations. PAUL was literally ubiquitous, all over the place, in a group here, in a group there, always advancing the cause. He did it in a friendly, effective, and intelligent manner.

No one is irreplaceable. The Senate continues to function. We are functioning today, although probably not very effectively. But if I have ever met somebody about whom I could say he was almost irreplaceable in the Senate, it was PAUL COVERDELL.

So it is with extraordinary sadness, not only personally but in terms of the loss in this institution, that we say goodbye to our good friend, PAUL COVERDELL.

I yield the floor.

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

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

Mr. BROWNBACK. Mr. President, I rise to recognize and celebrate the life of PAUL COVERDELL, as many of my colleagues have today, a beautiful, warm-hearted, deep-souled man who was constantly encouraging and engaging people. I know he is hearing these comments. I wish I would have said them to him physically as well, but we know he is here, as we celebrate a life well lived.

It is a very sad day for us in the Senate. I caught the comments of Senator GRAMM earlier wherein he said that instead of staring at the death, we should stare at the life; instead of staring at our loss, we should stare at our gain from having known PAUL COVERDELL. That is a very appropriate way for us to look at and think about it.

PAUL touched so many of us in the Senate in many wonderful ways. One of the things he did for my family that I most remember was sending us a book by a Georgian author. The title of the book was ''Lights Along the Way.'' It was a collection of vignettes of people of faith, acts they had performed—many of them very obscure, some of them well known—to help people along the way. For example, one person had adopted 10 children, and the light this person had been along the way; some of the things Abraham Lincoln had done, a clear light along the way. My daughter and I would frequently read one, maybe two of these stories at night before going to bed. They were uplifting,

happy, light, joyous stories of lives well lived, of somebody being a light along the way.

That is exactly what PAUL COVERDELL was, a light along the way. If you saw him during the day, it was never a confrontational meeting. It was always a happy meeting. Even though you may disagree about something, he was always trying to be helpful. He was a peacemaker. As you would pass through your day, he was one of those lights along the way. That is why our grief is so great. When you lose part of that light, it makes it very difficult. He clearly was that. He was one of those people who talked about the scripture of God working through an individual and that it was God working in him to be that light along the way.

I think PAUL was truly that, a beautiful, deeply-caring man. He cared for his country, cared for his friends. He cared for people who were not his friends. I never saw him give a harsh or a cross word to anybody. I never saw him hardly give a frown to anybody, let alone a harsh word. It is those sorts of vignettes of PAUL's life that I remember, that stick out in my mind, his being such a light along the way.

I hope he is a light we don't forget. I hope he is a light we learn from. Light cleanses. Light shows us the way. Light points to where we ought to be and where we ought to go. Many times, it is a point of light in the distance that we seek, towards which we aim, whether it is a lighthouse or a distant shining light.

That is what PAUL is to us now, one of those lights we seek and aim towards, hoping that in some way, at some time in our life, we will be able to draw closer, move towards it, be purer, be a greater light; that when we enter a room, people will react as they did when PAUL entered a room. You can enter a room and there are shadows that come out, frowns, or you can enter a room and people start to smile and be happy, even though they are not exactly sure why you are there. PAUL was one of those where the room started to light up rather than get darker when he entered.

I hope his is a light we will always remember. As we mourn today, we celebrate that light among us, a light for us to aim towards. He was a great man.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, I want to spend a few minutes today to join in paying tribute to our former colleague, PAUL COVERDELL. Memories of PAUL consistently paint a picture of a hard-working, even-tempered consensus-builder. He sought results, not headlines. He was not one who basked in a national spotlight, but his quiet influence within this body has made a profound impact on public policy affecting all Americans.

My last opportunity to work with PAUL was during consideration of the Educational Opportunities Act this spring. It is fitting that our final work together addressed the subject of education, as this is an area where we had many dealings over the years. We did not always agree on the specifics, but the one thing about which we wholeheartedly agreed is the importance of education.

During the S. 2 debate, PAUL made a compelling case for the need to assure a good education for all of our citizens. He said:

> From our very founding, we have understood that a core component of maintaining a free society is that the population is educated. To the extent that any among us who are citizens do not have the fundamental skills, the basic education, they are truly not free. They cannot enjoy the full benefits of American citizenship because they are denied the ability to think for themselves, for their families, for their communities, for the Nation.

In all my work with PAUL, I found him to be fair and accommodating. He was always one to search for the areas of consensus, and he was enormously successful in finding ways to reach accommodation to move things forward. His persistence and his commitment to making things happen—no matter how many obstacles were placed in the path—earned him the respect of all who had the privilege to work with him.

I join in extending my deepest sympathy to his wife Nancy. I also offer my condolences to members of his staff, who have lost not just an employer but an inspiring example of the work and rewards of a life devoted to public service.

We will miss PAUL, but his inspiration to me and to all the others of this body will continue until we are gone from here also. I join all my colleagues in the deep sympathy that we feel at this moment.

I yield the floor, and 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. ABRAHAM. 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. ABRAHAM. Mr. President, I rise today to join my colleagues in expressing our condolences to PAUL COVERDELL's wife Nancy and all the members of his family.

I think that anybody who has watched the expressions and condolences that have already been offered would recognize immediately the extent to which Senator COVERDELL touched all of us in the Senate and the extent to which he was a beloved colleague and friend.

PAUL's life achievement, in so many different ways, obviously deserves the tributes we are paying today. I wish to comment on some of those achievements. First, PAUL COVERDELL was one of the really remarkable leaders of our time. He began his political career in the Georgia Legislature and rose up to the leadership position in the Republican Party in the Georgia State Senate. He then came to Washington and made his mark as the Director of the Peace Corps. He was very instrumental in expanding and successfully helping the Peace Corps to transition into a new era.

PAUL was a leader in his party. He served as chairman of the Georgia Republican Party at a time when there weren't a lot of Republicans in Georgia. But thanks to him, the party grew in strength. That is when I actually first became acquainted with him, because I chaired the Republican Party in Michigan at that time and we met in the context of national party meetings. Then, of course, PAUL was elected to this body in 1992. I think everybody here is aware of how effective and how competent and able he was. He moved into the leadership of this Chamber fairly quickly—in, I think, his first term in the Senate. That doesn't happen too often in a place where seniority counts so much. But his observable abilities, talents, and incredible work ethic brought him to the attention of all of our colleagues on both sides of the aisle. On our side of the aisle, it resulted in him being put in a leadership role early in his career.

More than being an effective leader, PAUL was a tremendous colleague when it came time to needing some assistance on a project. I can't think of one important piece of legislation that I have worked on in the time I have been in the Senate when PAUL COVERDELL wasn't helping me in some fashion to get it through. I remember coming here in my very first couple of legislative efforts, on amendments and bills, as a freshman Member who did not know how this place worked and looking to him, who was a slightly more senior Member, for guidance and help; he was always there. He has been there for all of us. That is why I think today is such a tough day. It would not really matter what the issue was, he was somebody who would try to help you. His staff was built by him to be of similar assistance.

Of course, for all of us, probably the principal thing we would acknowledge in terms of PAUL's attributes was the tremendous friendship he offered to all of us who were his friends. I had a unique relationship with him in the sense that he served as a mentor and friend to me in my first couple of years. When he sought a leadership position, I was proud of the fact that he asked me to place his name in nomination for that. I did so on the second occasion he sought to be in the leadership of our party. When you are asked to nominate somebody for one of these

jobs, it obviously means a lot to you and tells you that you are well regarded by that person. I have to say it means an unbelievable amount to me to think that Senator PAUL COVERDELL thought of me as someone who he would want to play that role in his political career.

As I said earlier, the reaction of his colleagues today demonstrates that others share my high opinion of PAUL. So many have given statements already, and I know more will follow that will move us all. We have seen people express themselves in ways we never thought we would see. People who are known to come to the Senate floor and wage verbal debates back and forth on serious topics have already come here today and demonstrated, in the most human way, that they were so close to and touched by PAUL COVERDELL, and that all of the partisanship and the political debate is really second to them in importance to describing the friendship he provided all of us.

So as I close we pray for the best for PAUL's wife and family. We give thanks for having been able to share his friendship. On a personal level, I say: Goodbye, PAUL, we will never forget you. You were a key part of all we have done here, and you will continue to play a role as our memories of you continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, many years ago William Wordsworth wrote a wonderful poem entitled ''Ode On Intimations of Immortality,'' in which he said:

Our birth is but a sleep and a forgetting;
The Soul that rises with us, our life's Star,
Hath had elsewhere its setting,
And cometh from afar;
Not in entire forgetfulness,
And not in utter nakedness,
But trailing clouds of glory do we come
From God, who is our home. . . .

I feel particularly bereft today because of the loss of PAUL COVERDELL.

I have served here for 24 years and I have seen great people come and go. There are people in this body who are just as great as the Founding Fathers were. There may not be many, but there are people here who by any measure qualify as great leaders.

These great people, who are able to cross party lines and bring people together, make this body the greatest legislative body in the world. PAUL was one of those people.

He was kind, he was considerate, a good listener; he was wise and he was a person with whom you would want to counsel if you had any concerns.

But PAUL was more than that. He was politically astute. He knew when to get tough about matters and stand up for what he believed. But there was also a kindness, a softness, a decency about him that is going to live long after today.

I know that ''our birth is but a sleep and a forgetting,'' and that we came ''from God, who is our home.''

I know that PAUL was one of God's chosen people. He was given the privilege of coming here to be with us in the Senate. We had the privilege of knowing him.

William Cullen Bryant once said:

So live that when thy summons comes to join
The innumerable caravan that moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like a quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like on who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

PAUL was like that. We are all going to miss him. The fact that he died such a quick and unfathomable death has made a mournful impression on all of us.

PAUL was one of those people who could move mountains because of his personality, because of his intelligence, because of his background, because of his experience, because of his kindness, because of his love, because of his fairness, and because of his leadership.

I could go through all of his leadership qualities, all of the things he was working on and the accomplishments he made. Right now, I am thinking more of the mourning and the sense of loss we feel in losing PAUL COVERDELL.

Tennyson wrote this wonderful poem called ''Crossing the Bar.''

Sunset and evening star,
And one clear call for me,
And may there be no moaning of the bar,
When I put out to sea.

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark,

For tho' from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

I have no doubt that PAUL is going to see his pilot face to face. I have no doubt that he doesn't want any moaning of the bar as he put out to sea. I know he doesn't want any sadness or farewell now that he has embarked on this next phase of eternity.

Let us today concentrate on all the good that PAUL stood for on all his amazing accomplishments, not only as a Senator, but also as a man.

We all know about PAUL's love for education—he led our caucus on that issue—and all the work he did as chairman of the Senate Republican Task Force on Education to encourage learning opportunities for America's schoolchildren.

PAUL worked hard to make sure that every parent, every child, and every teacher could devote enough time throughout each year to educational matters. He made encouraging a love of reading his special priority for students, pupils, and teachers alike. He was a leader in formulating ''A+'' tax free accounts for education. His landmark Safe and Affordable Schools Act has been widely regarded as a model program to improve our country's education policies. PAUL authored bills to make sure we appreciate the hard work of our Nation's teachers, something we tend to forget so easily when formulating education policy.

PAUL must also be memorialized for his steadfast work to lower taxes and make our tax policies more fair. Many times PAUL reminded us of his belief that the freedom and means to raise, educate and care for our families are threatened by a government that takes more than 50 percent of an average family's income in taxes and cost of government. PAUL was very proud of his work on tax issues and in particular, of the law he authored to stop unscrupulous IRS workers from rummaging through the tax files of private citizens. It is many ways so ironic that the last vote he cast was on repealing the death tax, an important policy change he had worked so hard to advocate.

I worked closely with PAUL on his antidrug efforts, on his work to stop narcotics trafficking, and on his efforts to make the workplace drug free. All of these things PAUL did, and he did them well.

PAUL never forgot the needs of his home state, whether it were through his work as chairman of the Agriculture Subcommittee on Marketing, Inspection and Product Promotion, or through his work as a member of the Finance Committee and the Small Business Committee. His record is replete with accomplishments that benefited his constituents back home.

Of course, there were so many other legislative things I would like to mention, but let me leave it at that.

Another side of PAUL was his love for baseball. He was as excited as anybody I have ever seen when Hank Aaron broke Babe Ruth's Major League home run record as a beloved Atlanta Brave.

I am deeply saddened by his passing. I am going to miss him very much.

One of my favorite poets is a poet named Sara Teasdale who wrote an interesting poem. Although this was surely a love poem, I think it applies to our memories of PAUL as this poem is called ''The Beloved.''

It is enough of honor for one lifetime
To have known you better than the rest have known,
The shadows and the colors of your voice,
Your will, immutable and still as stone.

The shy heart,

Which PAUL had—

so lonely and so gay,
The sad laughter and the pride of pride,
The tenderness, the depth of tenderness
Rich as the earth, and wide as heaven is wide.

I like that. Even though it was meant for someone else, I think it applies to a large degree to PAUL COVERDELL.

PAUL was a good man. He did the right things. He set a good example. He was a good colleague here. He was one of the most respected Senators in this body for all of these qualities, qualities that very few people can come close to matching.

I wish PAUL the best in his afterlife.

My sympathy and heartfelt feelings to Nancy, his wife, and to the rest of his family who are mourning him.

I thank God for the privilege of knowing PAUL, working with PAUL, accomplishing things with PAUL, laughing with PAUL.

I am grateful for our colleagues in this body on both sides of the floor. We do learn that these people are here for a very important reason. They have been selected by their respective constituents to do good things. I can say as one who has been here long enough to know that PAUL COVERDELL did good things while he was here and that his legacy will be that all of us need to do better in the things we have been and are doing. All of us need to follow and emulate his example so that we can hopefully be as good as he was.

My sympathy and my best to Nancy and other members of his family, and to my fellow colleagues who are mourning PAUL COVERDELL this day.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with all of my fellow Senators today to express our feeling and mourn the death of our colleague, Senator PAUL COVERDELL.

I always find these kinds of circumstances difficult to speak to, to find the appropriate words to reflect my emotions or to in some way express my love for a man such as PAUL COVERDELL and the way he worked for all of us and for his country.

I grew up in a ranching environment in the State of Idaho. Oftentimes I think back to those experiences when I am caught in emotion or when I cause myself to sit down and contemplate how to deal with an issue or a situation. My experience with PAUL was largely a part of our time in the Senate, a leadership time.

I was one of four Senators elected by the Republican majority to lead them in the 106th Congress; PAUL COVERDELL was a part of that leadership team. He was secretary of what we call our Republican conference, or all Members on the Republican side. It was through that relationship that I grew to know PAUL and to appreciate the tremendous talents that he had. We all know he was an activist on the floor on many occasions, in pursuit of what the leadership team and ultimately the Republican conference decided was a direction we ought to head in or an issue we ought to debate. He did it with phenomenal energy and talent.

When I think of that relationship, I can only come to this analysis; I think it so well fits PAUL: A team approach, as in a western ranching environment. We all remember the great cattle drives that used to come out of the Southwest into the plains of the West to graze, thousands of head of renegade cattle moving all in one direction. The reason they were moving in one direction was because there was a trail boss who headed up this drive. There were a group of wranglers on horseback who were out there working day to day to keep that drive shaped and headed in the direction in which the trail boss wanted them to head.

There is no question that in the Senate TRENT LOTT is our trail boss. He decides the direction with the consent of the herd, if you will, and head Members. There is a group who are the wranglers, who work with that herd, to help shape it and keep it moving. PAUL COVERDELL was one of those wranglers and probably the best among us. He was constantly out there from daylight until dark and, if it were on the range, we would say in all kinds of weather because he was doing what he was asked to do but more importantly because he believed in what he was doing and he was very passionate about it.

All of us are here for a reason; some of us for larger reasons than others. Clearly, to be here with the kind of passion and energy that PAUL COVERDELL from the State of Georgia came here with is unique. As a result, he was selected to be one of those wranglers, to follow the leadership, to follow the directions of the trail boss, to make sure that we all stayed headed in the right direction.

I will miss him. I will miss his talents as a wrangler. He was a great American and history will record that. He has made his mark. But never once in the business of making that mark, or leading, shaping the herd, or wrangling the herd, did he ever do it for PAUL. He did it for his country and for what he believed was the right cause and the right belief.

PAUL, I think God has called you to a different trail herd. He obviously needed a hell of a good wrangler, and He's got one. We will miss you. We love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I join my colleagues in rising to offer my sympathies and condolences to Nancy and the Coverdell family.

Today, we all grieve PAUL's passing, but we also celebrate his life. What a life it was; a life of achievement, a life of incredible service and accomplishment.

I did not know PAUL COVERDELL until I came to the Senate in 1996. I followed his career, as many Americans did. I followed with interest and admiration his campaign for the Senate and his election to the Senate from Georgia. It was only when I arrived at this institution that I got to know PAUL COVERDELL, the man.

Much has already been said this morning and yesterday and has been said well. He was ubiquitous. It seemed PAUL was everywhere. The breadth and number of issues he was involved in takes your breath away. It was amazing how much he knew and how much he was willing to invest his time and energy. He was incredibly hard working and willing to do what others didn't want to do, didn't have time to do. He made time and he was willing to take on the nonglamorous jobs. He didn't seek glory and he didn't seek adulation. He gave credit away freely because he didn't seek it for himself. He was a consensus builder; he was a doer. If you wanted it accomplished, you gave the task to PAUL COVERDELL.

One quality which I as a junior Member of the Senate especially appreciated and admired was his deep respect for his fellow man and his deep respect for his colleagues, regardless of their rank or status. I served on the education task force with PAUL. We had a lot of strategy meetings. We had meetings in Senator LOTT's office in which we would talk over the education issue and discuss not only how we would communicate our message but how we would pass legislation. There were a lot of senior Members on the task force. They were always quick and bold to speak out and give their opinion. What I noticed about PAUL COVERDELL was that he was always observing who had spoken and who hadn't, who had expressed their opinion and who hadn't. At every meeting he said: TIM, you haven't said anything yet. What are your thoughts? Do you have an opinion?

Or he would see SUSAN COLLINS and say: SUSAN, how do you feel about this issue?

He always included junior Members. He included everyone because he respected not only their opinion, but he respected them as human beings.

He epitomized what service is all about. I think that PAUL COVERDELL provides the lasting role model of what a U.S. Senator should be, what a public servant should be.

Many of my colleagues have struggled to find words and to find scripture and verses to express what they felt about PAUL COVERDELL. I have found a verse that I think applies most appropriately to PAUL. It is Mark 10:31. Jesus said:

> But many that are first shall be last; and the last first.

PAUL was a leader. But he was a leader among us because he was servant of all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in paying tribute to the life and legacy of a man I considered a friend first, a Senator second, and a great American above all.

Senator COVERDELL was everything that those of us who were blessed to serve with him strive to be:

> effective, committed, compassionate, and tenacious when it meant doing right by the

people of Georgia and the American taxpayers he revered.

PAUL was a voice for families, for children, for the nation's workers, and every individual seeking to build a better life for themselves, their family, and generations to come.

Of all my colleagues, I think I spent more of my working hours with PAUL COVERDELL, in meetings, strategy sessions, and casual conversations.

I considered him to be the ''sparkplug of the Senate'' because of the life and energy he brought to this body.

As others have said, very little went on here that PAUL wasn't somehow involved in, and he was the man I went to when I needed a friendly ear. I didn't always hear what I wanted to hear, or get the sympathy I thought I needed, of course, but I always received the counsel of a man who spoke from the heart.

He leaves behind a remarkable legacy of service, and not just here in the Senate. Other colleagues have spoken of his leadership of the Peace Corps, his 16 years in the Georgia State Senate, his military service, his real-world experience in business.

In this Chamber, he will be especially remembered for his unyielding dedication to working Americans, whether through his work on education, and in particular his education savings accounts, leading the fight against illegal drugs, promoting volunteerism, and lifting up America's farmers.

I think, though, that PAUL will be remembered foremost as an ardent defender of freedom.

The highest tribute one can pay to a colleague is to say that, day in and day out, they got the job done. Senator PAUL COVERDELL got the job done, with humility, with enthusiasm, and always with good humor.

With PAUL's passing, the State of Georgia has lost a leader, the Senate has lost its sparkplug, many of us have lost our best friend, and the Coverdell family has lost a truly exceptional man. My prayers, and the prayers of our colleagues and our staffs, are with Nancy and her entire family during this difficult, difficult time.

Mr. President, I yield the floor. 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. DORGAN. 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. DORGAN. Mr. President, I join my many colleagues here in the Senate today expressing my sympathies to the Coverdell family and telling them our thoughts and prayers are with them during this difficult time. A poet once said:

> There is no joy life gives like that it takes away.

I expect the Coverdell family and all who loved PAUL and understand the hurt and anguish at his passing, today know well what that verse means.

This is an unusual place, this Senate. There are 100 of us, men and women from all parts of the country. We have days where we have pretty aggressive debates and fights about public policy. PAUL COVERDELL was in the middle of many of those. I never heard PAUL COVERDELL say a mean word to anyone in the Senate. I told him one day at the end of a rather lengthy debate in which I was on the other side and the vote was called and we were standing in the well:

> You and I don't agree on this issue, but you are a very good Senator.

We served in different political parties. We, in many cases, believed differently about issues. But PAUL COVERDELL was a very good Senator and served this country well.

The important part about PAUL was, though he felt great passion about public policy and the issues he brought to the floor of the Senate, again, he never uttered a mean word about anyone in debate. You can always disagree in this country without being disagreeable. PAUL COVERDELL demonstrated that every day in his pursuit of the public policy he believed was important for this country.

We are so busy and our schedules have us on our way here and there and everywhere all week, and then often to our respective homes in the 50 States on weekends, so it is hard to get to know each other very well. But each day, as we move around in this Capitol, all of us in the Senate exchange greetings and words, occasionally a story or two. Last week, I was in the elevator with Senator COVERDELL. We laughed a bit about his being compared, from time to time, in his presentation, to George Bush. I always used to kid him about that, that sometimes he had a cadence that reminded me of the ex-President.

He sort of kidded me and said someone told him he was doing Dana Carvey who was doing George Bush, so he was two steps away from the impression. We laughed about that.

Last Friday, as we were having a long series of votes, towards the end of the votes I visited with Senator COVERDELL because Georgia has been a State hardest hit by drought. I told him we had been hit so severely with respect to floods. On behalf of our farmers, I was trying to see if we could put together a piece of legislation that would deal with crops that had been flooded out, destroyed by flood, and crops in Georgia and elsewhere that were being destroyed by drought. On Friday morning, PAUL indicated he wanted to join me in an amendment to this bill, the Agriculture appropriations bill that is being considered in the Senate, to provide some assistance for family farmers who were victims of the drought that was occurring in his State and throughout the South.

He was always available to talk about public policy and what was happening; always especially available and concerned to talk about the people of his State of Georgia. I wanted to come today to say the Senate will miss PAUL COVERDELL. He was not only a good Senator, but he served this country very well. He was a friend to all of us. My thoughts and prayers go to his wife and his family. We say thank you to his memory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the 211-year history of the Senate, the State of Georgia has one of the richest and most storied legacies. Since the formation of the Senate, and that was in 1789, Georgia has sent to the Senate 62 individuals as Senators. I have had the distinct privilege of serving with 6 of them, including our beloved PAUL COVERDELL. When the people of Georgia elected PAUL COVERDELL to represent them here in the Senate 8 years ago, they sent to Washington a unique, especially talented, and gracious gentleman; a gentleman of the South, I say to those of us who are privileged to come from that region.

PAUL began his service to the Nation nearly 30 years ago when he served his Nation in the U.S. Army, stationed in Okinawa, Taiwan, and Korea, and he never stopped in his quest to serve the people. He was truly a public servant.

He gave almost half his life to serving the Nation and the State of Georgia. It is no overstatement to say that his presence in public life has made this Nation more prosperous and more secure. He was a leader in the fight against drugs and the fight for better education and the struggle to keep this Nation strong, both economically and militarily.

We have a saying around the Senate: There are show horses and workhorses. We know for sure PAUL was no show horse; He was a workhorse. He worked hard and often he worked behind the scenes. He did not seek the headlines. PAUL COVERDELL did not seek the headlines. He would seek results—he wanted to get the job done, let others take the credit—and always results that were in the best interests of our Nation. That was his guide; that was his compass.

All of us here, before we cast the first vote, before we discharge the first responsibility, take the oath of office. We solemnly commit ''to support and defend the Constitution against all enemies.'' We commit ''to bear true faith and allegiance.'' We undertake ''to faithfully discharge'' our duties.

PAUL COVERDELL fulfilled each of those constitutional obligations under the oath of office. He was a man of his word and he has lived his life in the Senate true to his principles and true to that oath.

He was a quiet man. His office was right across the hall from mine in the old Russell Building. How often we would meet walking to and from the votes. Those are the moments when

Senators do not have staffs around them, constituents are waiting somewhere, and you share those private thoughts, comments, and ideas. How often I shared them with this giant of a Senator.

The Nation lost a true patriot, a true gentleman, a true statesman. But his memory and his legacy will remain with us forever.

May God bless his family. God blessed America with this man's service.

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. 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, I join my colleagues on both sides of the aisle who have come today to express sorrow and deep regret over the loss of a treasured friend and colleague. I have watched many of the tributes that have been made to PAUL COVERDELL this morning. There is very little I can say to add to some of the wonderful comments that have been made about this truly remarkable American.

I want to talk for a minute about my personal relationship with PAUL COVERDELL.

When he was running for the Senate for the first time, he was running against an incumbent Senator who was popular in his State. I came to the State of Georgia and campaigned for him. Before I arrived, I thought I was doing what a lot of us in politics do, and that is doing what is necessary for a losing cause. But after spending a few days with PAUL COVERDELL, I could see this man was going to win his election because he was a man of integrity; he was a man who knew the issues, a man who was dedicated to the concept and belief of public service, a man who had served his country in other capacities and had prepared himself over many years of public life to serve the Nation as a Senator from the State of Georgia.

As we all know, he won a very close race, perhaps one of the closest races in the history of certainly the State of Georgia, if not the entire Senate, which required a runoff election. Then he was reelected rather handily.

Again I went down to Georgia to help him in his reelection, and I saw that during his first term, PAUL COVERDELL had established a unique relationship with his constituents. Everyplace I went with him, they recognized him, they showed their appreciation for him, and whether they were Republican or Democrat, they respected him for his strongly held values and views.

As I talked to his citizenry around the State of Georgia, it was clear, whether they were going to support his candidacy for reelection or not, they held him in the highest regard because they knew, as we who have had the privilege and honor of working with him and serving with him in the Senate know, that he was a man who worked incredibly hard, a man of firmly established values and ideals, and one who believed and acted in the public interest.

As all of us experience deep emotion and sorrow over the loss of a dear friend, I am sometimes reminded that we should also celebrate the fact that we were blessed to have the opportunity to know and appreciate a man of such enormous and wonderful qualities, and the people of his State and the people of this Nation, including my own State of Arizona, were honored to be in the presence of and have the service of this dedicated, wonderful American.

As our best wishes and condolences go out to the Coverdell family and friends, we also offer our hardiest celebration for a life well lived and one which is written in the pages of America's history, in the history of the Senate, bright pages filled with the Coverdell name in the State of Georgia with glory.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, as I enter the Chamber and look to the rear to the seat occupied by our dear friend, the late Senator PAUL COVERDELL, it reminds me of the reality of the fragility of the lives we lead. The message is one of taking stock of what our real priorities are. Life is so short, so fragile, and our period on Earth is so temporary.

At this time we join together in grieving with the family of our beloved colleague who passed away Tuesday evening. Our thoughts and prayers are certainly with his wife Nancy and the family during their time of extraordinary grief.

We all share in the reality that this was a tragic and unexpected loss. We all feel it in this Chamber, in the halls of the Senate office buildings and, of course, in PAUL's beloved State of Georgia. But we cannot be blinded by grief to the point that we fail to recognize and celebrate the life of this outstanding public servant.

He was an extraordinary public servant. I listened to some of the comments made last night after we learned of his passing. The Senator from New York said he was a man of peace. Reflecting on PAUL's public service, he served his country in the Army, with deployments in Okinawa, Korea, and the Republic of China, came home to Georgia, joined the family business, helped it thrive and grow and then, beginning in 1970, served his State in the legislature, serving as minority leader for a period of 15 years. In 1989, he continued his commitment to peace as Director of the Peace Corps. In this capacity, PAUL saw the fall of the Berlin Wall, the end of the Cold War. He seized the opportunity to place Peace Corps volunteers in former Eastern Bloc nations in an effort to speed their transition to democracy and peace.

The wise people of Georgia, in 1992, elected PAUL to the U.S. Senate. I vividly recall that this genuine, quiet man made an immediate impression upon all of us. As we got to know PAUL, we found him to be deeply thoughtful, hard-working, and utterly unconcerned about the limelight. His Republican colleagues recognized his efforts and selected him to the leadership post of Republican Conference Secretary.

As a U.S. Senator, PAUL did superb work in the issues of education, food safety, protecting our children from drugs, promoting volunteerism, lowering the tax burden on working families and small business, and protecting the rights of citizens in their dealings with the Internal Revenue Service.

We were all privileged to know PAUL. He enriched our lives. My prayers and thoughts are with PAUL's family, especially his wife Nancy. The Senate will miss his work ethic and thoughtfulness. The Nation will miss his ideas and his example.

Mr. President, I yield the floor and 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. BREAUX. 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. BREAUX. Mr. President, I rise, as have some of our colleagues today, to express my deepest sympathy to Senator PAUL COVERDELL's friends, family, and to his wife Nancy, as others throughout the State of Georgia as well as throughout this country mourn the passing of one of our colleagues who, indeed, was a very special person.

I think when we reflect on the times we had and the opportunity we had to spend with PAUL COVERDELL, we will certainly remember him as a Senator's Senator; by that I mean a person who was really interested not so much in the message of the day but, rather, in actually working together to bring to this floor and to the American people legislative products that were appropriate to get the job done.

I think all of us, when we see our legislative branches becoming more and more partisan and more and more separated by imaginary aisles that separate us, can think back and remember PAUL COVERDELL as a person who was willing to work with anyone who was willing to work with him in order to accomplish legislation that was in the interest of this whole country.

I had the opportunity, as so many of our colleagues did, to work with him on education. I think his approach to that major legislative effort was one from which we can all learn a great deal—how he handled the product he was trying to get passed into law.

What I mean by that was he was willing to sit and talk with Democrats as well as his Republican colleagues to try to fashion a compromise that could accomplish the reform of our legislative system. Far too often, that is sort of unique and different in the way things are done—both in this body and in the other body across the Capitol.

I think as we remember the experiences and good times we had with him, we can take with us the admiration and respect all of us have expressed of him, but also, at the same time, the lesson he taught us by his actions. That lesson, in my mind, was how we work together to accomplish good things for the American people. He did that. We can remember and we can learn from his actions. That is how I want to remember the good times I had and the privilege of experiencing it with him during the legislative process.

He will be missed, of course, by his family and close friends back home. He will be missed by the people of Georgia. He will, indeed, be missed by the people of America—those Americans who think that the function of this body and our Congress in general is to do whatever we can, working together, to make lives better for all American citizens. That is what PAUL COVERDELL attempted to do as he was able to accomplish so many things in that fashion.

He will be particularly missed by this institution and by everyone who wants to make government work better for the American people. PAUL COVERDELL represented that type of Senator. He, indeed, was a Senator's Senator. He will be sorely missed but very fondly remembered.

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. SMITH of New Hampshire. 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. SMITH of New Hampshire. Mr. President, as have so many of my colleagues, I rise today to pay tribute to a friend, PAUL COVERDELL.

It is very difficult to look at those flowers, which are silent. As my colleagues do, I find it difficult to deal with. It is something that is very hard for all of us to understand.

We are here to pay tribute to PAUL COVERDELL and to express our sincerest condolences to Nancy and his entire family.

They say true friends are there when you need them most. We know PAUL COVERDELL was there when we needed counsel. I remember about a year ago I went through some rather difficult times on the floor of the Senate. PAUL was there to counsel me and to give me a lot of advice through all that—for which I will always be grateful—in a political world often poisoned by partisanship. PAUL was always there for counsel and friendship. He was there for all. He was not a partisan person. He could be partisan when he had to be. There is a difference between being partisan and being mean.

The Atlanta Journal Constitution said it best when they said: There is a lot of meanness in politics. But he wasn't one of the mean people. I don't think it can be said much better than that. He was a fierce partisan on the battlefield of ideas but not among friends. We are 100 people here who are friends. Even though we have our partisan differences from time to time, we don't take it off the floor. PAUL was certainly a stalwart in leading the way in that. He knew what friendship was and what it meant. Friendship to PAUL couldn't be obscured by any party label or disagreement or an argument.

That is why so many of our colleagues have been here today to make tributes. It is also one of the reasons why history will record PAUL COVERDELL as a great Senator. I remember vividly the first time I came to the well and signed the book, being joined with a very distinguished few individuals, a little over 2,000 people throughout the course of our country who have become U.S. Senators. Senator ROBERT BYRD came over to me and said: Don't ever forget that. That is something that they can never take away from you.

When you think through the years of all those people, PAUL will be remembered in that way as one of the best in terms of friendship, in terms of his own issues he felt so passionately about—drugs, what drugs were doing to our society, especially to our young people, and education for which he fought so hard.

He was a passionate man, a caring man. I don't believe anyone who has ever served here who wasn't compassionate and didn't care could ever be considered an outstanding Senator. PAUL was the best when it came to that.

He had the disarming personality, the humor, the quick mind. He had rock solid philosophical groundings. These are traits that made for a great and potent legislator. Most importantly, if he gave you his word, that was it. You could trust his judgment. You could trust his instincts. Most of all, you could trust his motivations were right. They were heart felt; they were sincere; they were honorable. I think that is the most important.

There is a campaign slogan that Senator COVERDELL had: COVERDELL works. Those who worked with him every day knew he was tireless. He was working on the day that he was stricken. He was a hard worker. He worked hard for his State and he worked hard for his country and the people in whom he believed.

In 1732, when the colonists came to PAUL's great State of Georgia, they came on shore, touched the shore, they kneeled down and said: Our end in leaving our native country is not to gain riches and honor but singlely this—to live in the glory of God.

I think PAUL COVERDELL has lived up to that about as well as any human being could, certainly as well as any Georgian could. You can certainly be proud of this Georgian.

Abraham Lincoln, on the passing of Henry Clay, said about the ardent patriot and profound statesman: He had a quality possessed by few of the gifted on Earth. His eloquence has not been surpassed in the effective power to move the heart of man. PAUL COVERDELL was without an equal. I think I agree with Abraham Lincoln on that.

We all have vivid memories of the last time we spoke to PAUL COVERDELL. I remember on the Senate floor, with all the confusion of the votes on Friday, all the things going on, and although I can't recall a specific conversation, you can always remember PAUL engaging somebody in a conversation.

The worst part for me, when I reflect on a sudden death, is if I had the chance to say goodbye, what would I have said? I also find myself wishing I had known so I could take the time to say goodbye. I didn't get that opportunity to say goodbye to a friend that I loved and respected, but if I had the chance, I would have thanked him for his friendship because it means more than anything else here. I would have said: Thanks, PAUL, for being there for me.

In his letter to Mrs. Fairbanks, Mark Twain wrote about friendship:

> . . . I remember you and recall you without effort, without exercise of will; that is, by natural impulse, undictated by a sense of duty or of obligation. And that, I take it, is the only sort of remembering worth having. When we think of friends, and call their faces out of the shadows, and their voices out of the echoes that faint along the corridors of memory, and do it without knowing why save that we love to do it, we can content ourselves that that friendship is a Reality, and not a Fancy, that it is built upon a rock and not upon the sands that dissolve away with the ebbing tides and carry their monuments with them.

That is how I feel about PAUL COVERDELL today.

The second thing I would have thanked PAUL for, if I had had the chance to say goodbye, was his sense of humor. He had a great sense of humor. Lord knows, one needs a sense of humor serving in this place. It gets intense from time to time. I remember two cases, one recent and one a long time ago, which I will recall. I will take the long time ago first.

Some of my colleagues will remember PAUL had a very interesting election. Georgia, at that time, had a law that candidates had to get 50 percent of

the vote to win. PAUL got a little less than that. His opponent got a little bit more than PAUL but less than 50 percent. So PAUL was here and he was talking to Members, saying: I want to join you guys, but I need a little help, a few contributions. We need to have another election and I have to face this guy again with the third guy out.

I said: I will help you, but I am not sure that law is right. Maybe the other guy should have won; he got more votes than you the first time.

PAUL said: Well, it is all right to change but not yet.

I remember that. PAUL said that in his gregarious way, not meaning anything malicious.

The second memory I have of his humor was more recent, about 2 or 3 weeks ago. PAUL, who is the conference secretary, came out with this little card. He held the card up proudly. He wanted people to have this for the Fourth of July recess. It proudly boasted ''The Republican Priorities for the Surplus,'' and he want down through the list. We all looked at them and after he finished, Senator after Senator stood up and said: I don't know where you got that, that is not my priority. Who gave you this. And on and on and on for 10 minutes. PAUL took it well.

After it was over, I walked up to him and I said: Do you regret you printed the card?

He said: Were those guys drinking something; what was going on here?

It was a fond memory, but so typical. There was no animosity, no anger, just rolling with the punches.

He said: Next time, I will check with a few people before I print the card.

If I had the chance to say goodbye, I would have thanked PAUL for that.

Let me close by referring to comments that were made several years ago on this floor by our distinguished colleague, ROBERT BYRD, who was talking about the death of William Fulbright. He quoted Longfellow. In quoting Longfellow, Senator BYRD said:

> There is no death! What seems so is transition;
> The life of mortal breath
> Is but a suburb of the life Elysian,
> Whose portal we call death.

Then he went on to say about William Fulbright the same thing I would say right now about PAUL COVERDELL:

> Life is only a narrow isthmus between the boundless oceans of two eternities. All of us who travel that narrow isthmus today, must one day board our little frail barque and hoist its white sails for the journey on that vast unknown sea where we shall sail alone into the boundless ocean of eternity, there to meet our Creator face to face in a land where the rose never withers and the rainbow never fades. To that bourne, from which no traveler ever returns, [PAUL COVERDELL] has now gone to be reunited with others who once trod these marble halls, and whose voices once rang in this Chamber—voices in this earthly life that have now been stilled forever. Peace be to his ashes!

PAUL COVERDELL loved his God; he loved his country; he loved his native Georgia; he loved Nancy and his family. He served them all, and he did it well. I am proud to be called a friend of Senator PAUL COVERDELL.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, often the most difficult moments we have on this floor are not when we're trying to advocate a political philosophy, or debate a legislative initiative, but when we pause to remember friends and colleagues who have left us. Words, which come easily on most occasions, seem suddenly inadequate to express the feelings we have stirring in our hearts—the fond recollections, the abiding respect, and the sudden, overwhelming feelings of loss.

PAUL COVERDELL was a friend to each of us, a leader with a spirit that was as buoyant as it was inspiring. His vision and ability to get things done elevated him quickly into increasingly more important roles in this distinguished body. As a leader, he was unwavering in this dedication to freedom, his support for the bedrock of liberty—family, community, education, and personal responsibility.

I fondly remember the many occasions we worked together, the discussions we had, and the ever-increasing sentiment that in PAUL I had found something of a kindred political spirit. In fact, I was in Atlanta on Monday, at an event he sponsored on my behalf. As always, it was tremendously successful, indicative of how well PAUL is regarded by those he serves.

It is easy to understand why. From efforts to make education more affordable, to reforming the Internal Revenue Service, to working to roll back the tax burden, PAUL has been a leader, as articulate and convincing as he was constant and unwavering.

He intuitively understood the values that bless America. His background and upbringing groomed him to understand the importance of family, the concerns of small business owners, the value of learning, and the ability of government to promote an environment that supports these areas. Just as important, PAUL understood the necessity of service and the blessings that come through service.

Not only was he a distinguished soldier, but after the Army—as PAUL succeeded in business—he gave back through his service in the Georgia State Senate, where he served for many years as the minority leader. His service continued as he led the Peace Corps under President Bush and focused that important organization on building and sustaining the fundamentals of freedom in the emerging democracies of Central and Eastern Europe.

Because of his service, PAUL was well prepared when he came to the Senate in 1993. He knew what he would do here, and I can think of no one with whom I have served who accomplished more than he did in the time he spent among us. His work will remain his legacy. His memory will continue to inspire. And the successes he achieved here will bless the lives and brighten the futures of families and children for years to come.

At this time I express my appreciation for PAUL and his leadership, and I want to express my condolences to Nancy and the family, along with my gratitude for their willingness to share a great man with all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to join my colleagues in paying tribute to our departed friend and colleague, PAUL COVERDELL.

The Senate today is a very sad place, it is a shaken place, because of the suddenness of PAUL's death. It is also a day on which I think we, by this tragic event, are reminded that underneath the headlines and the great debates and the partisan divides and all the rest of the sound and the fury, ultimately this institution, as so many others across America, is 100 people coming to work every day, trying to get a job done. It is the hundreds and hundreds of others who work with us here, our staffs and support personnel, who constitute what to me has always seemed to be a small town.

Today we are saddened and we are shaken by the loss of one of the prominent people in this small town of ours on Capitol Hill, Washington, DC, United States of America, Senator PAUL COVERDELL.

My wife said to me once: Remember that being a Senator is just your job; it's not you. It's a great job. It's an honor to hold it. It is an extraordinary opportunity. But ultimately there is a ''you'' there.

That personal side of all of us comes home today as we confront, and try to absorb and deal with, the death of our friend, our colleague, our coworker, PAUL COVERDELL.

It reminds us, of course, of the limits of human understanding and human capacities. As great as we are as a species, as high as we have gone, as exciting as the reaches of technology are today, ultimately we reach a point of human limitation. It is the point where we meet up with faith in God that, hopefully, transcends those limits, capacities, and doubts and moves us forward.

Thinking about PAUL COVERDELL's death and his life, there are two quite disparate thoughts that came to my mind—but both of them, I think, fit him. I remember when I first came to Washington—this is an old expression—somebody said to me: Remember that there is no limit to what you can accomplish in Washington if you are not looking for credit. In so many ways that have been testified to here on the Senate floor today, that wisdom fits the career of PAUL COVERDELL. He was a quiet and gentlemanly person, not looking for headlines but committed and anxious to be part of making this place work.

The second sentiment is something I heard from my own beloved mother, and I will bet everybody heard it from their mother, which is, when I was growing up, she always said to my sisters and me: You know, it never hurts to be kind to people. You gain nothing by being harsh.

That, too, is a very apt description of PAUL COVERDELL: a very fine human being, a very kind human being. In the normal interactions of this extraordinary place where we work together trying to get things done, PAUL always had a smile, always a kind word. Even in the partisan moments we all are involved in on the floor, they never seemed to become personal with him. That, in both senses, is the way it should be.

It is, of course, sad but always true: We tend to appreciate people more when they are gone and speak more openly of them when they are gone. I think that is the case of this quiet, strong, decent, productive man. I have a sense, in listening to the comments made, of the critical role he played in this Chamber within the Republican caucus, to transcend the divisions that exist in any group of people, particularly any group of political people, and the critical role he played helping the Senate majority leader in trying to keep the place moving and getting some things done.

I can testify, of course, to the fact that PAUL was clearly a proud Republican loyal to his party. He was not hesitant to reach across party lines to look for support for something in which he believed or to offer support to someone on our side of the aisle for something in which he believed and felt was right and necessary.

I had the greatest opportunity to work side by side with PAUL COVERDELL as a cosponsor of the pioneering, progressive, very important education savings account proposal he made which would have taken the basic idea of higher education savings accounts and expanded them to cover K–12 education to help parents support the improvement of their children's education. There is nothing we can do in this Chamber that is much more important than facilitating a better education for all of our children.

It was easy to work with PAUL. He was obviously very bright, he was understanding, and he was energetic and steadfast. It is an idea I hope those of us on both sides who support it will carry on because it is a good idea, but it is also a tribute to him.

I was thinking, earlier this year on a proposal that became associated with the Clinton administration; namely, the aid package to Colombia to deter and diminish the problem of drugs coming in from that country, PAUL stepped forward and gave sturdy, steadfast, effective support which ultimately resulted in its adoption with bipartisan backing of a problem that is obviously complex and indeed cannot but help us as we go forward.

We all think of Nancy today and PAUL's family. We extend to them our condolences, and we hope, of course, that they are strengthened and, in some measure, comforted at this difficult time by good personal memories of their time too short with PAUL, and I am sure they are strengthened and comforted by the pride they should feel and the extraordinary record of public service that was PAUL COVERDELL's life, and hopefully given ultimate strength by their faith in God. The Lord giveth and the Lord taketh. Blessed be the name of the Lord. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the State of Georgia and the United States of America lost a great, decent leader yesterday. PAUL COVERDELL was one of the quiet heroes of this Senate Chamber. He was not showy; he was not proud; he was not here for the credit or the prestige or the power. He was a gentle man in every sense of the word and in every aspect of his being.

He was here because he loved his State and loved his Nation. He was here because he wanted to improve education. It was a profound concern of his. He was here because he wanted to end drug abuse and the scourge of drugs among young people. He was here because he wanted to protect our national security and secure our children's future and open America's promise to all of those he served. He fought for all these things with a humble dignity and a quiet passion that touched each one of us.

In a way, PAUL was the Senate peacemaker. We get a lot of contentious issues around here. We are all human beings. Tempers flare. Voices rise. It seems as if you are never going to get together with people again across the aisles. PAUL COVERDELL could step in and work his way back and forth and calm things down.

Recently, we had the Labor, Health and Human Services, Education bill up. I am the ranking member on that subcommittee. The chairman is Senator SPECTER from Pennsylvania. It seems that every year when that bill comes up the debate gets hotter. The decibel level goes up a little bit. We seemed to be locked in a week-long struggle on that bill, and I had a chance, once again, to watch PAUL COVERDELL at work in soothing the tensions on both sides, of reaching across to Democrats and his own Republicans to find that common ground and just calm things down. He was really good at that. I watched him work. I said once to Senator SPECTER: I am sure glad we have PAUL COVERDELL around here because he was able to keep things calm.

He helped us reach the compromises, as we must do around here, and to find a common ground between people.

I also served with PAUL on the Agriculture Committee. We shared a common love of farmers and rural people. Again, in his own quiet way, I saw the determination and the grit of PAUL COVERDELL in fighting for his farmers in Georgia during many deliberations on the Ag Committee and especially in the passage of the last farm bill.

A lot of people do not know this—but PAUL and I talked about it often—he was born in Des Moines, IA, not more than 10 miles from where I was born and raised.

It is an honor that I represent a State that produced someone as good and as decent as PAUL COVERDELL. He was one of the finest leaders this body has ever seen.

Standing here and looking over at his desk and looking at the black cloth and the flowers on the desk cannot help but remind each of us of the transitory nature of human life. Just last week—it seems like yesterday—I was on the floor talking with PAUL COVERDELL about an issue, asking for some help and seeing if he could work some things out. He was as alive and as vibrant and as engaged and committed to the smooth functioning of this institution as anyone else. Four days later, he passed on.

Looking at his desk, and thinking about seeing him just a few days ago, being alive and vibrant and full of health, and looking forward, not only makes us think about the transitory nature of human life but it also should serve to remind us we should make every day count—make every day count in emulating the kindness and the gentleness and the caring nature of a PAUL COVERDELL.

One of my political heroes, Hubert Humphrey, once said: ''To be a leader means a willingness to risk—and a willingness to love. One must ask: Has the leader given you something from the heart?''

PAUL COVERDELL had the guts and the courage to take risks. He had a great will to love. And to that question by Hubert Humphrey, I can say yes about PAUL COVERDELL. He gave us all something from that wonderful heart of his.

So I join with my friends and colleagues in extending to Nancy and to his family our profound sorrow. We share your sorrow. But we hope you take comfort, as we do, in knowing that the kind and gentle and caring life of PAUL COVERDELL is now rewarded by the kind and gentle and caring hand of Almighty God.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I, like most of my colleagues today, have listened carefully to the remarks made about our colleague, PAUL COVERDELL. What it has been is a weaving together of a magnificent tapestry representing the life of a unique and complete human being—PAUL COVERDELL.

PAUL COVERDELL was a complete human being. We are all judged by many facets of our lives. In the end, what is really most important is: Did you leave the world better than you

found it? That question has been answered rather assuredly today in the case of our friend PAUL COVERDELL.

I found part of a speech that President Ronald Reagan gave. As a matter of fact, it was his last speech that he gave before the United Nations in September of 1988, before he left office. I think it captures, rather well, PAUL COVERDELL—a man who served his country in uniform, a man who served his country as head of the Peace Corps, who truly touched the world and made the world better, who served his country as a Senator, who helped all of us as a friend, and who was a faithful and wonderful and loving husband.

These words—that I would like to recite in closing my remarks about PAUL COVERDELL—truly capture the essence of this remarkable colleague and friend of ours. As President Reagan ended his speech to the United Nations on September 26, 1988, he said—and we hear the echo of PAUL COVERDELL in these words—

. . . when we grow weary of the world and its troubles, when our faith in humanity falters, it is then that we must seek comfort and refreshment of spirit, in a deeper source of wisdom, one greater than ourselves.

And so if future generations do say of us that, in our time, peace came closer, that we did bring about new seasons of truth and justice, it will be cause for great pride. But it shall be a cause of greater pride still, if it is also said that we were wise enough to know the deliberations of great leaders and great bodies are but overture; that the truly majestic music—the music of freedom, of justice, of peace—is the music made in forgetting self and seeking in silence the will of Him who made us.

Thank you for your hospitality over the years. I bid you now farewell. And God bless you.

We bid farewell to PAUL COVERDELL. And God bless PAUL COVERDELL.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. Mr. President, none of us knows precisely when the hereafter begins, when the life of one of the Lord's servants ends. I myself have lost an unusually large number of good friends during the past few weeks. But I find it helpful to imagine that I can visualize each of them sitting on some sort of Cloud Nine up there, listening to those of us who are mourning the loss of good friends.

Yes, I do have a hunch that PAUL COVERDELL is up there, cheerfully and busily lending a hand to Saint Peter. For me, it serves the purpose of reassuring that PAUL is all right—in fact, better off than he has ever been before.

We all remember a hundred different personal vignettes at times like this. In PAUL's case, my first acquaintance with him was very early in the morning the day after he was first elected to the Senate in 1992.

I had gone quietly into the den of our Raleigh home and turned on the television set—the volume very low, so as not to awaken Mrs. Helms. I wanted to catch up on the late returns from the election the day before.

I heard a voice; and I was intrigued and impressed by that voice. Then I looked carefully. I did not recognize the young man who was speaking. It was PAUL COVERDELL. I saw the picture of him that appeared on the screen. It was a live interview. PAUL had not yet gone to bed. He had been up for about 36 or 40 hours.

There he was fielding questions politely, intelligently, and with that inevitable smile on his face.

That was the moment my respect and admiration—and affection—for Senator COVERDELL began.

Now fast forward: Like most, if not all, other Senators, I realize today that I will forever have special memories of PAUL COVERDELL. He was a good man, an honorable man, a dedicated man with whom I shared a great affection for today's young people—the responsible ones, the ones who understand their good fortune of living in this country—those who, as PAUL COVERDELL once put it, understand that the strength and the goodness and the very future of America will shortly be in their hands.

I have sat and listened to other who have spoken so eloquently today of the Senator's rapid rise in the leadership of the Republican Party in the Senate. That happened because PAUL believed in the Senate. He believed in the meaning of the U.S. Senate, and he believed that we have a duty to endeavor to achieve a spirit of cooperation and understanding—including the realization that we have the duty to make the tripartite system work.

So, PAUL, if that's you whom I think I'm looking at on Cloud Nine, you know that we are missing you and that we are so dearly grateful for the years that we enjoyed working with you. I have a notion that the Lord will be blessing you for being His good and faithful servant while you were amongst us.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator HELMS. He asked if he could speak before me. I said, of course, and that permitted me to hear what he had to say. It was beautiful, and I was privileged to hear it.

Most of us are privileged to believe in a hereafter. Frankly, it is difficult for me to conceive of an adult human being with a mind and a heart, difficult for me to see how they do not all believe there is a hereafter. But there is no doubt in my mind that what I believe by faith is true, and there is no doubt in my mind that PAUL COVERDELL is in the hereafter.

I didn't come to the floor today to speak about matters of great depth or of religion or faith or hope. I came to talk about the PAUL COVERDELL I knew day by day.

Let me first say, it is very difficult to put the flowers and the cloth where they actually belong, because PAUL COVERDELL is not known as much for being at that desk as he is being in this aisle and taking somebody's place in this chair. For most of his time in the Senate, he was either putting together a group of Senators to address an issue or he was trying to get the Senate's work done, because he was asked either by a chairman or by the leader to do it. The more difficult the task, the more it was given to him.

When you had an education bill with 200 amendments or a Labor-Health and Human Services appropriations bill with, at one point, 270 amendments, somebody quietly asked that one of our Senators help. It was almost always PAUL COVERDELL who was asked. He was so good at it and so friendly and could bring people together so well that the chairman willingly accepted his help. I can see the last time he pulled up his coat and was given, after he accepted the assignment, a list with hundreds of amendments on it. The task was: Narrow them down. By the end of the day, they were talking optimistically about finishing. And by the next day, PAUL COVERDELL, not at that desk but walking these aisles and sitting with Senators everywhere, was getting the work done, always being considerate, kind, and understanding.

Sometimes we herald Senators because they have been here a long time. I suggest that PAUL COVERDELL and his wife Nancy and those who knew him, those who elected him, and those who supported him must know by now that he was a wonderful Senator. That was not measured by his having four or five terms as Senator, as I have been lucky to do, or my friend, THAD COCHRAN, who sits here, from the State of Mississippi. But he, in a few years, captured all of our hearts and all of our hopes for success. We would transplant them over to him.

I came with no speech but with a letter. Two days, 3 days before he died, I arrived at my desk and found a letter. My staff had taken it out of the mail and put it on my desk. Frankly, I left it there not knowing he would die. I was going to read it in due course. Surely, the day that he died, I sat down at my desk and read his letter.

The letter is not profound. The letter is PAUL COVERDELL. It is the PAUL COVERDELL who is so considerate that after coming to my office and spending an hour and a half of his time with a staffer of his and two of mine, where he had asked me if I would be of help, he willingly said: I will come to your office. We talked with a couple of my staff who were assigned to him. He did a job for the Republicans in preparing something we needed, and then he wrote a letter on top of all that where he was doing the labor, the work. He wrote this letter:

DEAR PETE: Thanks again for meeting to discuss our recess communication efforts. As always, your insight has been quite helpful in determining how to craft a credible short term message on the surplus. Bill Hoagland

and Jim Capretta of your staff were of invaluable assistance to us as well. Thanks again.

Sincerely,

PAUL D. COVERDELL.

I submit there are not too many of us who would be so considerate that when we wrote a Senator to say it was good to be with you, would mention the staff people who really got the work done because they knew more about it than we did. But here is PAUL COVERDELL, the last sentence of his letter, thanking Bill Hoagland and Jim Capretta by name. He puts it in here. How many Senators are that considerate as to what the names of staffers are who they meet in another Senator's office? Some of us are not considerate enough to say: Would you please repeat your name because I would actually like to know your name.

I believe this is typical of PAUL COVERDELL. I surmise that for his whole life, certainly while he was in the Peace Corps, and the public service part of his life, he was always considerate.

Let me suggest that being considerate does not mean being weak. Being considerate does not mean you don't get something done. Being considerate does not mean you cave in. Being considerate is being like PAUL COVERDELL.

As I indicated, I will never remember him in that seat that we honor him by today because that is his assigned seat. I will remember him as more the epitome of a Senator who worked on the floor of the Senate. That is a very special kind of Senator. First of all, most of us don't know how to do it. Secondly, most of us are not asked to do it. He was asked. He knew how to do it in terms of helping people bring difficult matters to a head, to solutions, and helping his party with great insights on strategy.

Mr. President, I say to his wife Nancy and his beloved: We don't know how to explain this to any of you. We are incapable of doing that. But, clearly, if you don't know it now, in very short order you will understand that he lived a very great life as a Senator, and the respect and admiration that has been shown, and will be shown, is probably an indication that he was as close to all of us as any Senator around.

With that, I say good-bye, PAUL; God bless you and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, our colleagues have spoken so well about PAUL COVERDELL as a gentleman, as a person who was thoughtful and persuasive. As Senator DOMENICI said, he worked the aisles indefatigably with the ideals that he held.

First of all, it is fundamental that PAUL COVERDELL was elected to the Senate. It was a very difficult contest—one not decided on election day, the day of his first election. He was an extraordinarily experienced politician and statesman in the State of Georgia, with remarkable legislative experience as a leader throughout much of his tenure. But those from our party in Georgia have a very difficult time with that, and that was the case for PAUL. It was a very close contest. He won graciously, came to the Senate, and had a difficult reelection contest for which he began to prepare early and in which he asked many of us to participate. But he did it all so gracefully, so thoughtfully, so constructively, that we rarely think of PAUL COVERDELL as a very tough political competitor and someone who was in a difficult arena. It took great courage to make those races to begin with and remarkable tenacity to follow through to success.

My own first impressions of PAUL COVERDELL came during the often commented period in which he served as head of the Peace Corps. PAUL COVERDELL was in Latin America and various other places where some of us tried to work for democracy in those days. They were remarkable days—the 1980s—in which all of the countries of our hemisphere finally landed on their feet with democratic institutions. That was true of countries in Asia and countries elsewhere around the world. PAUL COVERDELL's tenure in the Peace Corps is distinguished by the fact that the Peace Corps had matured, literally.

Many members of the Corps were now very mature individuals, not young persons out of college, or in some type of transition before they went into another professional career. As a matter of fact, under PAUL's tenure, the Peace Corps evolved into a group of teachers, environmentalists, and farm experts, in addition to, still, a very strong component of young idealistic people. It was this combination of people that gave sustenance to democracy, helped the economy, helped the pushing forward of intellectual pursuits, and likewise forged an increasing friendship and reverence for the United States and for our traditions.

Therefore, it was with great excitement that I welcomed PAUL COVERDELL to the Foreign Relations Committee. That is a committee on which he belonged. He made huge contributions on that committee. We focused frequently on Latin America, Central America, South America, and the Caribbean—areas with which he was well acquainted from previous times when he had really been there in the beginning of the evolution of many democratic propositions. I sat next to him in the committee through the markups, through the hearings. He was always cheerful. He was always thoughtful in exchanging views in a very forthright way. I admired and I listened to PAUL. He made a very strong contribution day by day in the work of the committee.

But my close association with PAUL came in the Agriculture Committee. I will mention that PAUL was chairman of the Senate Agriculture Committee, Subcommittee on Marketing, Inspection, and Product Promotion. He did a great job. We have just four subcommittees in the Agriculture Committee. These are committees that have opportunities to hold hearings independently, or to contribute to the body as a whole as they may wish. PAUL COVERDELL had a broad philosophical view of agriculture that included freedom—freedom for the farmers whom he represented to make decisions with regard to management of their land and their crops and their livestock, and the prospects for their communities. He championed that idea without apology. But he also was very much in tune with the very specific problems of Georgia farmers.

They included an interest in peanuts. PAUL and I had disagreements about the peanut program. In fact, it has either been my fate or privilege for many years to suggest reform. PAUL always feared that those reforms would come during his time, and he tried to dissuade me and, having failed in that respect, to at least bring me up to date on what the actual problems of peanut farmers were, how they could be helped, and how the legislation I was suggesting could be brought before the committee and modified, and ways to be helpful to the overall policy and to the constituents whom he saw very much in need of his support.

Mr. President, he prevailed in that area. We made reforms. But I think they were reforms that were very heavily influenced by the hand of PAUL COVERDELL. Due to the fact that he did his homework, he was persuasive, and he knew the farmers. He spoke for them.

In addition to the peanut situation, which was always with him, in recent years, severe drought—and this is one of those years in Georgia—occupied much of PAUL COVERDELL's time, working with specific landowners and communities, with much of his State in the throes of a very difficult predicament. As I looked at the weather map just last week, I saw how the drought problem has shifted just in a very few weeks in our country from patches that covered much of the area of the United States to very isolated situations. Unfortunately, Georgia is one of those situations. It is especially cruel because the rains have come to the Midwest and to many of the plains States with isolated problems still—in some parts of Nebraska, Iowa, and the Dakotas.

But PAUL, in his own way, always made certain we knew about Georgia and the very specific problems there. So when we had the large debates that we were privileged to have on the floor, dealing with risk management, dealing with payments to farmers to supplement their income in a very difficult year, and with specific emergencies, PAUL was very active in that debate. He was successful in that debate.

As Senator DOMENICI pointed out in his beautiful statement, PAUL COVERDELL was always one who thanked everybody involved and made certain

that they knew of his care and attention and appreciation. It was my privilege to receive one of those notes after the debate which we had here. It is very difficult to try to think about the representation of that State without thinking of PAUL COVERDELL. He was so good, so faithful and, really, so effective and articulate. He was such a good friend. We will miss him. Our thoughts are with him and with Nancy.

I yield the floor.

Mr. STEVENS. Mr. President, I join my colleagues today in expressing my sadness over the loss of a valued colleague. I think we have lost a great friend.

I was looking over some of the correspondence I had with Senator COVERDELL. He sent me some Vidalia onions and told me they had a punch. He had a way of writing that was very interesting, in fact.

I think Senator COVERDELL grew in stature every year he was here.

I remember so well when he came to us. We had known him as part of the Peace Corps group. I believe his wife was a Delta stewardess at the time. He came around to visit each one of us. He came around to visit me and told me a little bit about some of his background. I knew then that we had a person who was going to be outgoing because not many Senators do that. He took time to visit with each one of us as he came to the Senate.

I think the skills he developed as a mediator will be missed in this Senate. I remember some of the bills he worked on even just this year—the Health and Human Services bill, for instance—bills with so many amendments, and it took committed work on the floor of the Senate.

PAUL COVERDELL was a volunteer. He volunteered himself for the task; he worked with Senator REID from Nevada. I think he assisted members of our committee on an enormous number of disputes. Without his help and without his skills, I think we would still be involved in some of those bills.

He also came to us with some educational background from his life in Georgia. He brought us some educational concepts that are going to last, I hope, for years to come. His education savings account program, for instance, is one.

He also helped us in the field of general education because of his approach. He prodded us, I think Senator SPECTER would agree, to not only meet but to exceed the President's request this year on educational funding.

He was a very interesting and complex man. He was an advocate for keeping drugs out of the hands of children. He saw the appropriations process—as Senator COCHRAN and others who work with me on appropriations know—as a means to try to solve problems through the proper use of public funds.

As chairman of the Defense Subcommittee of our Appropriations Committee, I met with him often on problems of military families in his State. I know of no person who was a more vigorous advocate for production from a State than PAUL COVERDELL. When it came to the C–130 aircraft, he was a workhorse and not a show horse. I don't remember seeing PAUL COVERDELL's name in the paper in terms of some who sought publicity, but I saw in him a great deal as a man who sought results.

I say to the Senate that we lost a great friend and a valued colleague. I join in expressing my sadness over his loss.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. I would like to join my colleagues in expressing my sadness and my condolences in behalf of the family of PAUL COVERDELL.

In the more than 3 years that I have had the privilege of serving in the Senate, he was someone who was respected for his work, for his effort, and for his sincere commitment to ensuring that all the viewpoints were heard, and that we moved forward and acted for the people of this country.

He was particularly protective, obviously, of his State of Georgia and his constituents because he felt deeply for their needs. He worked hard to achieve benefits for his constituents. He had talent, personality, and character. You could disagree with him, but he was not a disagreeable person. He was a consummate gentleman. He was polite. He was civil. He was approachable. He had those personal qualities that endeared him to all who serve in this body. He was someone respected by all of us. We all admired him.

Other colleagues have talked about his many efforts in educational policy, such as his efforts to ensure appropriate response for our military posture around the world.

I had the occasion just briefly in the last debate about Colombia to work with him and speak with him. He was committed to ensuring that our policy in that part of the world was not only consistent with our ideals as a democratic nation but also helped decisively stem the tide of drugs that has weakened this country. He did it in his typical fashion—quietly, diligently, without a lot of fanfare but with great success and great results.

We shall miss his temperament. We shall miss his commitment to this process. We shall miss his character and his contribution to the country.

To his family I offer my sincerest condolences.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise with my colleagues to express my deepest sympathy for Nancy and PAUL's family.

I had the great good fortune to come to the Senate with PAUL COVERDELL, as did the Senator from North Dakota, who I see sitting across the aisle.

PAUL was a special individual. He brought to this Senate an infectious enthusiasm and gracious energy which dominated the institution and those of us who worked with him. He always had a smile. He always had an idea. He always had a purpose. The purpose was tied to making this country a better place to live—for all of us and for our children.

He used to wander around this institution with a styrofoam cup that had ''Waffle House'' on it. That was one of the great mysteries to me in this institution—how PAUL COVERDELL managed to get Waffle House coffee sent all the way from Georgia.

It was a great promotor of Georgia. He never missed an opportunity to promote Georgia. That was only one of the minor ways he did it.

He was a great friend, also. I had lots of discussions with him. We worked on lots of issues—our concerns about the original health care proposal put forward by this administration, to when we set up the first aggressive, active task force that I got involved in and that he was also involved in. Even at the time we were both new to this institution, he had an incredible amount of ideas and initiatives on ways to address the issues. He was always tactically two or three steps ahead of the rest of us. He understood the way the institution worked long before some of us—I put myself in that category—who didn't fully understand the institution. He had an intuitive sense about the Senate—a feel for it and a love of it. He knew how to work an issue, to address an issue in order to produce better policy and better government for our country. I worked with him on that.

It seemed almost all of the time we were working on an answer with PAUL COVERDELL because he was involved in about every issue that came through the institution that had significance. The last major issue I worked with him on, of course, was education. We had a task force on our side to put forward what I thought was an extremely positive educational agenda, much of which came from his thought processes, which I was proud to support.

We worked a lot, of course, on Governor Bush's campaign. I had a discussion last Friday with him about that. He was working hard on an issue having to do with that campaign, and we was very hopeful that Governor Bush would become the next President.

He also had, as I mentioned, a deep regard for this body.

I think one of the discussions I will remember fondly occurred last week when we were sitting in my office. Some of the offices in the Russell Building have unique marble fireplaces. Many offices have unique desks. He was very concerned that we didn't really have a historical database of where these desks came from, who had these desks, and we didn't have a historical database of where the marble, for example, of the fireplaces came from; We had not, as a Senate, done our job of maintaining our own traditions and our own history as well we

might. We got to talking about that and the history of the Senate. His love of the institution was exuberant.

What a huge impact he had in such a short time. We only came 8 years ago—the two of us. At that time, I think there were 11 after the class finally got settled in. He took a while to get here because he confronted a number of races, but with his perseverance he was totally committed and won them all. In that time, he left a huge mark.

One of the true strengths of our democracy is that it totally exceeds any individual. This institution includes Daniel Webster, Calhoun, Clay; people in our century who had a huge impact, including Taft, Bob Dole. When they leave, the institution goes on; it functions. It functions extraordinarily well for a democratic body—as well as a democratic body can function. It produces governance for our people which is fair and honest and committed to a better life.

Recognizing that the institution goes on, there are still people who leave a mark. There are still people whose memory will be there, and will be there for a considerable amount of time. PAUL certainly falls in that category. It will be hard for me to turn and look at that door and not see PAUL standing by it, working on some issue. That is where he usually worked from, the pillar back there, addressing some concern, planning some initiative, all of which was directed at one single purpose: Preserving and keeping our democracy.

We will miss him.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Senator PAUL COVERDELL. His passing has shocked and saddened us all. It has left a void in the Senate and in our nation.

For Senator COVERDELL, public service was his profession and his passion. After serving in the Army, he began his public life as a member of the Georgia State Senate where he served as Minority Leader. After working in the private sector, he was appointed Director of the Peace Corps. In this important position he worked to spread American values around the world. This experience helped him when he later served on the Senate Foreign Relations Committee, where he was a leader in our international effort to strengthen our anti-drug efforts.

In the Senate, Senator COVERDELL was known as a hard worker who often reached across the aisle to build coalitions. Senator COVERDELL fought hard for his principles. We didn't always agree on policy—but he always treated those on the other side with dignity and respect. He knew that despite our different views, we all shared a common goal. We all want to do what's best for our constituents and our nation. He understood that we can get more done with civility than with contention.

Senator COVERDELL will be greatly missed. My thoughts and prayers are with his family.

Mr. CAMPBELL. Mr. President, I would like to address the terrible loss the Senate suffered yesterday, when PAUL COVERDELL left this Earth. I was truly shocked by the news. Just last week, PAUL was on the floor of the Senate, working in his quiet and non-assuming way. Yesterday, I was writing him a get-well card. Today, he is gone.

PAUL was a dedicated public servant. He served the state of Georgia and this nation in the Army, the legislature, as a businessman, as the head of the Peace Corps and in the U.S. Senate. The respect he had earned from his colleagues here is evident in his appointment to numerous task forces and his election to a leadership position. His passing is a major loss to this body and this great country.

Since I am also from a state where agriculture is an important part of the economy, PAUL was a valuable ally in ensuring the family farms do not disappear. I also admired his work to keep our children safe from drugs and crime, a priority he and I shared. PAUL represented the best of America: a belief that people flourish when they have the freedom to work and make their own decisions.

PAUL will truly be missed. He stood out in the Senate for the simple reason that he never drew attention to himself. In a business where egos can run rampant, PAUL did not display one. He preferred to get things done.

My thoughts and prayers are with his wife, Nancy, and their family. They have some tough days ahead of them. I hope they can look back, as I do, at the impressive record of PAUL's work with a sense of pride. I am thankful for the chance to know such a man.

Mr. CONRAD. Mr. President, I rise today to join my colleagues in mourning the sudden and untimely death of our colleague from Georgia, PAUL COVERDELL.

Senator COVERDELL had a long and distinguished career of public service, capped by his dedicated service in the United States Senate. Senator COVERDELL served his country in the United States Army in Japan, Taiwan and Korea. In 1970, he embarked on a career in politics in his native Georgia, serving as a state Senator and chairman of the state Republican party. In 1989 he was selected by President Bush to lead the Peace Corps.

We here in the Senate, though, knew PAUL COVERDELL as a friend and as a real gentleman. We did not always agree on the issues, but PAUL COVERDELL never took policy disagreements personally and never let them affect his relationships with other Senators. Senator COVERDELL was always very positive, very upbeat. On every issue, even when we disagreed, I found PAUL to be fair, decent, and, above all, honest.

In this body, some Senators are known as ''work horses.'' Others are known as ''show horses.'' There is no question that PAUL COVERDELL was a work horse. He was not flashy. He did not seek the media spotlight. PAUL COVERDELL worked tirelessly with the leadership on his side of the aisle on some of the toughest issues facing the Senate. He was interested in getting results, not credit. His focus, his determination, and his willingness to bring other Senators together to get things done served the Senate well, served Georgia well, and served our country well. His spirit and energy will be sorely missed in this body.

Put simply, I liked and respected PAUL COVERDELL. We will miss him. My thoughts and prayers go out to his wife, Nancy, his family and friends, and his staff.

Mr. SESSIONS. Mr. President, I join all of my colleagues, the staff of the Senate, the people of Georgia, citizens across America and around the world in morning the death of PAUL COVERDELL.

A thoroughly decent human being, he worked long and hard for what he thought was right. His career reflected the combination of principle and effective leadership that were characteristic of the way he did business. In his quite way, he managed to navigate some very difficult waters, keeping his equanimity and dignity intact, while gaining not only his goal, but the respect of all who associated with him.

Many in the Senate can claim friendships with him that extend to several decades. I met him only after he was elected to the Senate in 1992, but from the first, I was impressed by the same things his friends loved and admired in him—his kindness, his sense of humor, and his work ethic. A skilled legislator, he was often asked by the leadership to help move matters along. He did this in concert with colleagues on both sides of the aisle, always managing to ''disagree without being disagreeable.'' He was a public servant of the highest order.

His family, friends, staff, constituents, and colleagues certainly know what has been lost for we know what he was and what he did with his life. He will be missed in so many circles, but his influence and his good works will continue.

Mrs. MURRAY. Mr. President, I want to join with my colleagues in expressing my deep sorrow at the loss of our friend and colleague, PAUL COVERDELL. During this difficult time, I want to extend my thoughts and prayers to Nancy and all of his family.

PAUL and I both came to Washington, D.C. in January of 1993. In the years that I've know PAUL, I've always been impressed by his thoughtfulness and his work ethic.

I always had the upmost respect for him because of his quiet demeanor. He did not seek headlines, and he did not seek credit. Whether it was fighting illegal drugs or working on education or tax policy, he simply did his work with a quiet determination, an open heart,

and a kind word for anyone who crossed his path.

My predecessor in the Senate, Warren Magnuson, had a phrase for someone like that— ''a workhorse not a showhorse.''

PAUL COVERDELL was a workhorse in the finest sense.

PAUL earned the respect of everyone here because he treated everyone else with respect and dignity.

PAUL's work here in the United States Senate was really just an extension of a lifetime of service. Whether it was serving his country in the U.S. Army, serving the people of Georgia as a state senator, or helping people around the world through his work as director of the United States Peace Corps, PAUL brought his generous spirit and his determination to everything he undertook.

Mr. President, the people of Georgia are fortunate to have been served by a person of PAUL's character and skills.

Those of us who worked with him here in the U.S. Senate were fortunate to have him as a friend and colleague. His passing is a loss to our Senate, to Georgia and to the Nation. I will miss him as a friend and colleague.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring a distinguished public servant and a valued Member of the United States Senate, Senator PAUL COVERDELL, who died Tuesday evening at the Piedmont Hospital in Atlanta, Georgia.

Senator COVERDELL was elected to the United States Senate in 1992 and served as the Republican Conference Secretary since December, 1996. He was a member of the Senate Finance, Foreign Relations, and Small Business Committees and chaired the Agriculture Committee's Subcommittee on Marketing, Inspection and Product Promotion.

Before entering public life, Senator COVERDELL served in the U.S. Army in Okinawa, Taiwan and Korea. He earned a Bachelor's degree in journalism from the University of Missouri before returning to Georgia to work in his family's business.

PAUL COVERDELL's political career began in 1970 when he was elected to the Georgia State Senate serving as Minority Leader for 14 years. In 1989, he accepted President Bush's appointment as Director of the Peace Corps, where he refined the agency's mission to serve the emerging democracies of Eastern Europe.

While Senator COVERDELL and I rarely agreed on the many issues that came before the Senate for consideration, I greatly respected his hard work and his unfailing courtesy and civility. He was a modest man who valued results more than he valued headlines. Indeed, PAUL COVERDELL was well-respected by every member of this body, engendering the affection of all those with whom he served.

Senator COVERDELL served the citizens of Georgia and the Nation well and we are all deeply saddened by his untimely death. I would like to take this opportunity to pay tribute to him and to extend my deepest and heartfelt sympathies to his family.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3925

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I thank Senators for their eloquent words about the passing of PAUL COVERDELL. I see no one else seeking recognition for that purpose, so at this time I move back to the bill. If there is anything PAUL COVERDELL disliked, it was quorum calls and delaying the process. We worked together on the education bill, and I know he was proud when it moved expeditiously and the debate was lively.

In that spirit, I think we must return to the business before the Senate.

Therefore, I call up amendment 3925.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. WELLSTONE, Mr. DORGAN, Ms. SNOWE, Mr. GORTON, Mr. JOHNSON, Mr. LEVIN, and Mr. BRYAN, proposes an amendment numbered 3925.

Mr. JEFFORDS. 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:

(Purpose: To amend the Federal Food, Drug, and Cosmetic Act to allow importation of covered products)

At the end of title VII, add the following:

SEC. . AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) SHORT TITLE.—This section may be cited as the ''Medicine Equity and Drug Safety Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting ''and section 804'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''SEC. 804. IMPORTATION OF COVERED PRODUCTS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

''(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

''(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

''(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

''(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

''(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

''(b) IMPORTATION.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

''(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

''(A) the name and amount of the active ingredient of the product and description of the dosage form;

''(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

''(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

''(D) the manufacturer's lot or control number of the product imported;

''(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

''(F) for a product that is—

''(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

''(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

''(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

''(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

''(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

''(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

''(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

''(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

''(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

''(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

''(d) STUDY AND REPORT.—

''(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

''(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

''(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

''(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

''(f) DEFINITIONS.—In this section:

''(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

''(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.''.

Mr. JEFFORDS. Mr. President, I also ask unanimous consent that Senator BRYAN be added as a cosponsor to the amendment.

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

Mr. JEFFORDS. Mr. President, I will now discuss a problem we have relative to the cost of prescription drugs.

I am joining several of my colleagues from both sides of the aisle in offering an amendment that will take a giant step toward providing access to affordable prescription drugs for Vermonters, and all Americans.

Our amendment will allow pharmacists and wholesalers to import safe, U.S.-made, FDA-approved lower-cost prescription drugs from other countries. We maintain the gold standard of safety in this country, but hope to rein in the platinum standard we have for prices.

Prescription drugs have revolutionized the treatment of certain diseases, but they are only effective if patients have access to the medicines that their doctors prescribe. The best medicines in the world will not help a person who can not afford them.

Americans pay by far the highest prices in the world for prescription drugs, and for many the price is just too high.

What's worse is that those Americans who can least afford it are the ones paying the highest prices. Americans who don't have health insurance that covers drugs are forced to pay the ''sticker price'' off the pharmacist's shelf.

In short, the practice of price discrimination hits the uninsured and low-income Medicare beneficiaries the hardest.

It is sad that during a time when the United States is experiencing unprecedented economic growth, it is not uncommon to hear of patients, like we heard in my committee's hearing yesterday, who cut pills in half, or skip dosages in order to make prescriptions last longer, because they can't afford the refill.

The question that we must ask is, can we put politics aside and work in a bipartisan manner to deal with this national crisis? I say we must. And I am hopeful that today we can.

This bipartisan amendment I am offering is based on legislation I introduced, S. 2520, the Medicine Equity and Drug Safety Act, or the MEDS Act. Joining me in introducing that legislation were Senators WELLSTONE, SNOWE, and COLLINS and joining as cosponsors are Senators DORGAN and GORTON. The hearing I held yesterday allowed all of the parties to fully examine and articulate their views on this legislation.

Our bill, which we have revised and are offering as an amendment, gives pharmacists and wholesalers the ability to negotiate more favorable prices with manufacturers. They can do so because they will have the ability to purchase in other countries—this is important—where exactly the same drugs are sold for far less. These are areas that have been approved by the FDA. There is no question about that aspect.

The drug industry has argued that this amendment compromises safety. As chairman of the Committee on Health, Education, Labor, and Pensions, safety is my first concern. That is why these imports will be limited to FDA-approved drugs that are made in the United States or FDA inspected facilities. And that is why this amendment reflects weeks of discussions with the people who enforce our drug safety laws.

The amendment before us is a revision of the MEDS Act based on input from government experts who raised issues of public health and safety. Specifically, I asked FDA for technical assistance on this bill, and addressed each safety concern that the agency raised.

I also point out to my colleagues that this amendment specifically authorizes FDA to incorporate any other safeguard that it believes is necessary to ensure the protection of the public health of patients in the United States.

This amendment is about free trade. Why should Americans pay the highest prices in the world for prescription drugs? All this amendment does is allow international competition to bring rational pricing practices to the prescription drug industry. It introduces competition which is the hallmark of our success in this Nation.

I point out this bipartisan amendment also drops a provision in our original bill that would have allowed personal imports, which I would have liked to retain because I think it is important.

We dropped the personal use provision in order to answer concerns that some raised about safety. I was willing to compromise on that point at this time in order to get a bill that raises no safety concerns at all.

I want the record to clearly reflect that I still feel strongly that Vermonters should not be in violation of federal law if they go a few miles across the border into Canada to get deep discounts on prescriptions. We do nothing in here to indicate they should not be allowed to do so.

This amendment will provide equitable treatment of Americans, particularly those who do not have insurance, or access to big discounts for large purchases like HMOs. As I said before, this is not the only solution. I strongly believe we need a prescription drug benefit in the Medicare system for those people who are eligible for Medicare. But it is a commonsense measure that we can enact now to ease the burden of expensive prescription drugs on our people, for those on the borders, and all Americans. I ask for the support of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3927 TO AMENDMENT NO. 3925

Mr. COCHRAN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes an amendment numbered 3927.

At the end of the amendment insert the following:

''(g) This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will: (1) pose no risk to the public's health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumer.''

Mr. COCHRAN. Mr. President, the purpose of this second-degree amendment is to try to help ensure the result of the change in this law, in the authority for importing drugs into the country or selling drugs to American consumers from Canada, which I think this amendment the Senator has offered is targeted to address, will not result in any new dangers to the consuming public, and would require the Secretary to certify that that would be the case for any new regulatory regime implementing the amendment if it is adopted.

One problem we need to bring to the attention of the Senate in connection with this amendment is the added cost that is going to result from this, in terms of added appropriations for the Food and Drug Administration. It is estimated by that agency that $92 million would have to be appropriated to provide the funding necessary to implement and carry out the obligations of that agency in connection with supervising this amendment.

The distinguished Senator is chairman, as Senators know, of the legislative committee that has jurisdiction over this overall subject area in the law. I regret this is an issue being brought to the Senate as an amendment to the Agriculture Department's appropriations bill. It would be more appropriate, in my view, for the legislative committee which the Senator chairs to deal with this, to report out legislation, and in the usual way of managing changes in the law, have the Senate address it on a freestanding bill. The body is put at a disadvantage to try to understand all the nuances, the implications of the legislation, what the practical results will be. It has become very controversial. I think the Senator from North Dakota, in opening remarks as we brought this legislation up yesterday or the day before, talked about the advertising that was being run in the newspapers by the pharmaceutical industry. I think that is on this subject. It is related to this subject.

So there is a great deal of attention being focused on this highly controversial issue. All the States along the northern tier that border on Canada have a great interest in this. It has become a hot button political subject for debate in senatorial campaigns and, I guess, all the congressional elections and the Presidential campaign. So this is a big political item here we are called upon to understand, to sort through, and then to make sure we legislate in a fashion that serves the public interest—not somebody's private political interest, not somebody's private financial interest, but the broad public interests of the United States. That is our responsibility.

So what I am seeking to do with this second-degree amendment is ensure that is the result; that we are not putting in jeopardy, by changing this law, if this survives the process here in the Senate and conference with the House—we are not putting in jeopardy the well-being of American consumers and we also prepare to add to the funding requirements of the Food and Drug Administration to enable them to carry out their obligations under the law.

With those words of explanation as to where I see this and how I see this playing out, I am not going to prolong the debate.

Let me point out one other thing. Some might say this is legislation on an appropriations bill; Why don't you just raise the issue in that way? Make a point of order under rule XVI.

The point is the House has included language in its Agriculture appropriations bill and this amendment, as it is drafted—as I am advised by the Parliamentarian—is not subject to a rule XVI point of order but, rather, it is germane and would not fall if a point of order is made. That may be tested by somebody if they want to argue with the Parliamentarian about it, but that is what my staff advises me.

With that information about this situation I am prepared to let others talk about it. Let me say, before I yield the floor, just as a matter of general information now that we are on the bill, Senator KOHL is the cosponsor of this second-degree amendment. I have offered the amendment with him.

Also, as we began consideration of the appropriations bill, he did not have an opportunity to make his opening remarks. At some point this afternoon, we will give him that opportunity or he can take that opportunity when he gains recognition from the Chair.

I hope this will not be a long, drawn-out debate. It is not necessary. We have heard a lot of speeches about this. We have had a lot of information sent to our offices on this issue of reimportation and selling drugs and pharmaceutical products across the borders, importing from manufacturers, the rights of pharmacists—all the other related issues. It is a serious matter. But we do not need to have a long, drawn-out filibuster of it in my view. We need to vote on it. If the votes are here to adopt this amendment, so be it. We will take it to conference and try to resolve the issue in the way we always do, give and take, trying to understand what is best for the country.

Also in connection with the broader picture of the bill itself, we do not have a lot of troublesome issues in this bill, in my view. I have not heard from Senators. We have asked Senators to let us know if they have amendments, to bring them to the floor and offer them, and let's dispose of them and complete action on this bill. I was heartened today by conversation, as we were getting started, from the Senator from Nevada, the assistant Democratic leader, Mr. REID, who suggested we could finish this bill today. He saw no reason why we could not. I see no reason why we could not finish it today.

I hope as we proceed we will keep that goal in mind. Let's finish this bill today. I hope we can have third reading at about 6 o'clock. I do not see any reason why we cannot.

There are some Senators who want to offer amendments. We want to hear them. We want to consider them and consider them fully and fairly, but it should not take an unnecessarily long amount of time to do that. So I encourage the Senate to act with dispatch, deliberation, but all deliberate speed. That is a Supreme Court phrase that has been used from time to time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I respectfully disagree with my distinguished chairman and also the ranking member on the amendment they have proposed. This amendment is worded in such a way as to prevent the proposal from ever taking effect because they know it will be impossible, certainly so difficult as to be unworkable, to prove prospectively that all savings will be passed on to the patients. There is no way that can happen. This is just in there to clean this bill up. I strongly oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the legislation offered by the Senator from Vermont. But before I speak on that let me just mention to the Senator from Mississippi and the Senator from Wisconsin who have brought this bill to the floor, I am a member of their subcommittee on appropriations. I certainly respect the work they have done. They do an outstanding job, they and their staffs, putting together the Agriculture appropriations bill. It is not an easy bill to construct and to bring to the floor.

One amendment that I will offer at a later time will deal with the disaster now facing farmers who have flooded lands and especially those farmers whose crops are burning up day after day in the deep South.

Last Friday morning, as we were taking a series of votes, I talked with Senator COVERDELL. He and I were prepared to offer an amendment to assist farmers dealing with flooded lands in my part of the country and drought-stricken lands in Georgia. Georgia is the hardest hit State with drought

problems, and family farmers there are suffering substantially. Senator COVERDELL intended to join me in offering an amendment offering them some emergency assistance. I will want to address this issue on this legislation. I will certainly talk with the chairman and the ranking member to do so in a way that relates to the needs of the Senate, but especially in a way that meets the needs of those family farmers who, through no fault of theirs but through natural disasters, have seen their crops disappear and are suffering some very significant problems.

I will save further discussion of this problem for a later time in this debate.

With regard to the amendment offered by the Senator from Vermont, I strongly support this amendment. Several bills have been introduced in Congress on this subject. I introduced a piece of similar legislation along with Senator WELLSTONE and Senator SNOWE. I am also pleased to join as a cosponsor of the legislation authored by the Senator from Vermont.

All of these bills relate to the same issue. That issue is very important and one we should address. The reason it is being addressed here and now is that the House of Representatives has already addressed it on its Agriculture appropriations bill, and it is important that the Senate also weigh in on this issue. The Senator from Vermont certainly has a right, and is protected with respect to germaneness, to offer this amendment to this bill.

Let me describe the issue before us in terms that people can better understand, using a couple of different medicines as examples.

I ask unanimous consent that I be allowed to use these medicine bottles in my presentation.

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

Mr. DORGAN. I have here bottles of 3 different prescription drugs that are ranked among the top 20 in the United States in the number of prescriptions filled and sales volume. All of these drugs, incidentally, are approved by the U.S. Food and Drug Administration.

I have here the actual bottles for these medicines. This one happens to be Zoloft, which is used to treat depression. The company that produces these pills and puts them in different size bottles then sells them all around the world. It is exactly the same medicine produced by the same company, sold in different places. Buy it, for example, in Emerson, Canada, and you will pay $1.28 for a pill. Buy it 5 miles south of there in Pembina, ND, and you will not pay $1.28 for the same pill. Instead you will pay $2.34. It is the same pill in the same bottle, made by the same company in the same manufacturing plant. The only thing different is the price. The pill costs $1.28 in Canada, and $2.34 for an American consumer.

Or what about Zocor? Zocor is a very popular prescription drug. Pick up any Newsweek or Time magazine and see the multipage ads for this drug. I have here two bottles of Zocor made by the same company, with the identical manufacturing process. One bottle is sent to Canada where it costs $1.82 per tablet; the other is sent to a U.S. consumer who is charged $3.82: $1.82 for someone living in Winnipeg, $3.82 for someone living in Montpelier.

Norvasc is a prescription drug that is used to lower blood pressure. The bottles are almost identical—again, both bottles are by the same manufacturer, and contain the same pill. Norvasc costs the Canadian consumer 90 cents. It costs the U.S. consumer $1.25 per pill.

Or to look at this price disparity another way, the cost of a 1-month supply of Zocor—the same pill, by the same company, in the same bottle—is $54 when it is sent to a Canadian. When it is sent to an American, it costs $114.

Or Zoloft—again the same pill, by the same company, made in the same manufacturing plant—costs the Canadian $38 for a 1-month supply; the American pays $70.

Norvasc costs Canadians $27 for a one month supply and the same quantity costs Americans $37. I can show you medicine where the price inequity is 10 to 1.

The question our constituents in the States of Vermont, North Dakota, Minnesota, and Washington ask is: How can this be justified? This is the same product. If this is a global economy, why must I go to Canada to try to buy a prescription drug that was manufactured in the United States in the first place in order to buy it for half the price? That is what Americans all across this country are asking.

The companies that produce these medicines are able to access all of the ingredients they need to produce prescription drugs from all around the world in order to get the lowest prices. If the pharmaceutical manufacturers are able to benefit from the global economy, why then can the consumer not also access that same drug made in a plant approved by the FDA when it is being sold in Winnipeg for half the price?

What is the answer to that? Many of us believe American consumers should be able to also benefit from the global economy. My colleague from the State of Washington, Mr. GORTON, has sponsored his own legislation to address this issue and he is also a cosponsor of this amendment. All of us have to respond to our constituents.

This is not just a Canada-United States issue. Americans pay higher prices than anywhere else in the world. How much more do we pay? If Americans pay an average of $1 for a pharmaceutical product, that same product has a much lower average cost in every other industrialized nation. We pay $1; the Canadians pay 64 cents. We pay $1; the English pay 65 cents. We pay $1; the Swedes pay 68 cents. We pay $1; the Italians pay 51 cents. We are charged the highest prices for prescription drugs of any country in the world. The American people ask the question: Why?

Senior citizens are 12 percent of our population, but they consume one-third of the prescription drugs in America. I come from a State with a lot of senior citizens. They have reached the years of their lives where, in most cases, they are no longer working and are living on a fixed income. Last year, they saw, as all Americans did, prescription drug spending in this country go up 16 percent in 1 year. Part of that is price inflation, part is driven by increased utilization. Nonetheless, older Americans saw a 16-percent increase in prescription drug spending in this country in 1 year.

Those of us who have held hearings on this issue and who have heard from senior citizens know what they say. They tell us they are forced to go to the back of the grocery store first, where the pharmacy is, to buy their prescription medicines because only then will they know how much money they have left to pay for food. Only then will they know whether they are going to get to eat after they have purchased their prescription drugs.

This is an issue for all Americans, not just senior citizens, but it is an especially acute problem for senior citizens.

In January on one cold, snowy day, I traveled with a group of North Dakota senior citizens to Emerson, Canada.

First we visited the doctor's office—because it is required in Canada—where the North Dakotans who wanted to buy prescription drugs in the Canadian pharmacy showed the doctor their prescription from a U.S. doctor, and the Canadian doctor wrote a prescription for them. Then we went to a very small, one-room pharmacy just off the main street of Emerson, Canada, a tiny little town of not more than 300 or 400 people. Emerson is 5 miles north of the North Dakota border.

I stood in that pharmacy and I watched the North Dakota senior citizens purchase their prescription drugs, and I saw how much money they were saving on the prescription drugs they were buying.

As is often the case, senior citizens will take 2, 3, 4, or 8 different prescription drugs. It is not at all unusual to see that.

I watched these North Dakotans compare what they were paying in the United States to what they were paying at this little one-room pharmacy in Emerson, Canada. It was staggering.

They asked me the question: Why do we have to come to Canada to do this? Why can't our pharmacists come up here and access this same supply of drugs and pass the savings along to us?

The answer is that there is a Federal law in this country that says that only the manufacturer can import prescription drugs into the United States.

The amendment we are considering, offered by the Senator from Vermont,

proposes to change that. He does not propose to do so in any way that would jeopardize the safety of medicines that are available in this country. He does not propose to in any way suggest that we should not maintain the chain of custody needed to assure a safe supply of prescription drugs.

But he does propose that we amend that law and replace it with a system that assures the safety of the medicine supply, while allowing pharmacists and drug wholesalers to go to Canada and go to other countries and access that same prescription drug, provided that it was produced in a plant that was approved by the FDA. This amendment assures not only the safety of the manufacturing process but also the chain of custody of the supply. In this way we will allow U.S. consumers the full flow and benefit of the global economy.

Why can't American pharmacists and drug wholesalers shop globally for prescription drugs, provided it is the same pill, put in the same bottle, manufactured by the same company in a plant that is approved by the FDA?

The answer is that they ought to be able to do that. There is no excuse any longer for preventing them from doing that.

Zocor, Prilosec, Zoloft, Vasotec, Norvasc, Cardizem—you can go right on down the list of the medicines most frequently used by senior citizens and compare what they cost here with what they cost in Canada and Mexico. Then ask the question: Why? Why are we in America charged so much more for the identical prescription drug?

The answer is simple: It is because the big drug companies can do it here. The pharmaceutical industry charges what the market will bear in the United States. The U.S. consumers are prevented from being a global consumer.

Let me say this about the pharmaceutical industry. I want them to do well. I support them on a range of things. I want them to be profitable, and I want them to be able to do substantial research. I do not wish them ill. I applaud them and thank them for the research they do to create life-saving, miracle drugs. They only do part of the research, of course. A substantial part is also done through the National Institutes of Health, through publicly funded research. And we are dramatically increasing our investment in NIH.

But some will say to the Senator from Vermont: What you are doing will dramatically reduce research and development by the drug companies. These prices are what support research and development.

Hogwash. Nonsense. The fact is, a larger percentage of the research and development is done by the drug companies in Europe than is done in the United States. Let me say that again. More research and development is done in Europe than in the United States. And that comes from the pharmaceutical industry's own figures.

Take a look at the billions and billions of dollars the drug industry spends on promotion and compare that to what they spend on research and development.

In fact, if you pick up a weekly magazine, such as Newsweek, you will see the multipage ads for prescription medicine. They are spending billions of dollars on direct-to-consumer advertising. They are going directly to the consumer and saying: We want you to go to your doctor to demand that he or she write a prescription for this medication for you.

That just started a few years ago. It is now rampant. Doctors will tell you that patients come to their offices, saying: I read about this medicine in an ad in Newsweek. I want you to prescribe that. That is what is happening.

Billions of dollars are spent to try to induce consumers to demand medicine that can only be given to them by a doctor who believes it is necessary.

While all of this is going on, the Senator from Vermont offers a piece of legislation that I fully support. If I were writing the legislation offered by the Senator from Vermont, I would prefer that it not leave out the provision that allows personal use importation. I hope at some point we can allow for that.

But I just say this. I know that literally $60 or $70 million has been spent by the pharmaceutical industry because it is scared stiff that we are going to pass this legislation.

In fact, in the Washington Post the pharmaceutical industry has been running a full-page ad for the last several days. I do not know what a full-page ad costs in the Washington Post, but I know it is not cheap. How many citizens, who support our bill, have the ability to go to the Washington Post and buy a full-page ad?

This full-page ad is just totally bogus. It says: One of these pills is a counterfeit. Can you guess which one? Congress is about to permit wholesale importation of drugs from Mexico and Canada. The personal health of American consumers is unquestionably at risk. Counterfeit prescription drugs will inevitably make their way across our borders and into our medicine cabinets. Counterfeit prescription drugs can kill. Counterfeit prescription drugs have killed.

This is from the pharmaceutical industry, which wants to scare people into believing the legislation that we are now debating is somehow bad for our country's consumers. That is totally bogus. We are proposing an amendment that assures the safety of the drug supply but finally assures the American consumer that they can access drugs that are priced reasonably.

If someone in another country is paying half the price or a third or a tenth of the price being charged the American consumer for the same drug that is produced in a manufacturing plant approved by the FDA, why can't the American consumer have access to those drugs in a global economy?

The answer is: They ought to be able to do it.

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

Mr. DORGAN. I am happy to yield for a question.

Mr. JOHNSON. I commend the Senator for his work and commend Senator JEFFORDS for his work on this issue. In relation to the advertisement in the Washington Post, I wonder if the Senator from North Dakota would share with us the sponsor of that advertisement as it appears on the ad?

Mr. DORGAN. Yes. The sponsor is Pharmaceutical Research and Manufacturers of America. The drug industry obviously wants to keep things as they are.

Let me just make one additional point. It is not my intention to have the American people go to another country for their prescription drugs. It is my intention to force the pharmaceutical industry to reprice their drugs here in the United States. If our pharmacists and our drug wholesalers are able to access the same drugs at a much lesser price in Canada or England or elsewhere, and bring them back and sell them at a savings to our consumers, it will force the industry to reprice their drugs in this country.

That is my goal. It is not my goal to put people in minivans and send them outside this country to access prescription drugs. I want pressures brought through the global economy to equalize prescription drug prices in this country vis-a-vis what they are being sold at in other countries.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, let's paint a picture, or set the stage, for this debate.

Most of the research and development and manufacture of prescription drugs goes on here in the United States, in a highly constructive fashion. Drug companies, and their research and development staffs, here in this country experiment and work, literally for years, to develop new and effective prescription drugs.

They are magnificently successful in that quest. And at least one of the reasons we are debating this issue today is that they are so successful that every year the share of our health care dollar that goes to prescription drugs increases because we now have conditions that can be treated by prescriptions that previously required hospitalization, if indeed they could be treated at all.

The process of taking an idea through its basic and applied research, its testing and its development to licensing by the Food and Drug Administration is long and arduous and is aimed both at safety and effectiveness. During that period of time, these companies spend a great deal of money with no return. It is clear, both to the proponents and opponents of both the first- and second-degree amendments,

that these companies are entitled to recoup those long and large costs of research and development. They are not only allowed, properly, to recoup the costs of those drugs that are actually brought to market, but the cost of all of the dead-end streets they run into with some of this research and development. To that point, there is agreement.

We are also dealing with a business, as any other in the United States, that spends a good deal of its time and effort in developing new products. Even at the early stage, there are some factors that favor the pharmaceutical industry because of its importance to the United States. It, as other companies, is entitled to a research and development tax credit, but it, unlike most other industries, also benefits hugely from research conducted by the National Institutes of Health, as the primary sponsor of this amendment well knows. So approximately half of all of these research and development costs are already underwritten by the taxpayers of the United States, either through tax credits or through our direct appropriations to the National Institutes of Health.

It is at this point that the wonderful line from ''Alice in Wonderland'' comes to mind, and the situation becomes ''curiouser and curiouser.'' At the point at which these pharmaceutical products have been licensed, the actual manufacturing cost for that pill is, generally speaking, not very high. And so much of the price structure is to cover the research and development, the very large advertising costs to which the Senator from North Dakota referred, other marketing costs, the lobbying those companies do in the Congress, and a reasonable and, I may say, in most cases generous profit. But these U.S.-based, often U.S.-owned, pharmaceutical manufacturing companies consistently charge their American customers—not the individual patient in this case but the huge regional drugstore chains as well as individual pharmacies—far higher prices than they charge for the identical product overseas or across our northern and southern borders.

One would think in a normal market that prices would be nondiscriminatory or, if anything, the manufacturers would be grateful enough for the tremendous aid and assistance they receive from the taxpayers of the United States perhaps to give at least a small price break to American purchasers. But, no, as has been pointed out, they charge Americans pretty close to twice as much as they charge anyone else. These wholesale prices, obviously, are reflected in retail prices for the drugs.

My experience in the State of Washington is very much similar to that outlined both by the Senator from Vermont and the Senator from North Dakota. We ran a little test; we went up to Canada, priced identical drugs in the State of Washington and in British Columbia, and found a 62-percent difference. In other words, it was way less expensive to buy them in Canada. So busloads of Americans go from Seattle and other parts of the State of Washington across the border to buy drugs and bring them back.

Why, one asks oneself, would American companies do this? Why would they discriminate against Americans?

They say: There is a simple answer to that. The Canadian Government, the Mexican Government, the Government of the United Kingdom, fix the prices of drugs. They want their citizens to get these pharmaceutical products less expensively than Americans do. So they, by government fiat, set the prices. And so we sell them, the drugs, for a lower price for a simple reason: We have already manufactured and sold lots of them in the United States. And when you go from the ten-millionth pill to the twenty-millionth pill, it doesn't cost you very much to manufacture those new pills, so we can still make a profit, even though we are selling them at half price in other countries.

Gee, isn't that unfair? Yes, I guess so, but that is the way the world is.

Now, that particular argument that price-fixing countries do much better for their consumers than a free market does in the United States is really a two-edged sword. It is one heck of an argument for price fixing in the United States. The junior Senator from Minnesota, a couple weeks ago, put up a proposal that would do exactly that, fix the price of drugs in the United States. This is a point at which I agree with the drug companies. They say: You fix prices and you will dry up research and development. I am not sure how far down we look for the validity of that argument, given the great excess of advertising costs over research and development costs, but let us assume that it is totally and completely valid as an argument. Then under those circumstances, we shouldn't be fixing prices here in the United States. But that doesn't mean we should continue to allow Americans to suffer the immense discrimination that goes on consistently year after year, product after product in this country.

When I discovered the extent of this problem, basically out of a cover story in Time magazine—I believe it was last November—it seemed to me, as a former State attorney general who for an extended period of time was in charge of consumer protection, fine, you just tell them by law to stop discriminating. Don't charge Americans any more than you are willing to charge Canadians or Italians or citizens of the United Kingdom.

That is price fixing, the companies say. That is a terrible thing.

Well, it is not price fixing to say you don't discriminate. If you can't make a profit at a given price, you don't have to sell the drug in Canada or in any other place.

But they have a lot of money to spend trying to sell that bill of goods to people. So we discovered—again, I think this was as a result of my history as a State attorney general—that we have a statute in the United States that prevents price discrimination. It is called the Robinson-Patman Act. It was passed in 1936. It was a sweeping antidiscrimination bill. It prevents price discrimination in the sale of any commodity in interstate commerce, with certain exceptions for actual cost savings from quantity sales and the like. So we said, fine, and the bill we introduced just said interstate and foreign commerce, with respect to prescription drugs.

It is interesting; the drug companies paid no attention to that distinction at all, and they still use these millions of dollars to say it is price fixing. Well, if so, then we have fixed the price of every commodity in the United States for 64 years, which I think surprises most people who believe in and have benefited from the truly free economy in the United States.

The argument that this is price fixing is fraudulent—purely and totally fraudulent. But I am not wedded or married to one solution to this problem of excessive prices imposed on American consumers for their prescription drugs because while we ban importation by law—by custom at least—we have permitted for an extended period of time American citizens to cross our borders—northern or southern or, for that matter, across the ocean to Europe—and to return to the United States with a 3-month supply of any prescription drug they are using, without being bothered by any of the governmental agencies of the United States. Both of my other Senate colleagues in this regard have pointed out that that happens in their State, and I have already pointed out that it happens in mine.

So the Senator from Vermont and the Senator from North Dakota came up with the idea that if an individual can do it for himself or herself, why not let our pharmacists do it and bring these prescription drugs back to the United States, which are often manufactured in the United States and then shipped north or south of the border—bring them back and offer them for sale, presumably at a lower price.

I am sure the Senator from Vermont doesn't mind my saying, in a sense, this solution is truly bizarre—that somehow or another it should be less expensive for a pharmacist to buy from a middleman than it should be from a manufacturer in the first place, and then have to ship the product across a national border twice in order to get the lower price. But the bizarre nature of the proposal is a simple and direct result of the outrageous discrimination that is practiced in the first place, and nothing else.

So the Senator from Vermont has written a bill and proposed an amendment to allow the retail seller, or the wholesaler, to engage in this reimportation. But concerned as he and the FDA are about making sure you

get the real thing, most of the words in his amendment have to do with the safety of the product, of making certain you are getting what it is that you thought you purchased. In fact, it doesn't allow this reimportation unless the Secretary of Health and Human Services promulgates regulations permitting that reimportation that meet necessary safeguards.

OK, that is where we are at this point. And then, instead of simply opposing the proposal, my good friend from Mississippi puts up a second-degree amendment that says the Secretary has to certify to Congress that it would pose no risk to public health and safety and will result in a significant reduction in the cost. It is either absolutely unnecessary, because we are talking about something the Secretary has already done, and the price part of it is unnecessary because if there isn't a significant savings in the price, nobody is going to go up and buy them in the first place or it is an attempt—and I regret to say this—to kill the amendment of the Senator from Vermont in its entirety and see to it that it doesn't happen. The drug companies and their sponsors are not really wanting to justify the situation that exists in the United States today because it can't be justified, so they use an argument for safety that is already far more adequately covered by the amendment proposed by the Senator from Vermont in any event.

Now we are able to deal with this issue as part of this appropriations bill, of course, because the House of Representatives did. So it is properly before us. But the other matter that I find extraordinarily odd with respect to the second-degree amendment is just this: The distinguished chairman of the subcommittee, the manager of the bill, knows perfectly well that individuals can go across our borders and come back with a 3-month supply of prescription drugs. If he and the Senator from Wisconsin are so concerned about safety that they have to pile on with a second-degree amendment, why aren't they banning totally and completely personal reimportation? The Senator from Vermont isn't even touching that subject in his amendment. I wish he did. The House of Representatives did. He is setting up a way for reimportation to take place at the wholesale level, where safety is far more protected than it is with respect to these individual purchases.

But the individual purchases have not created a great problem. If they had, people would stop engaging in those policies. Whatever else we may say about Canadians, they are not in the business of poisoning their own citizens.

This reimportation can take place with perfect safety under the amendment as proposed by the Senator from Vermont, and anything added to it is simply an attempt to kill it and to maintain the status quo.

Let me go back to the stage I have set and simply say this: The status quo is American manufacturers using American taxpayers' money to produce products in the United States of America, which they then sell at prices that discriminate outrageously against American purchasers. That is really all there is on the stage today—discrimination by American companies against American purchasers, in spite of the support of American taxpayers.

The first-degree amendment takes at least a modest step toward curing that situation. The second-degree amendment is designed to keep it in place forever.

I have one final point, Mr. President. I agree with each of the Senators who have previously spoken on the desirability and the importance of a Medicare drug benefit. There is some debate over to whom it should apply, how much it should cost. But Medicare covers about 40 million Americans. We have 250 million Americans altogether. None of the rest of them will be helped at all by even the most generous Medicare drug benefit. All of them will be helped by this amendment, to the extent that it is actually effective, because it will in fact end up lowering the price of prescription drugs in the United States of America. That is why the first-degree amendment should be adopted and the second-degree amendment that attempts to gut it should be rejected.

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that we have been able to secure an agreement on a unanimous consent request to limit debate on the pending Cochran amendment and the underlying Jeffords amendment. I understand it has been cleared.

I ask unanimous consent that the Senate proceed to vote in relation to the pending Cochran amendment, No. 3927, at 5 o'clock p.m., and the time between now and then be equally divided in the usual form. I further ask unanimous consent that following that vote, the Senate proceed to vote immediately in relation to amendment No. 3925, as amended, if amended, the Jeffords amendment.

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

Mr. COCHRAN. I thank the Chair. I remind Senators that this doesn't mean we have to use all the time between now and 5. I encourage Members to make brief statements. We can vote before 5 and then move on to another subject.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator GREGG be added as cosponsor to amendment No. 3925.

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

Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Vermont be good enough to yield 12 minutes?

Mr. JEFFORDS. Mr. President, I yield 12 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 12 minutes.

Mr. KENNEDY. Mr. President, I support this amendment and I commend the sponsors for their efforts to address the high cost of prescription drugs.

I support this amendment, and I commend its sponsors for their efforts to address the high cost of prescription drugs. The American public wants affordable medicines, and I believe we should do all we can to reduce the financial burden imposed on our citizens by high drug costs.

It is worth emphasizing that imports of prescription drugs from other countries must be accompanied by strict precautions to protect the public. Federal standards require that all prescriptions sold in the United States must be safe and effective. The public health protections guaranteed by the Food, Drug, and Cosmetic Act do not end at the gates of the manufacturer's plant but extend all the way to the doorstep of the consumer. Congress has promised the American people that the medications they use will be effective and be free of contaminants.

In 1988, President Reagan signed into law the Prescription Drug Marketing Act to protect Americans from counterfeit, contaminated, and other unsafe medications. Today counterfeit drugs continue to plague the citizens of many countries, including our own. In 2000, at least 30 people in Cambodia died from fake malaria medications. 60,000 people in Niger were vaccinated against a deadly epidemic of meningitis with counterfeit vaccines, and received water injections instead of real medicines. This past year the United Kingdom broke up a smuggling ring to import counterfeit drugs into the U.K. from India. According to a DEA official, 25% of the prescription drugs brought by consumers into the U.S. from Mexico are fake. From 1989 to 1994 a counterfeit antibiotic from China was sold in the U.S. through legal distribution channels resulting in almost 2,000 adverse events, including 49 deaths. In spite of an Import Alert issued by the FDA in September 1999, the fake medication may still be entering the U.S.

I raise these problems to emphasize that without adequate protections, legalizing importation by pharmacists and wholesalers will increase the risks already posed by fake and contaminated drugs. This amendment deals with these safety concerns primarily by placing the responsibility for assuring the quality of imported products on the importer, subject to FDA oversight—and it gives FDA broad authority to impose additional requirements necessary to protect public health.

The FDA needs adequate tools to combat counterfeit or adulterated drugs. Adequate funding for the FDA is essential to ensure the safety of imported prescription drugs. FDA currently inspects less than 1% of all drug shipments from other countries. Clearly, additional resources will be necessary to implement this amendment.

As we all know, the real issue is providing an effective and affordable prescription drug benefit to senior citizens and the disabled under Medicare.

That is the basic and fundamental issue. We wouldn't be having this debate if we were providing an effective prescription drug program to the seniors under the Medicare program. It wouldn't be necessary. We wouldn't have to be taking these additional risks. This is not a substitute for the Senate taking action on that important measure.

The President has reiterated the fact that he would be glad in working with our Republican friends to sign their marriage penalty legislation if it included a prescription drug program. It is absolutely essential. This legislation is no substitute for it.

The cost of the drugs these patients needed far exceeded their ability to pay, even if the cost was deeply discounted. A patient with high blood pressure, irregular heartbeat, and an enlarged prostate would pay $3,100 annually for drugs.

This particular chart indicates the general patient profile for some of the most common kinds of concerns, particularly for the elderly. They are the ones who have the highest utilization of the prescription drugs. They are the ones who need the protections under Medicare. They are the ones who, hopefully, we are going to take action on in this Congress to protect.

We are talking about osteoporosis, or heart trouble with a typical cost of $2,412—that is 20 percent of the pretax income; high blood pressure, irregular heartbeat, enlarged prostate, $3,100, 26 percent of pretax income; severe arthritis, ulcers, gastric reflux, depression, $3,696, 31 percent; ulcers, high blood pressure, heart disease, asthma, $4,800, 40 percent.

This basically shows not only the access but the enormous costs of the prescription drugs to address these particular items.

A patient with heart disease and severe anemia, $26,500, and 22 percent.

If we look at this chart, most senior citizens have very moderate incomes. Look at this. Fifty-seven percent are under $15,000; 21 percent are under $24,000. We have virtually 80 percent below $24,000.

We are talking about a handful of senior citizens in the upper areas. Eighty percent of our seniors are people of extremely modest means. The cost of these drugs are going absolutely out of sight.

That is why we have to have a program that is going to provide coverage, and that is going to be universally affordable for our seniors and for the Federal Government as well.

This is a drug crisis for our seniors. The coverage is going down, and the costs are going up.

I will take just a moment of the Senate's time to point out what is happening to our senior citizens.

Twelve million—effectively a third—of our seniors have no coverage whatsoever. Eleven million of them have employer-sponsored coverage. We are going to show a chart in just a moment that shows employer-sponsored drug coverage is collapsing.

Some three million have Medicare-HMO, and we will find what is happening in the HMOs where they are putting limitations of what they are going to be prepared to reimburse under prescription drugs.

The next is Medigap costs which are going right up through the ceiling and becoming less and less affordable.

The only group of Americans who have dependable, reliable, affordable prescription drugs are the 4 million Americans under Medicaid.

It is a national disgrace when we know the commitment that was made here in the Congress in 1964 and in 1956 that said to our senior citizens, work hard, we will pass Medicare, and you will not have to worry about your health care needs in your golden years. We didn't include a prescription drug program because the private sector didn't have it then. Only 3 cents out of every dollar was expended on prescription drugs. Now it is up 20 cents, and in some places even 30 cents, in terms of the costs of the health care dollars. Health benefits have dropped by 25 percent. That is between 1994 and 1997. This arrow is continuing to go right down.

The other chart showed where you have 11 million seniors getting covered by employer-based programs. This chart indicates that they are rapidly losing coverage at the present time.

We have 11 million who do not have any coverage, and 12 million who have employer-sponsored coverage. But that is going down.

This shows what is happening if they get Medicare HMO drug coverage. We see 75 percent will limit coverage to less than $1,000. They are putting limitations on what they will pay for. The chart shows the five major illnesses affecting and impacting our senior citizens cost vastly higher than $1,000. Therefore, our seniors, even if they have coverage under an HMO, are still paying an unaffordable amount of money if $1,000 is the limitation. Mr. President, 32 percent have imposed caps of less than $500. We are seeing the collapse of coverage that is out there for our senior citizens.

This chart shows what is happening in the medigap coverage—which is effectively becoming unaffordable—in the sample premium for a 75-year-old person in various States. This is virtually unaffordable.

This chart shows the costs of drugs compared to the Consumer Price Index over recent years, 1995, 1996, 1997, 1998, and 1999. In 1995, 2.5 percent; in 1996, 3.3 percent; in 1997, 1.7 percent; in 1999, 2.7.

The top of the chart shows the actual drug costs in terms of the expenditures being made by seniors to get the drugs they need. We see a very modest increase in the Consumer Price Index. Yet for senior citizens who use three times the amount of drugs as the rest of the population, we find out this is continuing to increase, placing extraordinary pressure on seniors. In many instances, they are completely unaffordable.

As mentioned earlier in the debate, the Pharmaceutical Research Manufacturers say:

> Private drug insurance lowers the prices 30 percent to 39 percent.

That says it all. It is saying you could go ahead and have a reduction in the costs of these prescription drugs anywhere from 30 percent to 39 percent, and they can still make an adequate and generous profit. This is from the industry itself. The seniors are hearing this and living it, as pointed out by the Senator from North Dakota and my friend, the Senator from Vermont. They are seeing this. They know this has happened. They have to go abroad in order to try to get these vital prescription drugs.

The unanswered question is, If we can go across and buy them, why can't we do this in a way that is going to be more accessible and available not only to those able to go over but also to our friends and neighbors and fellow senior citizens?

It is out of that enormous frustration and these facts that this amendment comes to the floor. That is why I believe it should be supported. I think it is essential, but it is not going to address the fundamental issue, which is the Medicare program that will cover all of our senior citizens and effectively do it in a way that will see a significant reduction of costs.

I thank the Senator from Vermont.

Mr. COCHRAN. Mr. President, I yield 10 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Louisiana is recognized for 10 minutes.

Mr. BREAUX. Mr. President, I thank the Senator from Mississippi for yielding.

I was thinking about the argument that we had on the Senate floor about importing medical supplies in terms of prescription drugs from foreign countries into the United States because they might be cheaper. I could get open-heart surgery in Mexico for a lot cheaper than at Oschners in New Orleans or at the Mayo Clinic or at Johns Hopkins or any other fine institution in the United States. It would be half as expensive. I doubt many Americans want to put their lives in the hands of people they know are not regulated.

I could buy many items in countries around the world, and many Third World countries, which would be a lot cheaper. I remember one time going to Hong Kong. I saw some of the Lacoste shirts with the little alligator. My wife and I were shopping in Hong Kong and they had all these Lacoste shirts. They were $5. I said: That is incredible, a heck of a deal. I will buy a Lacoste alligator shirt for everyone I know for gifts for Christmas. We bought one

after another. I bought one or two myself. We came home and the first time I washed the shirt, the alligator fell off. The alligator fell off because it was a counterfeit shirt. The shirt nearly dissolved after the first washing and the alligator drowned in the washer. The product was totally worthless. It was a counterfeit product.

It is one thing when you are buying a knit shirt. When someone is sending me drugs that have been either manufactured in a foreign country or even manufactured here and sent to a Third World country and stored in a warehouse, God knows where, under conditions that may be totally contrary to the safety of that drug, who knows who deals with those products in that country in the privacy of that warehouse. Who knows how many times somebody might go into that warehouse and take the product, and instead of saying we will have 100 pills, if I cut it in half, I could have 200 pills. If I could cut it into fourths and end up not with 100 pills but 400 pills, look how much money I can make if I do it that way.

If I can take that type of quality control, which is nonexistent in a foreign country, and say that is how I will make my money, what kind of products will we be giving to the American consumer? This is not a Lacoste shirt that an alligator might fall off of. This is medicine that is important to the safety and the life of our constituents.

Why do we have a ban on the importation of foreign drugs passed by Congress in 1987? In order to protect U.S. consumers, to make sure that the drugs were not improperly stored, or improperly handled, or improperly shipped, or perhaps made to be like my Lacoste shirt, totally, absolutely counterfeit.

How many Federal bureaucrats are we going to put in 150 countries around the world to ensure those products in those countries are safely stored, safely handled, and not diluted? And how many more bureaucracies are we going to create to make sure those problems don't develop?

We can get a lot of things cheaper in a lot of other countries. How about buying cheaper wheat from China? They have a controlled economy where the Government runs everything and sets the prices. Could we not buy a lot of wheat from China and give it to our constituents a lot cheaper? We don't do that because it is not a level playing field. In that sense, we are competing with a micromanaged economy overseas that the Government participates in and helps their farmers. Our people can't compete against that. It is not a good idea.

This is the bottom line—actually two things. No. 1, there is no guarantee we are not going to create a boondoggle with this for all the wholesalers. There is no guarantee, without the Cochran amendment, that anybody who is a consumer is going to have any of the benefit of any of what we are trying to do by importing cheap Third World drugs into this country. Nobody has a guarantee the savings would be passed on to the consumer. I can see a wholesaler who wants to get the drug for $20 selling it for $40 over here and making one heck of a profit. There is no guarantee without the Cochran amendment.

The final point is that this is not the answer to the problem. The answer to the problem is to find a way to guarantee to Medicare beneficiaries that they get the best deal, that we have some ability to provide them with the coverage they need at the price they can afford. That is the real answer.

People say we do not want price controls in this country; that is anti-American. But we are going to buy the price controls from other countries around the world. We will let them impose price controls, and then we will buy from them. Why don't we just put on price controls in this country and call it what it is? We are saying essentially we don't like price controls but we like other countries' price controls and so we will buy it from them with absolutely no ability to guarantee the product coming over here is the product that left this country.

Here is the problem. If a Medicare beneficiary walks into the drugstore and has no insurance because Medicare doesn't cover him, the pharmacist tells him: It is $100 for your prescription. That Medicare beneficiary has to take it out of his pocket or gets his children to pay for it, or, if they are very destitute and poor, Medicare pays for it and they pay $100. If you don't have any coverage, you pay $100 for the prescription.

If, however, you work for the Federal Government, if you are a Senator or one of the staff people here who happens to have the Federal Employees Health Benefits Plan, and you go into the drugstore and buy the same prescription, you don't pay $100, No. 1, because there is volume purchasing because they are purchasing for all the FEHBP people who are covered by FEHBP. The discount by volume purchasers for the insurers gets it down to about $70, a 25-plus-percent discount. That is the average by volume purchasing. But none of us or our staff even pays the $70. We will probably pay a coinsurance of about $35, for some plans even a copayment which could be $15 or $20.

So that is the answer to the problem. The answer is not to import Third World countries' price controls. Talking about Canada is one thing. I guarantee if this passes, we are not going to be importing a lot from Canada. We are going to be buying from countries whose handling of these drugs we have no ability to control. If it were coming from Canada, it would not be a bad deal. We know how they operate. But this amendment is not limited to Canada. Any Third World country will be able to handle the drugs, dilute them, do anything they want, store them where they want, and we will not be able to guarantee the validity of that drug.

This is the answer to the problem: Not importing from other countries, but to try to ensure that all Medicare beneficiaries have some type of coverage that allows them to get the benefits of volume purchasing and also to have some type of insurance where the Federal Government assumes part of the responsibility, part of the risk, and the providers compete and also assume some of the risk to get the price to the Medicare beneficiary down to half or less. That is what we should be working on.

This is a Band-Aid type approach. Really, it is worse than a Band-Aid approach because Band-Aids help; this doesn't help. It puts the American consumer at risk. We passed this law to prevent all the things that are likely to happen if this amendment passes. We should not go back to our constituents and say: We are letting you get cheap drugs from foreign countries because they have price controls. It is the wrong approach, and we should recognize it as such.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 15 minutes to the distinguished Senator from Tennessee, Mr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the underlying amendment to allow reimportation of prescription drugs. I have been following the debate for the last couple of hours. I want to bring up a new issue, an issue which I believe is a fundamental issue but which has not been discussed, to the best of my knowledge, at all over the last 2 hours—and that is safety.

The problem has been very clearly identified; and that is, cost. The situation of prescription drugs costing too much in this country, causing people to drive to Mexico and Canada, is a real problem. It has been vividly described. It has been described accurately by almost everybody who has talked today, holding up the bottles and the descriptions on the charts. Today a senior who goes into a drugstore must pay full retail price for a drug because Medicare does not include prescription drug coverage, versus traveling on a bus to Canada, and buying it there for much less.

The answer—and this is absolutely critical—is not reimportation. The answer is not, to my mind, price controls. Price controls get cloaked in all sorts of ways in policy and in various proposals. But the answer is, I believe, not in the amendment we are talking about today but through improved access by offering coverage and utilizing the large purchasing power to provide affordable prescription drugs.

The issue that most bothers me is that fundamentally I believe the underlying amendment puts at risk the safety of these drugs. I say ''puts at risk'' because clearly the authors of this bill

have tried to construct a bill that has safety first and foremost. But let me just say, having read the bill and having a pretty good understanding of the capability of the Food and Drug Administration today, they simply cannot police the world in making absolutely sure these are not counterfeit drugs coming back in and because of this, I find it very hard to support the underlying bill.

If you take a look at the history of reimportation, from 1985 to 1987 in the U.S. Congress, there were a series of nine hearings and three investigative reports regarding this whole concept of reimportation of pharmaceuticals. It is interesting, if you go back and look at what happened and also at what the findings were. As a result of these hearings and investigations, in 1987 the Prescription Drug Marketing Act passed. It was designed to specifically protect Americans' health and safety against the risk of adulterated or counterfeit drugs from being imported into the U.S. Let me quote one of the conclusions from the committee report:

> Reimported pharmaceuticals threaten the American public health in two ways. First, foreign counterfeits, falsely described as reimported U.S.-produced drugs, have entered the distribution system.
>
> Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.

I believe, we are obligated to go back and address these two critical concerns, because we are talking about the potential for counterfeit or adulterated drugs. We are talking about life-or-death issues. We are talking about the ability to thin one's blood to prevent a heart attack or a stroke, and if that drug has been altered, if it is counterfeit, it means life or death to the people who are listening to me today.

What they have tried to fashion in this bill is to have the Food and Drug Administration oversee and be responsible for these laboratories which are not in the United States of America. Remember, this is a Food and Drug Administration that, right now, admits they are unable to even inspect the food coming into this country. I argue, whether it is tomatoes or lettuce coming in, the inspection of drugs coming in is much more important to the health of Americans. It is partly because I am a physician, so I deal with patients and I know for the most part patients believe it is much more important as well.

Is the Food and Drug Administration equipped? If you ask the people who have run the FDA you will find the following. Dr. David Kessler, former head of the Food and Drug Administration, in a letter to Representative DINGELL this past year, stated the following when we talk about reimportation. I quote Dr. David Kessler:

> In my view, the dangers of allowing re-importation of prescription drugs may be even greater today than they were in 1986. For example, with the rise of Internet pharmacies, the opportunities of illicit distribution of adulterated and counterfeit products have grown well beyond those available in prior years. Repealing the prohibition on re-importation of drugs would remove one of the principal statutory tools for dealing with this growing issue.

We know the cost of prescription drugs is a problem. But ultimately you don't want to do anything that jeopardizes the safety of these drugs and ultimately the health and welfare of patients.

Let's turn to Dr. Jane Henney, who is the current Commissioner of the Food and Drug Administration. In front of the Senate appropriations committee March 7 of this year, she said, in expressing severe reservations regarding the importation of drugs:

> The trackability of a drug is more than in question. Where did the bulk product come from? How is it manufactured? You're just putting yourself at increased risk when you don't know all of these things.

Her words—''increased risk.''

It is the risk of this legislation that bothers me in terms of safety for our seniors. The question is whether the FDA is equipped to implement the safety precautions necessary? Right now we are hearing from the leaders they cannot be responsible for the safety and efficacy of reimported pharmaceuticals. Let me point out what is going on today in terms of how effective their inspections are.

Of the 6,030 foreign manufacturers shipping bulk drugs to the United States since 1988, approximately 4,600 were never inspected. When we see people holding up these two bottles and one bottle was reimported from overseas and you are depending on the FDA—which clearly does not have the capability to guarantee the safety of these pills—and then you put that pill in your mouth, I believe, based on at least the leaders at the Food and Drug Administration today and in the past, that pill could very well be unsafe and not only cause severe illness, but even death.

I mentioned the food issue, but as you recall, the Food and Drug Administration is responsible for overseeing the safety of food in this country. In our hearing at the Health, Education, Labor and Pensions Committee last month, some said: We can safely import lettuce from other countries, so why can't we do the same for medicines?

The analogy of lettuce versus medicine is, as a physician, very hard for me. Last year, I joined Senator COLLINS in introducing the Imported Food Safety Improvement Act because of all of the outbreaks of illness associated with imported food products.

We introduced the food safety bill predominantly because of the FDA's own admission—just like I believe the FDA is admitting today in terms of reimportation of drugs—that they cannot insure the complete safety of food coming into this country. If we cannot insure the safety of food coming into this country, as a physician, as someone who has that doctor-patient relationship, who has taken an oath of doing no harm—I cannot promise my patients that the prescription medicines they may be taking are guaranteed to be safe and effective, especially when I have the leadership of the FDA telling me they are ill-equipped and cannot guarantee the drugs have not been altered.

Again, the authors of this legislation basically said it is going to be safe because the FDA can do it. I will take it one step forward and say based on current evidence, I do not believe the FDA can do it.

Former Carter FDA Commissioner Dr. Jere Goyan said it best:

> I respect the motivation of the members of Congress who support this legislation. They are reading, as am I, stories about the high prescription drug prices and people which are unable to pay for the drugs they need. But the solution to this problem lies in better insurance coverage for people who need prescription drugs, not in threatening the quality of medicines for us all.

The underlying amendment, although well-intended, is inadequate in assuring the safety of potential recipients, beneficiaries, and patients who receive pharmaceuticals that have been reimported. Therefore, I will not vote to repeal the important consumer safety legislation that we put in place over 10 years ago without much further investigation to answer that critical question of safety.

Medicines today are affordable when there is coverage for them. I believe we have to do something to help those unfortunate seniors across the country who do not have good prescription drug coverage today.

Senator BREAUX and I have worked aggressively to develop a bipartisan prescription drug coverage plan and have introduced such a plan.

This plan is above politics and it is above partisanship. It is time to take the very best minds, the very best doctors, the very best health care experts, and elected representatives and bring them together to deal with these challenges facing Medicare in offering affordable prescription drug coverage.

The Breaux-Frist 2000 plan, known as the Medicare Prescription Drug and Modernization Act of 2000, takes the necessary first steps to provide universal outpatient prescription drug coverage and strengthen and improve the Medicare program overall. First, it restructures the 1965 model of Medicare by establishing a competitive Medicare agency to oversee competition under Medicare+Choice and the addition of a new drug benefit.

It establishes voluntary universal outpatient prescription drug coverage which I believe is the answer to the cost issue.

It provides comprehensive prescription drug benefits.

It guarantees catastrophic protections so a senior is protected from paying high drug costs out of their own pocket beyond $6,000.

It guarantees price discounts off prescription drugs so seniors never pay retail prices for prescription medicines again.

It guarantees affordable drug coverage by offering all beneficiaries a 25-percent subsidy off their premiums.

It protects low-income beneficiaries by providing beneficiaries with incomes below 150 percent of poverty subsidies for premiums and copayments for prescription drug benefits.

Finally, it improves benefits and health care delivery under Medicare by stabilizing the Medicare+Choice program and introducing much needed reforms.

The Breaux-Frist 2000 bill addresses the cost issue. Reimportation of drugs does not. I urge my colleagues, for the safety of health care and health care delivery today, to defeat the underlying amendment on reimportation of drugs.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. How much time is remaining on this side of the issue?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a very important amendment. There is a lot of sincerity behind it.

I rise today to offer some concerns about the Jeffords-Dorgan Amendment to the Agriculture Appropriations bill and to support the Cochran amendment.

I have many questions about the Jeffords-Dorgan amendment.

Let me make something perfectly clear from the start—I do not question the good intentions of this amendment. I know that my colleague, Senator JEFFORDS, is sincerely seeking to address this difficult matter of high prices for pharmaceuticals in the United States.

As I traveled across my state and around our country this election year, I found that many Utahns and many Americans, particularly our senior citizens, are having difficulty in affording prescription medicines. Some are going across the borders to Canada and Mexico. We have all seen the news broadcasts of those cross-border bus trips to buy the cheaper foreign drugs. And, it may seem obvious, particularly to two Senators who represent States on the Canadian border, that the solution is simply to allow the importation of prescription drugs into our country.

There is something of a cruel dilemma at play here: right at the moment when scientists seem poised to invent an unbelievable new array of diagnostics, therapeutics, and vaccines, many Americans are encountering difficulties in affording these new and sometimes costly medications.

There are many issues at play in this debate.

One issue that policymakers face is to see whether a balance can be constructed whereby we retain the necessary investment to produce the promised wonder cures while at the same time maintain our ability to deliver these new products to the patients at affordable prices.

This is part of what is shaping the debate over the fashioning of a prescription drug benefit for the Medicare program.

This balance between new drugs and affordable drugs is what shaped the debate 16 years ago when the Congress passed the Drug Price Competition and Patent Term Restoration Act of 1984. I am proud to have played a leadership role in this law that helps, according to CBO, consumers save $8 billion to $10 billion annually through the purchase of generic drugs.

But, in our understandable and highly populist zeal to make drugs more accessible, we must not kill the goose that lays the golden eggs. That is to say, we must be able to continue to attract the private sector investment into the biomedical research establishment that has made the American drug development pipeline so promising.

While it is true enough that, at this time, the drug industry is the most profitable sector of the economy, I do not think that success should be a license for us to over-regulate this industry. Sometimes well-intentioned, but ill-advised, governmental policies have hastened the decline of American business to the detriment of American workers and consumers alike.

But, another consideration with respect to the advisability of this amendment is the premium that we place on our citizens receiving safe and effective products, free from adulteration and misbranding.

Dating from the 1906 Pure Food and Drugs Act, through the 1938 Federal Food, Drug and Cosmetic Act, the 1962 efficacy amendments, and the 1988 Prescription Drug Marketing Act, our Nation has devised a more or less closed regulatory system that ensures that drug products will be carefully controlled from the manufacturer to the patient's bedside.

If we are to open up our borders to a new plethora of drug reimports—I am talking about reimports—we need to be absolutely certain that we have not undermined the integrity of this regulatory system by admitting products improperly manufactured, transported, or stored. A pill may look like the real item but not contain the active ingredient in the right concentration, or it may simply not contain the medication at all.

Similarly, we must not allow the American public to fall prey to counterfeit so-called ''gray market'' products. These are products which could be made to look exactly like the real thing and may comply with, or attempt to comply with, the requirements of the actual approved product, but do not comply with the legal requirement of a license from the patent holder—in short, a pirated product.

While there is a clear and obvious health danger in an adulterated, nonconforming pirated product, there is also great detriment to the American public if the unscrupulous are allowed to reimport America's inventions back into America without compensating the inventor. Few will be willing to invest the upfront capital—hundreds of millions of dollars—to develop a drug if another party can make and sell the drug while it is under patent protection.

It takes an average of 15 years and a half a billion dollars to create one of the blockbuster drugs. So we have to be careful. Keep in mind, too, as chairman of the Senate Judiciary Committee, I have a special obligation with respect to our intellectual property laws that we not go down any path that can be seen as inviting the development of a gray market for prescription drugs.

After all, a fake Rolex may be right twice a day, but a bad copy of a good drug can kill you. This is something we have to be more concerned about around here. We can't just do what appears to be good but, in essence, could kill people.

As we move further into the information age, protection of American intellectual property becomes more and more vital to our national interest. For example, if the latest computer software can be taken without proper licensing arrangements, our national leadership in high technology will be threatened.

Where is the pharmaceutical industry in Canada? They have price controls, and nobody is going to invest the money into developing these lifesaving and cost-saving drugs over the long run in those countries with price controls.

We have had many debates over price controls. I remember those days when Senator Pryor and I were on this floor arguing back and forth about price controls. Fortunately, the Senate, in its wisdom, decided not to go for price controls. This is another step toward price controls that will stultify one of the most important industries in America at a time when we just mapped the human genome, and we are at the point where we can actually create more lifesaving drugs—perhaps at even a greater cost but nevertheless at a greater health care cost savings than ever before.

So that is why intellectual property protections are so necessary.

In fact, one of the great accomplishments of the 1995 GATT Treaty was to put intellectual property protection front and center in our trade relationships with the developing world. Many countries are notorious for the lax policing of patent and copyright violations by their citizens.

When the value of American inventions is expropriated, it is American inventors and American consumers who suffer. The United States cannot and

should not allow free riders around the world essentially to force the American public to underwrite a disproportionate amount of the research and development that results in a next generation breakthrough product.

One has only to read a collection of the section 301 reports the Office of the United States Trade Representative to get a feel of just how prevalent such intellectual property theft is worldwide.

I took the time to present this background because I think the Jeffords-Dorgan amendment requires such analysis.

And I will be the first one to admit that the amendment, at first blush, seems quite simple and appealing. What could be the matter with a rule that essentially says drugs obtained from outside the United States at prices lower than U.S. prices can be resold in the U.S., presumably in a manner that places pressure to lower prevailing U.S. prices? Yet, I recall H.L. Mencken's sage observation, ''There is always an easy solution to every human problem neat—plausible, and wrong.''

I, too, join many of my constituents in Utah and others across the country, in questioning why our citizens are paying higher drug prices than those who live in other countries.

And while I recognize that there are complex economic, political, and social factors at play that partially explain why a drug company would charge less for a drug in a destitute region in sub-Saharan Africa, it is more difficult to understand why drug costs less in Tijuana, Mexico, or Alberta, Canada than in San Diego, California. This is a policy I cannot totally defend. And I do think the pharmaceutical companies need to address this more.

But I can say that where nations impose price controls, a flawed economic theory which we have proven does not work in the U.S., there are negative consequences which among other hazards could imperil the flourishing research and development we count on to bring us miracle cures.

I am very apprehensive about government price controls, particularly on our most cutting-edge technologies like pharmaceuticals. Price controls function in an economic environment the way a lid works on a boiling pot. Price controls may temporarily keep prices down, but they are certainly no long term solution to the problem. As soon as the lid comes off, the pot boils over.

And, why not just keep the lid on indefinitely? Because price controls also have a stifling effect on the incentives to conduct research. Without the prospect of recouping a substantial, multimillion dollar investment, there is little reason for pharmaceutical companies to undertake such research on the next breakthrough drugs. It would not take long for our nation's pharmaceutical industry to atrophy.

How can we guarantee that foreign government price controllers will not set an artificially low price on some new Alzheimer's drug? And can we be sure that this won't have the unintended, but real, ripple effect of convincing company officials to forgo research on this new class of drugs for fear that, in conjunction with the new liberal re-import policy, they will not be able to recoup their investment?

I support those who wish to instruct the United States Trade Representative to be even more aggressive in promoting and protecting intellectual property rights in all of our bilateral and multilateral trade negotiations.

It seems to me that rather than importing the effects of foreign price controls back into the U.S., a strong case can be made that we should be using our Trade Representative to attack the foreign price controls that many countries have enacted so that a better balance between U.S. research costs and foreign borne research costs might be achieved. Let's stop the free riders and cheap riders overseas while American citizens are paying the full freight of R&D.

I have to confess that one part of me likes the feature of this amendment that creates the challenge to the entrepreneur of bringing goods sold cheaper abroad back to the United States at presumable savings to U.S. citizens. Yet, the amendment provides no guarantee that those wholesalers and pharmacists importing the products would pass their savings on to the consumer. And so, we could be trading public safety for middleman profits, an outcome not contemplated by proponents of the amendment.

Mr. HATCH. I have debated the issue, as I say, of price controls many times, so I will not spend any more time on the issue of price controls. But it does not make sense. That is what we are headed towards.

The greatest industry in our country, that has the greatest potential to do the greatest amount of good to bring health care costs down in the end—even though it is tremendously expensive to develop these drugs—is going to be flattened by this type of legislation which is well meaning, well intentioned, and absolutely destructive to our innovative industries in this particular country.

We have to find a way around this drug price problem in this country without creating a gray market in these particular goods and services. There has not been 1 day of hearings on this particular language. How can we guarantee that foreign government price controllers will not set an artificially low price on some new Alzheimer's drug? And can we be sure this will not have the unintended but real, ripple effect of convincing company officials to forgo research——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent to take 1 additional minute, with an additional minute given to the other side.

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

Mr. HATCH. Can we be sure this will not have the unintended, but real, ripple effect of convincing company officials to forego research on this new class of drugs for fear that, in conjunction with the new liberal reimport policy, they will not be able to recoup their investment?

Let us hope that the future does not come down to a choice between two lousy alternatives, what economists call a Hobson's Choice: great drugs that are not widely affordable or potentially great drugs abandoned due to minimal projected revenues.

And I can tell you given my work in the area of the AIDS epidemic, as between expensive drugs and no drugs, expensive drugs is a better problem to have.

My conservative instincts are always against government price controls, and I don't think that this principle should be limited to U.S. government price controls if a by-product of this well-intentioned re-import bill is to import some other government's price controls into U.S. market dynamics.

Frankly, this does not seem the type of far reaching legislation that we should rush into without pausing to try to think through all of its ramifications.

It just seems to me that if there are areas where governments world-wide must tread carefully in enacting legislation, if indeed they must tread at all, it is in areas like biotechnology.

It is clear from absolutely stunning developments like the early completion of the mapping of the human genome that there is an incredible synergy taking place between information technology and biotechnology. The high-speed sequencing machines that mapped the genetic code and almost instantaneously made this information available on the Internet represent this confluence of technology.

In our valid and justified quest to help make drugs more affordable to the American public, we should be mindful not to unwittingly retard the development of the next generation of innovation.

Having described the general angst I feel in relation to the possible effect that this legislation may have on the pace of and investment in pharmaceutical research and development as well as challenges it will create in terms of respect for intellectual property rights, I want to focus next on the important concerns that I have about the public safety aspects of the amendment.

I want to commend Senators JEFFORDS and DORGAN for perfecting some of the gaps and shortcomings related to drug safety contained in the House-passed legislation.

But let me say that, as Chairman of the Committee with jurisdiction over the Controlled Substances Act, I am not convinced that the American public is adequately protected by this amendment.

Now, I know that drafting and redrafting is an unglamourous part of the legislative process and that you and your staffs, and if the reports are correct many in the Administration, have been working hard to refine this amendment.

But let's be fair, legislating on an appropriations bill is not the optimum way to change some central provisions of the Food, Drug and Cosmetic Act.

I was involved in redrafting the Import and Export Chapter of the Food, Drug and Cosmetic Act both in 1986 and in 1996.

While I recognize the HELP Committee had a hearing yesterday, I think that everyone would agree with me that it is helpful to have a legislative hearing on legislation when the ink is at least dry.

I would like to see what the FDA, the DEA, General McCaffrey and the Patent and Trademark Office have to say about the bill when they have had time to give thoughtful consideration to a sufficiently finalized draft.

While it is true that the bill is drafted generally to the FDC Act, it will be particularly important to see how this liberalized re-import may affect controlled substances. Can't we take the time to hear from the Drug Enforcement Administration?

Also, I don't know if this is the case, but I have heard second hand reports that the White House has more or less limited FDA to a ''let's make the best of this'' role and is not encouraging the agency to look at this bill more globally.

Also, I cannot help but note that in the latest draft that I have seen, the language covers only drug products and not biologics, which are in the vast majority of cases perceived and used by consumers as drugs in the non-legalistic definition.

And since it is also the case that many times it is precisely these new generation biologics that are the most costly on the market, the question must be asked why Americans should not get the advantage of lower priced biologics as well as drugs?

Frankly, it is evident that each successive draft attempts to address the many shortcomings with respect to assuring the American public that the imported drugs are the safe and effective and unadulterated.

Clearly, this drafting would be better served if it were down in the public forum of a mark-up.

I just don't think that we know enough about this language to be reasonably certain that we could be sowing the seeds of a future tragedy but I certainly don't want to take that chance. I worry that a day will come when either a under-potent or over-potent batch of imported drugs will leave a trail of avoidable carnage.

Yes, we can have certifications and regulations and foreign inspections and every other thing you can think of, but the fact remains we are opening a door that Congress carefully closed in 1988 when it enacted the Prescription Drug Marketing Act. The history of this bill is that it was enacted after a series of serious adverse events due to improperly stored, handled, and transported imported drugs. It also addressed the issue of the import of counterfeit and unapproved drugs such as the presence of counterfeit antibiotics and contraceptives.

These were serious threats to public health and safety. These incidents were the subject of extensive hearings of the House Energy and Commerce Committee. These incidents were the impetus of the 1988 legislation that this amendment would unravel.

Look, I know that there is a certain attractiveness to accept this amendment and that some members may be inclined to vote for this measure with the expectation that the language, which is still in flux, will be cleaned up in Conference.

But I am concerned that opening up this import loophole is either fixable or will do more good than harm.

As interested parties study this measure, objections are beginning to be registered. And they are not only from the big drug companies who are the true, and, to some extent, justified target of this provision.

I am mindful that a similar provision passed the House by a wide margin. But one vote that this legislation did not get was of that the Dean of the House, Representative JOHN DINGELL of Michigan.

Now you would think that if ever there was a group that stood to benefit from legislation it would be the wholesale druggists because they are the natural middlemen in the new, liberalized import system. Instead they call the amendment ''unworkable'' because ''(w)wholesalers do not have the expertise, equipment or personnel to undertake such complicated tasks''.

I will say in public right now that I fully expect that the DEA, FBI, and other components of DOJ will weigh in when this correspondence is answered.

I am particularly interested in learning from the DEA and FBI to what extent importation of counterfeit and adulterated controlled substances is a current problem and to what extent, if any, this legislation, would likely affect the current state of affairs?

But before my colleagues vote on this measure I would ask each of you to review the Dingell correspondence together with any response from the administration. Here are some of the questions that were included in Congressman DINGELL's letter to FDA:

1. Please provide a detailed analysis on how (H.R. 4461 and H.R. 3240) would affect FDA's present operations regarding efforts to prevent misbranded or potentially dangerous drugs from entering the U.S. Specifically, please provide: (a) a description of how the present system now used by FDA works; (b) what the present system is intended to accomplish; and (c) what changes would be required (and the potential effects of those changes) if this legislation passes in its present form.

Please include a discussion of how these amendments would affect the activities of other agencies, such as the U.S. Customs Service, with responsibilities for assuring the safety of imported prescription drugs.

2. Please determine if either of these amendments would have any effect on FDA's ability to enforce good manufacturing practices (GMPs) in any foreign firms that ship drugs to the U.S. If so, please explain any potential effect on consumer health and safety.

3. Please provide a full description regarding what a ''warning letter'' is and how it is typically used by the FDA. Please compare this with correspondence that is sent by Customs.

4. It appears that these amendments would directly affect the ability of FDA to send warning letters to consumers that purchase drugs over the Internet. As you know, some web sites appear to be covertly linked to foreign drug suppliers. When a consumer orders from such a site, it is not always obvious that they are dealing with an offshore supplier, and thus a potentially non-FDA approved facility. Often, warning letters may be the only indication that the Internet-ordered drugs originated from a foreign (and potentially dubious) source. Please indicate how this legislation could affect FDA's ability to protect consumers who purchased drugs in this way.

5. Please detail any other potential effects this legislation could have on FDA's ability to protect consumers from potentially dangerous drugs that originate aboard.

6. Finally, please provide technical assistance in the form of specific suggestions for legislative or regulatory changes that would be needed in order to facilitate the safe importation of prescription drugs by individuals, wholesalers, or retailers.

Only if you are convinced that FDA has the resources and international presence to enforce the myriad of new regulations and procedures required by the amendment should you vote for this measure.

Ask yourself how confident you are that more word-smithing during a closed conference committee meeting is likely to prevent one or more of your constituents from being seriously injured down the road by unsafe drug products brought into the U.S. as a result of this amendment?

Do we really want to turn back the clock and essentially re-open a dangerous door that was closed by the Prescription Drug Marketing Act of 1988?

Why the rush to open a potential Pandora's box of public health problems?

I hope that this well-intentioned amendment, offered by two highly-respected co-sponsors, does not place Congress and the public in the position of the old adage, those who do not understand the past are doomed to repeat it.

I respect the men and good intentions behind this amendment.

We all want to increase access to pharmaceuticals for all Americans. I do not think that the benefits of the Jeffords-Dorgan amendment outweigh its downsides, and that is why I am supportive of the alternative offered by the Senator from Mississippi.

I have to say, when this debate happened in the House, my dear friend, Congressman JOHN DINGELL, who has

played a tremendous role in health care all these years I have been in the Congress, stood up and argued against this. He lost in the House, but he should have won.

During the House debate, Congressman DINGELL said the following, ''We now find ourselves in the regrettable position of confronting the possibility that the easing of the law with regard to food and drug and cosmetics, which is going to be done here under this legislation, will in fact reduce the safety of the American consuming public.''

Mr. DINGELL was Chairman of the House Energy and Commerce Committee when the PDMA passed in 1988. He was a key mover and shaker behind the bill. As the bill was being developed the Energy and Commerce Committee issued a report that concluded that ''the very existence of a market for reimported goods provides the perfect cover for foreign counterfeits.''

Mr. President, I ask unanimous consent that his letter be printed in the RECORD, as well as the National Wholesale Druggists' Association letter, where they beg us not to pass this type of legislation because of the harm it could cause to the American public and to the American consumer.

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

JULY 14, 2000.

Hon. JANE E. HENNEY, M.D.,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. HENNEY: Recently, the House of Representatives adopted two amendments, one by Rep. Crowley (D-NY) and one by Rep. Coburn (R-OK), to the Agricultural Appropriations bill which could have a profound effect on how the Food and Drug Administration (FDA) protects consumers from imported prescription drugs of uncertain safety and effectiveness. I am concerned that these amendments could seriously undermine the Prescription Drug Marketing Act (PDMA), and thus adversely affect public health.

During the 1980's, the House Energy and Commerce Committee conducted a lengthy investigation into the foreign drug market that ultimately led to enactment of the PDMA. That investigation discovered a potentially dangerous diversion market that prevented effective control over the true sources of merchandise in a significant number of cases. The integrity of the distribution system was found to be insufficient to prevent the introduction and eventual retail sale of substandard, ineffective, or even counterfeit pharmaceuticals. As the resulting Committee report stated, ''pharmaceuticals which have been mislabeled, misbranded, improperly stored or shipped, have exceeded their expiration dates, or are bald counterfeits, are injected into the national distribution system for ultimate sale to consumers.''

The PDMA was designed to restore the integrity and control over the pharmaceutical market necessary to eliminate both the actual and potential health and safety problems before injury to the consumer could occur. Again, the Committee report was clear on why the PDMA was needed: ''[R]eimported pharmaceuticals threaten the public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.''

Alarmingly, I find little now that suggests that the problem with misbranded, adulterated, or even counterfeit foreign drugs has been solved. I reiterated these concerns with respect to the Crowley and Coburn amendments (see enclosed remarks). In fact, the evidence suggests the problem is getting worse. I am concerned that in our haste to find a way to bring cheaper drugs to seniors and other needy Americans—a clearly important and laudable goal—we risk making changes to key health and safety laws we may later regret. I am thus requesting that you quickly provide me with the following information:

(1) Please provide a detailed analysis on how (H.R. 4461 and H.R. 3240) would affect FDA's present operations regarding efforts to prevent misbranded or potentially dangerous drugs from entering the U.S. Specially, please provide: (a) a description of how the present system now used by FDA works; (b) what the present system is intended to accomplish; and (c) what changes would be required (and the potential effects of those changes) if this legislation passes in its present form.

Please include a discussion of how these amendments would affects take activities of other agencies, such as the U.S. Customs Service, with responsibilities for assuring the safety of imported prescription drugs.

(2) Please determine if either of these amendments would have any effect on FDA's ability to enforce good manufacturing practices (GMPs) in any foreign firms that ship drugs to the U.S. If so, please explain any potential effect on consumer health and safety.

(3) Please provide a full description regarding what a ''warning letter'' is and how it is typically used by the FDA. Please compare this with correspondence that is sent by Customs.

(4) It appears that these amendments would directly affect the ability of FDA to send warning letters to consumers that purchase drugs over the Internet. As you know, some web sites appear to be covertly linked to foreign drug suppliers. When a consumer orders from such a site, it is not always obvious that they are dealing with an offshore supplier, and thus a potentially non-FDA approved facility. Often, warning letters may be the only indication that the Internet-ordered drugs originated from a foreign (and potentially dubious) source. Please indicate how this legislation could affect FDA's ability to protect consumers who purchased drugs in this way.

(5) Please detail any other potential effects this legislation could have on FDA's ability to protect consumers from potentially dangerous drugs that originate abroad.

(6) Finally, please provide technical assistance in the form of specific suggestions for legislative or regulatory changes that would be needed in order to facilitate the safe importation of prescription drugs by individuals, wholesalers, or retailers.

I would appreciate a full response to this letter by Friday, July 28, 2000. Please do not delay.

Sincerely,

JOHN D. DINGELL,
Ranking Member.

NATIONAL WHOLESALE DRUGGISTS' ASSOCIATION,
Reston, VA, July 18, 2000.

DEAR SENATOR: I am writing on behalf of the National Wholesale Druggists' Association (NWDA) to request that you oppose the pharmaceutical importation amendment Senator Jeffords is expected to offer to the Fiscal Year 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

NWDA is the national trade association representing distributors of pharmaceuticals and health care products. NWDA active members operate over 200 distribution centers throughout the country, distributing over $77 billion in these products to every state, the District of Columbia and U.S. territories.

From NWDA's perspective, the Jeffords' amendment is unworkable. It would require wholesalers to statistically sample the products, test them for authenticity, develop extensive record keeping and documentation and relabel products from the country of origin to U.S./FDA approved labels. In their new role, wholesalers would also now likely have to also prepare professional package inserts to accompany each bottle or vial. These new requirements may reclassify ''wholesalers'' as ''relabelers'' and/or ''repackagers,'' which, under FDA regulations, would trigger different and significant additional regulatory requirements. I am not aware of any wholesalers who have these capabilities and I strongly doubt that they would undertake them due to the considerable expense.

Wholesalers do not have the experience, equipment or personnel to undertake such complicated tasks. Our expertise is in distributing pharmaceuticals in an efficient, timely and cost-effective manner on a daily basis. An ''average'' NWDA-wholesaler purchases product from over 900 different manufacturers, stores over 25,000 different health care items at any one time and distributes them to its hundreds of customers, including independent pharmacies, chain drug stores, hospitals, HMO's, integrated health systems, clinics, home health providers, physicians and government sites.

The measure also imposes numerous new reporting requirements on wholesalers. While it is questionable if these reports actually will help to ensure the health and safety of Americans, they will be very burdensome and costly for the wholesalers who must compile and maintain them. Furthermore, as a result of the testing and reporting requirements, lability exposure for the wholesaler is increased dramatically. All of these new requirements and liabilities will, in our opinion, add significant costs to imported products.

NWDA-wholesaler members have a razor thin net profit margin of just 0.62%. Operating in a highly competitive marketplace, wholesale drug distributors have passed these savings from lower operating costs through to our customers. All of these additional responsibilities, regulatory burdens and liability exposure will, in our opinion, ultimately be passed along to consumers. Wholesalers simply do not have the margins to absorb these types of added costs. Indeed, the financial viability of some wholesalers could be jeopardized if the Jeffords measure were to be enacted.

In closing, NWDA, as indicated in previous communications, is concerned about the potential threat to the public health posed by the importation of products that have been produced, stored and/or handled in a manner that is inconsistent with U.S. quality standards. Notwithstanding the language in the amendment relating to documentation, the Jeffords amendment does not ensure the safety and integrity of imported prescription drugs. However, NWDA stands ready to work with Senator Jeffords and others to devise an approach that will ensure the safety and integrity of pharmaceutical products as well as provide access to them for all Americans.

If you have any questions, please do not hesitate to contact me or have your staff

contract Robert Falb, NWDA Director of Congressional Affairs, at 703–787–0020 or rfalb@nwda.org.

Sincerely,

RONALD J. STRECK,
President & CEO.

Mr. HATCH. Given the reported White House activity on this bill, I would not be surprised that FDA will quickly respond to and brush aside the questions this letter raises.

Mr. President, in sum, we are in danger of losing a tremendously innovative and effective and productive industry that has made the American Nation the leader in health care throughout the world.

I think this type of an amendment will undermine everything we have decided to do all these years, that has really benefited the whole world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I point out, we held a hearing on this yesterday. I wanted to correct my good chairman on that.

I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I very much appreciate the courtesy of my friend from Vermont because I rise to support the views of my friend from Utah, who spoke so carefully about the matter of price controls.

Sir, I do not expect to have any considerable influence on what we do today. But I would like, in a very short order, to try to put what we are doing in a perspective.

This began, for me, during the period of the Finance Committee hearings on the health care legislation submitted to us by the administration in 1993.

At one hearing, a professor, Charles Fahey, of Fordham University, speaking for the Catholic Health Association, said: What we are witnessing in the country is the commodification of medicine.

And down the table, the head of the UCLA hospital said: Can I give you an example? In Southern California, we now have a spot market for bone marrow transplants.

This thought stayed with me, that market forces were beginning to shape decisions in health matters as they had not done before.

It was particularly poignant that the first institutions that would have trouble in this new situation would be the medical schools and the teaching hospitals, which, as economists say, are public goods. Everybody benefits from public goods so no one has an incentive to pay for it—and we are seeing this all over the country in a short 6 years.

Now, today, we are seeing another phenomenon of a market that comes into being as railroads did, as oil refineries did, oil producers, as has been going on through the history of free markets and free enterprise, which is price controls. There is something about our political systems in the West that responds to the creation of new markets and the seeming rise in prices in those markets—when, in fact, quality rises—that says perhaps we could control this by controlling the price.

It always fails, Mr. President. It is the one thing you can say with a large degree of confidence that in the 20th century this effort always fails. Sometimes it fails by producing black markets where the laws are not obeyed; others by simply depressing the quality of the products in the market. That is what we have to watch for here in the main.

We are dealing with thoroughly responsible organizations. The Pfizer Corporation, from my city of New York, began work in Brooklyn in 1849, developed the first treatment for parasitic worms in the mid-19th century when that was a rampant endemic disease. It has since gone on to do other extraordinary things. It was the first major producer of penicillin in the United States, which was a drug of such enormous consequence in the Second World War, the first time we were able to destroy one cell in a body without destroying others.

Today Pfizer has 12,000 researchers with a budget of $4.7 billion, larger than the budget of the National Science Foundation. I say, sir, impose price controls, which always seems like a good idea at the time, and in a short order there will be no such budget. A period of enormous innovation, very recent in the history of medicine, will come to a close.

I see my time has come to a close. I ask unanimous consent to print in the RECORD the paper I gave at the 42nd annual Cartwright Lecture as reprinted in ''Academic Medicine,'' the journal of the Association of American Medical Colleges.

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

[Reprinted from Academic Medicine, 1998 by the Association of American Medical Colleges]

ON THE COMMODIFICATION OF MEDICINE

(By Daniel Patrick Moynihan)

ABSTRACT

The author reviews key themes of medicine and medical education in the 20th century, such as the revolution in therapies and the consequent and continuing changes in the economies of health care; workforce issues, including the controversy over the optimum number of residency slots; and the impact of managed care on teaching hospitals and medical schools. This impact is part of ''the commodification of health care,'' in which health care is beginning to be bought and sold in a market, where prices determine outcomes, and where the not-for-profit, service orientation of health care providers is threatened.

He discusses in detail the pressures this new health care environment places on medical schools and teaching hospitals, and recounts the first Senate Finance Committee hearing in April 1994 on the subject of academic health centers under health care reform. Soon after, the Committee approved legislation to create the Graduate Medical Education and Academic Health Center Trust Fund, to be financed by a 1.5% tax on private health care premiums in addition to Medicare Graduate Medical Education payments. The provision was later dropped from a similar bill that came before the full Senate, but has since been introduced as the Medical Education Trust Fund Act of 1997.

The author concludes by cautioning that matters will grow more difficult in the near future, since the threats to academic medicine's institutions have not yet become part of the national political agenda.

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I must begin by expressing great gratitude to the Dean's Advisory Committee on Honors and Awards for inviting me to be the recipient of the 1997 Cartwright Prize. I will not, however, dissemble my anxiety at being, evidently, the first lay person to receive this prize in its 116-year history. I take comfort in one respect only, which is that I propose to address the same subject, the condition of our medical schools, that Abraham Flexner addressed in 1910, and whilst a historic figure of the first order, Flexner, too, was a layman!

He was, of course, concerned with quality. Yet the text of his celebrated Report to the Carnegie Foundation for the Advancement of Teaching is filled with financial details and economic terms:

''In the entire United States there is already on the average one doctor for every 568 persons . . . in our large cities there is frequently one doctor for every 400 or less.

''Over-production is stamped on the face of these facts.

''A century of reckless over-production of cheap doctors has resulted in general overcrowding.''

Flexner's view was that there were then too many inadequate medical schools producing too many inadequate doctors. He would raise quality by reducing the number of institutions and increasing the quality of the graduates. He had his way.

In 1910, the year of his report, there were 155 medical schools in the United States. By 1932, there were 76, with but a single addition by 1950. In 1910, there were 4,400 medical graduates in a population of 92.2 million, or 4.8 graduates for every 100,000 people. In 1996, there were 15,907 medical graduates in a population of 268.6 million, or 5.9 graduates for every 100,000 people.

I risk speaking beyond my knowledge, but it appears to me that we can see in all this a combination of disinterested behavior not without a trace of self-protection. At the time, all manner of folk were becoming ''professional.'' Lawyers and accountants and engineers, and, heaven forbid, professors of government. Gatekeepers were put in place and access was restricted. The public got the benefits of quality; the professions of, well oligopoly.

It is striking how echoes of this early debate could be heard in the course of the debate over President Clinton's 1993 health care proposal, an exchange which, of course, continues.

The new administration had announced its intention to send Congress a bill that would establish universal health care. The work of drafting the legislation was assigned to a group of some 500 persons. By the time the first session of the 103rd Congress was coming to a close, we still had not received a bill. On November 23, the day before we ''went out,'' as our phrase has it, I finally was able as chairman of the Senate Finance Committee to introduce, ''on request,'' a 1,362 page bill. I suspected it was not quite complete—it was not—but it saved the honor of the task force to have got its work done in one year.

Not incidentally, introducing the bill finally focused my mind. It was time surely

that I got some rudimentary education on this subject. Accordingly, I asked Paul A. Marks of Memorial Sloan—Kettering if he would put on a seminar for me. Just basics. We met in their lovely Laurance S. Rockefeller Board Room at 10 a.m. on the morning of Wednesday, January 19, 1994. At about 10:20 a.m. my education commenced. One of my tutors—a dean of great distinction—remarked that the University of Minnesota might have to close its medical school.

Hold it! Minnesota is where all the Scandinavians went. They don't close medical schools in Minnesota; they open medical schools in Minnesota. This is true, surely, of our whole northern tier of states. It happens I take some pride in having demonstrated in 1992 that while the correlation between per-pupil expenditure on education and average score on the national eighth-grade math exam was a derisory .203, the strongest correlation, a negative .522, was the distance of a state capital from the Canadian border. In the place of all the nostrums being bandied about concerning national education policy, I proposed a simple one-step program: move states closer to Canada. I would tend to assume that some similar relationship obtains as regards health care, and so was the more shocked at the idea of a medical school being closed in Minnesota.

On further enquiry, one learned that, being progressive folk, Minnesotans had been joining health maintenance organizations. HMOs, as we would learn to call them. Paul Ellwood had been trying to tell us this. Being cost-conscious, HMOs do not readily send patients to teaching hospitals; lacking patients, teaching hospitals falter; lacking teaching hospitals, medical schools close.

Clearly, we were in a new age of medicine that had come upon us suddenly. In a wonderful brief essay written in 1984, Lewis Thomas described ''medicine's second revolution.'' The first revolution began with 2nd century A.D. Galen, a Greek physician practicing in Rome who introduced bleeding and blistering, mercury and the like. Also anatomy.

This first revolution persisted—witness the passing of our first president—into the early 19th century, when ''serious questions were raised about this kind of therapy.'' Slowly, but successfully, doctors learned Hippocrates' injunction, primum non nocere. Thomas described a celebrated Victorian painting, The Doctor:

''The picture . . . illustrates what used to be the popular conception of medicine and is, to this day, a romantic version of the way the profession likes to view itself. The scene is a Victorian living room where a young child, stricken by an unspecified mortal illness, lies in a makeshift bed; at her side sits the elderly doctor in an attitude combining, all at once, concern, compassion, intelligence, understanding, and command. He is the painting's centerpiece. The child's parents are in the background, the father looking at the doctor with an expression of total trust.

''The doctor in the painting is engaged in what was, for that period in medicine, the only course available at this stage of serious illness: He is monitoring the patient. He has already, presumably, arrived at the diagnosis. He knows the name of the child's illness, he has a solid working knowledge of the pathology, and from his lifetime of professional experience he is able to predict how the disease will run its course and what will happen at the end. He has explained all this to the parents in language that they can understand, and now, at the moment of the picture, he is engaged in the ancient art of medicine. This means, at its essence, that he is there contributing his presence, providing whatever he can in the way of hope and understanding.

''The illusion of the scene is that he is in control of the situation. He is not, of course. Beyond taking the pulse, examining the tongue, listening to the chest, palpating the abdomen, and making sure that what was then regarded as good nursing care is available, there is nothing whatever that he can do to alter the course of the illness or affect its outcome.''

Thomas records that ''this was the kind of medicine I was taught in Boston 50 years ago, which would have been 1934. (When, come to think, we were treating our president for poliomyelitis by seating him in what Gibbon called ''medicinal waters,'' writing of the therapies of Rome in the Age of Caracalla.) He recalls that the terms medical science and medical research were not much used and the term bio-medical, implying that ''medicine and biology were all of a piece,'' was not yet invented. Then this: ''As I recall, 50 years ago we believed that medicine had just about come its full distance.

Before that decade of the 1930s wound out, antibiotics made their appearance in medical practice and everything changed. Changed utterly. To cite Thomas a last time, ''The news that infectious bacteria could be killed off without harm to the cells of the host came as an astonishment to physicians everywhere. American medicine took off.

The transformation of medical science brought profound changes in the economics of medicine. We would associate this with Say's law, the work of the early-19th-century French economist who reached ''a conclusion that may at first sight seem paradoxical, namely, that it is production which opens a demand for products.'' Supply creates its own demand. Say's law began to take hold in medicine. As the supply of efficacious treatments grew, demand grew. In 1929, real per-capita national health expenditures (1996 dollars) were below $300. By 1989, they exceeded $3,000—a ten-fold increase. In 1940, 4.0% of the Gross Domestic Product went to the health care sector. In 1960, 5.1%. But now the trend took hold. The proportion had more than doubled by 1991, when Richard Darman, Director of the Office of Management and Budget, presented this testimony before the Senate Committee on Finance:

''Total public and private health spending is on a growth path that would take over the Gross National Product—if that were not a practical impossibility. Total health spending has grown from less than 6% of GNP three decades ago to about 12% today. It is currently projected to reach 17% by the year 2000 and 37% of GNP by 2030. [Emphasis in original.]''

In Washington, where health care costs were now assuming an ever-larger portion of the federal budget owing to programs such as Medicare and Medicaid, begun in 1965, the issue was increasingly seen in budgetary terms. This was a profound shift. I was a witness to and something of a participant in the development of the Medicare and Medicaid legislation. Money was the least of our concerns. We had the money. Health care was what we cared about. The venerable Robert J. Myers, who was actuary to the House Committee on Ways and Means at that time, has recently reviewed our subsequent experience. In 1965, it was estimated that the outgo for the hospital insurance (HI) portion of Medicare by 1990 would be $9 billion. As it turned out, the actual figure was $66.9 billion. Thus, he writes, ''the actual HI experience was 639% above the estimate.'' Myers notes that in the interval the program was continually expanded in one way or another such that the comparison is not entirely valid. No matter, the issue succumbed to a fair amount of alarm given what, in Myers's words, ''at first glance . . . seems to be a horrendous variation.'' Political attention turned to the issue of demand.

This was a central theme of President Clinton's 1993 health care proposal. One issue identified was what economist Alain Enthoven had earlier called the question of ''physician oversupply.'' Writing in the Journal of the American Medical Association in 1994, Richard A. Cooper of the Medical College of Wisconsin would state that a ''consensus'' had developed that there needed to be a ''better balance'' in the proportion of primary care physicians to specialists. He was careful, however, to note that where the one was determined by demography, ''the driving force behind much of specialty medicine was science.''

This was not a matter of concern to the Clinton task force. Working in secret, an abomination where science is concerned and no less an offense to democratic governance, the task force came up with this formulation:

''Problem: An increasingly overabundant number of medical graduates are entering specialty fields instead of primary care fields (family practice, general pediatrics, general internal medicine).

''Provide [by Federal law] that at least 50 percent of residency graduates enter primary care practice.

''*Limit Federal funding for first-year residency positions to no more than 110 percent of the size of the graduating class of U.S. medical schools. This would further support the action to limit specialty residency positions.* [Emphasis in original.]''

As I have described elsewhere, a dissenting paper dated April 26, 1993, by ''Workgroup 12'' of ''Tollgate 5,'' [sic] written by a physician in the Veterans' Administration, began:

''FOR OFFICIAL USE ONLY

''Subject: Proposal to cap the total number of graduate physician (resident) entry (PGY–1) training positions in the U.S.A. To 110 percent of the annual number of graduates of U.S. medical schools.

''Issue: Although this proposal has been presented in toll-gate documents as the position of Group 12, it is not supported by the majority of the members of Group 12 (listed below).

''REASONS NOT TO CAP THE TOTAL NUMBER OF U.S. RESIDENCY TRAINING POSITIONS FOR PHYSICIAN GRADUATES.

''1. This proposal has been advanced by several Commissions within the last two years as a measure to control the costs of health care. While ostensibly advanced as a man-power policy, its rationale lies in economic policy. Its advocates believe that each physician in America represents a cost center. he not only receives a high personal salary, but is able to generate health care costs by ordering tests, admitting patients to hospitals and performing technical procedures. This thesis may be summarized as: TO CONTROL COSTS. CONTROL THE NUMBER OF PHYSICIANS.''

It went on the state that the proposal would require ''a vast regulatory apparatus.'' Then this:

''13. To end on a philosophic note, when the proposal to cap training slots was presented to the presidents of the major U.S. universities last weekend, they were incredulous that the U.S. government would advance as sound social policy a proposal to limit access to one of the three learned professions with its millennial history of achieving social good. They further recognized that in America open access to careers in these professions has been a traditional path for immigrant social mobility.''

Leaving aside the politically correct last sentence—No White Protestants Need Apply—this was surely an honorable response. The university presidents were right to have been incredulous at this proposal. It

was, in the words of Walter Reich, a proposal for the ''deliberate dumbing down of medicine.'' And yet, it was all kept too much in the family. The administration hardly drew attention to it. A 136-page White House publication on the health care plan had 11 lines on the subject of ''Doctors in the United States: An Unhealthy Mix.'' The press scarcely mentioned the matter, even here in New York where the 110% limit on residencies would have nearly eliminated foreign medical graduates in our hospitals, with the real possibility of many having to close. (The number of residency slots has for some years now been at about 135% of the number of graduates of American medical schools. Imposing a 110% cap would have resulted in a reduction of almost a fifth in the number of residencies nationwide. In that almost half the medical residents in New York City are graduates of foreign medical schools, it would have been very difficult to staff the city's hospitals if such a supply constraint had become law.)

Nor did the workforce issue emerge in the House and Senate hearings on the health care legislation. However, early on the Finance Committee began to sense that the notion of uncontrollable costs was open to question. Indeed, the interval between 1993, when the administration health care plan was proposed, and 1994, when it failed in the Congress, was something of a break point. Average health insurance costs for large employers, including government, declined from $4,117 in 1993 to $4,040 in 1994. (They have since more or less stabilized.) Something was going on, and in the Finance Committee, at least, we began to sense what could only be described as market forces. This sense, at least for this Senator, was of a sudden brought into focus on April 26, 1994, when Monsignor Charles J. Fahey of Fordham University, testifying on behalf of the Catholic Health Association of the United States, said that what we were seeing was the ''commodification of health care.'' Which is to say that health care was beginning to be bought and sold in a market, where prices would determine outcomes. This was not a development Fahey found altogether congenial.

''We want to alert the committee that the not-for-profit mission in health care is being seriously threatened by the increasing commercial environment in which we find ourselves operating; a real commodification of health care, if you will.''

Still, as we pursued the matter, it became ever more clear that something such was happening.

Again, Paul Ellwood did his best to tell us this. At a March 1, 1994, hearing in the Finance Committee, he was asked about projections that health care spending would reach 20% of GDP by the year 2000.

''Dr. ELLWOOD. The problem with building these models that project costs is, if you are going to go with a model, the more compulsory, the more intrusive the system of determining what the numbers are in there, supposedly the more accurate they are.

''What we are having to do here is speculate about how consumers will behave if they are faced with lower-cost health plans versus how providers will behave if there is a ceiling on it.

''My feeling is—I may come to regret saying things like this—we are never going to hit 20%.

''Senator PACKWOOD. That we are going to get what?

''Dr. ELLWOOD. We are never going to hit 20% of the GDP.

''The CHAIRMAN. Write that down. Everybody take notes.''

What Mr. Darman had described—37% of GNP by the year 2030—was an unsustainable trend. It is years now since Herbert Stein, Chairman of the Council of Economic Advisers under President Nixon, offered the epiphanic observation that ''an unsustainable trend cannot be sustained.'' We should have known, and began to sense.

Here are the numbers. In 1993, health care absorbed 13.6% of GDP. The administration projected that without reform, the proportion would rise to 18.9% by the year 2000. (Pretty much along the Darman trend line.) With reform—1,362 pages of it—we could hope for 17.3% of GDP by said year 2000. For what it is worth, the Congressional Budget Office now projects that by the year 2000 health care costs will be 14.3%. As they would say in the age of Thomist medicine, the crisis has passed.

But another crisis awaited. That of medical schools and teaching hospitals. Slowly, beginning with Fahey's testimony, the connection emerged. And it has been all over the press ever since, if one reads the headlines with this in mind. Here is a sample from the superb reporting of Milt Freudenheim in The New York Times:

''HOSPITALS ARE TEMPTED BUT WARY AS FOR-PROFIT CHAINS WOO THEM

''Richard Scott has made deals to take over 137 hospitals in the last year, and he wants more. Now, his Columbia—HCA Healthcare Corporation has its eye on some Catholic hospitals in Chicago.

''Stay away, says Joseph Cardinal Bernardin of Chicago, one of the most powerful clerics in the nation. The Roman Catholic Church has an obligation to poor people and to the Catholic way of health care, the Cardinal recently warned the 20 hospitals in his archdiocese, and selling to a for-profit chain would be a betrayal. He reminded them that the archdiocese could withdraw its recognition of any hospital defying him.''

For Catholics, of course, read Jewish, Presbyterian, Methodist, what you will. Hospitals once were charities.

''BIG HOSPITAL CHAIN MAKES A BID TO BUY BLUE CROSS OF OHIO

''The nation's largest for-profit hospital chain agreed yesterday to buy the main business of Blue Cross and Blue Shield of Ohio, raising concerns among consumers, employers and providers of health care about the enormous influence that such a combination could exert.

''The $229.5 million purchase by the Columbia—HCA Healthcare Corporation would be the first acquisition of a Blue Cross company by a for-profit hospital chain. If approved by state regulators and the national Blue Cross and Blue Shield association, the takeover could open the door for similar deals by a number of nonprofit Blue Cross plans that are struggling to stay in business.''

Recall that Blue Cross began as a not-for-profit cooperative, an idea much associated with resisting market forces.

A recent lead story of the Business Day section of The Times, by David J. Morrow, began:

''WARNER—LAMBERT SHARES PLUNGE ON GLAXO MOVE

''Shares of the Warner-Lambert Company plunged 18.5% yesterday after Glaxo Wellcome P.L.C. halted British sales of Warner-Lambert's diabetes drug, troglitazone [trade name Rezulin]. . . .

''By day's end, Warner-Lambert's shares had dropped $25.875 each, to $114, with 9.9 million shares traded, the second most active of the day on the New York Stock Exchange. The setback shaved $7 billion off the Morris Plains, N.J., company's market value, prompting analysts at Bear, Stearns & Company to adjust their earnings estimates and Morgan Stanley to lower its rating of Warner-Lambert before noon. At one point, Warner-Lambert's stock tumbled to $112, its lowest point since June 20. . . .

Developed by the Sankyo Company Ltd. in Japan, Rezulin was initially heralded as a wonder drug for type-2 diabetes, a chronic disease that affects about 135 million people world-wide. According to Warner-Lambert data, Rezulin reduces or eliminates the daily use of insulin, which has been the predominant treatment for diabetes. Unlike insulin, administered by injection, Rezulin is taken in tablets.''

There was a time, surely, when the advent of a new ''wonder drug'' would have been approached in terms of health care. Now it becomes an affair of share prices.

But now to our main story. This, once again, by Mr. Freudenheim of The Times, on May 20, 1997:

''TEACHING HOSPITALS UNDER THE KNIFE; LONGTIME MISSIONS PRESSED BY H.M.O.'S

''It began as a charity supported by Paul Revere that sent out doctors to the poor. It evolved into the New England Medical Center at Tufts University, a research powerhouse that ranks among the leaders in New England in liver transplants, breast-cancer research and complex heart procedures.

''But now, the biggest health maintenance organization in Boston threatens to starve New England Medical by refusing to pay for its patients to go there, even though the costs are as low or lower than at other Boston teaching hospitals. . . .

''The squeeze on academic medical centers like New England Medical is particularly brutal in Boston, which has seven prestigious teaching and research hospitals and far too many hospital beds, and where costs per patient are among the nation's highest. But dozens of teaching hospitals across the country face similar challenges, and they are responding by reaching out for business partners.

''Some, like the George Washington University Hospital in Washington, D.C., and state university hospitals in California, Oklahoma and South Carolina, are being sold to for-profit chains; others, like New England Medical, Columbia University's Presbyterian Hospital and the University of Minnesota Academic Medical Center, have merged with stronger, nonprofit local institutions; still others, like Beth Israel and St. Luke's/Roosevelt in New York, are merging into holding companies that will run their finances.''

In April 1994, the Senate Committee on Finance held hearings on the subject of ''Academic Health Centers Under Health Care Reform.'' It would appear that these were the first ever on that subject. The testimony was powerful and dispositive. In response to a question from Senators Bob Packwood, our ranking member, Paul Marks described the situation at Sloan-Kettering:

''I think that a price-driven environment is one in which we will have unintended consequences in terms of rationing and quality. You cannot get something for nothing out of the system. And while we can reduce costs substantially, and I think all of us have tremendous pressures to reduce costs, even in high-cost centers, such as the cancer centers, we know right now from our experience because we are being approached by insurance companies, health plans, managed care, and they say how much does a bone marrow transplant cost. And we will say it is $100,000. Well, we will give you all our marrow transplants for $60,000.

''There are two things. Number one, we cannot survive as a quality provider of care doing bone marrow transplantations alone. Even if we got $100,000, we would not want to do it. And at $60,000 we cannot really provide

a quality care program in bone marrow transplantation.

''So I would say that at least in our environment there has to be some kind of legislation which takes into account that a price-driven system today will compromise the quality of health care and will be associated with rationing. I do not think there is any question in my mind about that because they cannot compete in any other way if you are going to drive down just price.''

It would be fair, I believe, to state that the theme of our hearings was, and here I quote from my opening statement, that ''health insurance is important, but health is more important. It comes out of discovery, and we are in a great age of discovery.'' We were up against the problem of how to provide for what economists call public goods. These are readily described. For most goods and services, if the consumer chooses not to pay, he does not receive the benefit. If he does not buy a ticket, he is excluded from the ballpark. By contrast, consumers are not easily excluded from the benefits of a public good, say national defense or cancer research, because everyone benefits whether or not they pay. As Richard A. Musgrave noted in his classic 1959 text, The Theory of Public Finance, the existence of public goods provides a rationale for the government to intervene on markets and either directly provide the public good—as it does with national defense—or support the provision of the public good through indirect payments.

The Finance Committee resolved to do just this for medical schools and teaching hospitals. The chairman's mark, as is our term, of June 29, 1994, provided for a Graduate Medical Education and Academic Health Center Trust Fund to be financed by a 1.5% tax on all private health care premiums. An additional .25% levy, proposed to us by Senator Mark Hatfield, provided for medical research. In all, this made for an average annual revenue to the Trust Fund of $17 billion over five years. To may knowledge, this was the first such proposal of its kind. It did not go unnoticed in our Committee; a motion to strike the 1.75% premium tax failed by 13 votes to seven.

It would be pleasing to report that there was at least some response to the bipartisan approval by the Senate's tax-writing committee of a trust fund for this purpose. But there was none. The Committee finished its work on Saturday, and there was a long front-page report in The Times. The tone was cool. Our assignment had been to provide universal health care; we had only provided for 95% coverage by 2002. That a bipartisan majority had approved a very considerable measure meant nothing to those who had vowed never to compromise. These included a fair number of journalists, whose disappointment, even distaste, was made plain. In the end, of course, no bill was brought to a vote in either chamber. The Congressional elections that followed were widely understood to mark a repudiation of the whole enterprise, and indeed, the subject has receded, in Congress at least, while health maintenance organizations continue their seeming predestined course.

The one exception is this matter of medical schools and teaching hospitals. In the 104th Congress, four bills were introduced. This time the Senate Finance Committee rejected the trust fund on a tie vote, ten to ten. (Tie votes fail.) By contrast, on the House side, in the Committee on Ways and Means, the new chairman, Representative Bill Archer of Texas, proposed and carried a Teaching Hospital and Graduate Medical Education fund that would receive, among other revenues, $13.5 billion in appropriated general funds over a six-year period. This measure became part of the Balanced Budget Act of 1995. It passed both House and Senate, but was vetoed by President Clinton over other matters. In the current, 105th Congress, I have reintroduced S. 21, the ''Medical Education Trust Fund Act of 1997.'' This was a ''first day'' bill, and accorded some prestige, as the first 20 numbers are reserved for the Majority and Minority leaders. For all that, at the end of the year there are no cosponsors and few prospects. The subject has not made its way onto the national political agenda as a singular public good that has been placed in jeopardy by what Columbia's great seer, Robert K. Merton, described back in 1936 as the ''unintended consequences'' of actions arising in other contexts.

Expect matters to grow more difficult in the near future. There will be all manner of proposals to regulate managed care, much as a century ago we commenced to regulate the railroads and such like commercial activities. This can be helpful; it can be hurtful. James F. Blumstein of the Health Policy Center at Vanderbilt University suggests that the current federal investigation into various health care providers ''is taking its cues from past task forces on the Mafia.'' Or desert warfare, for that matter, given the formal title, ''Operation Restore Trust.'' Again, expect more. But be of good cheer. Some things take a long time, as Lewis Thomas attested. Most importantly, may a layman urge that you physicians be importunate. You are too precious to let your collective well-being be taken for granted. I close with the words with which Dominic P. Purpura, dean of the Albert Einstein College of Medicine here in New York, on October 5th opened the new Jerome and Dawn Greene Medical Arts Pavilion at Montefiore Hospital in the Bronx:

''We are gathered here for several reasons. Most importantly to bear witness to the felicitous marriage of high-spirited philanthropy and good works, now consummated in this . . . Medical Arts Pavilion. We are here for another purpose as well. To dispel the septic rumor oozing from some health policy think tanks to the effect that academic medical centers such as ours are dinosaurs doomed to extinction by the impact of the asteroid of managed care. Look skyward! On this day of noble purpose the sun shines brightly. No ashen clouds obscure the values that have made American medicine a crowning achievement of Western Civilization. And what are these core values? Simply stated: Faith in evidence-based medicine and trust that our superbly trained physicians will translate the basic science of medicine into the art and science of patient care.''

The author thanks Dr. David Podoff, minority chief economist for the Senate Committee on Finance, for assistance with this article.

Mr. JEFFORDS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am very pleased to be involved in working on this legislation with the Senator from Vermont and other legislation with Senator DORGAN.

To my colleague from Utah, if we read the amendment carefully—all colleagues who are going to vote—we are very clear on protections. If safeguards are not in place, the drugs cannot be reimported. That is clear language.

These are some of the protections: strict FDA oversight; proof of FDA approval of imported medicines; only licensed pharmacists and wholesalers can import medicines for retail sale; importers will have to meet requirements for handling as strict as those already in place for manufacturers; lab testing to screen out counterfeits; lab testing to ensure purity, potency, and safety of medications. It is all clear.

I have a letter from the National Community Pharmacists which is in favor of this exact concept of our pharmacists and wholesalers being able to reimport these drugs so our consumers can afford it.

The only protection we don't have in this amendment is protection for the pharmaceutical industry to continue to make excessive profits. I quote from Fortune magazine:

> Whether you gauge profitability by median return on revenues, assets, or equity, pharmaceuticals had a Viagra kind of year.

We are talking about an industry making enormous profits, profits as a percentage of revenue up around 18.6 percent. We have all the protection for consumers. We just don't want to protect the pharmaceutical company from being able to gouge consumers. People in Minnesota and in Alabama and in Vermont and in North Dakota are saying: Why can't we have the trade? Why can't we have the competition? Why can't our pharmacists and wholesalers reimport these drugs back to us so we can get the drugs we need for ourselves and our families at a price we can afford?

This is a real simple amendment. You are on the side of consumers, you are on the side of real competition, or you are on the side of the pharmaceutical industry. On this one, Senators have to be on the side of consumers.

I am glad we finally have the chance to bring up legislation that corrects the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry because of the unconscionable prices the industry charges only here in the United States.

When I return to Minnesota which I do frequently, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs—life-saving drugs that are not covered under the Medicare program. Ten or twenty years ago these same senior citizens were going to work everyday—in the stores, and factories, and mines in Minnesota—earning an honest paycheck, and paying their taxes without protest. Now they wonder, how can this government—their government—stand by, when the medicines they need are out of reach.

But it is not just that medicare does not cover these drugs. The unfairness which Minnesotans feel is exacerbated of course by the high cost of prescription drugs here in the United States—the same drugs that can be purchased for frequently half the price in Canada or Mexico or Europe. These are the

exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. A year ago, most Americans did not know that the exact same drugs are for sale at half the price in Canada. Today, you can bet the pharmaceutical industry wishes no one knew it. But the cat is out of the bag—and it is time for Congress to right these inequities.

All the legislators speaking today have heard the first-hand stories from our constituents—in Minnesota, Vermont, North Dakota, South Dakota, Washington state—constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States—unless they go across the border to Canada where those same drugs, manufactured in the same facilities are available for about half the price.

Senior citizens have lost their patience in waiting for answers—and so have I.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution; it is a symptom of how broken parts of our health care system are. Americans regardless of party have a fundamental belief in fairness—and know a rip-off when they see one. It is time to end that rip-off. While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens—the chronically ill and the elderly—are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

That is why I introduced with Senator DORGAN the International Prescription Drug Parity Act, and with Senator JEFFORDS the Medicine Equity and Drug Safety Act, two bills which will amend the Food, Drug, and Cosmetic Act to allow American pharmacists and distributors to import prescription drugs into the United States as long as the drugs meet FDA's strict safety standards. Pharmacists and distributors will be able to purchase these drugs—often manufactured right here in the U.S.—at lower prices overseas and then pass the huge savings along to American consumers.

What these bills do is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, and the rest of the industrialized world. These bills do not create any new federal programs. Instead they use principles frequently cited in both Houses of the Congress—principles of free trade and competition—to help make it possible for American consumers to purchase the prescription drugs they need. Now we have the chance to adopt an amendment that includes the best of both those bills.

And the need is clear. A recent informal survey by the Minnesota Senior Federation on the price of six commonly used prescription medications showed that Minnesota consumers pay, on average, nearly double (196%) that paid by their Canadian counterparts. These excessive prices apply to drugs manufactured by U.S. pharmaceutical firms, the same drugs that are sold for just a fraction of the U.S. price in Canada and Europe.

Pharmacists could sell prescription drugs for less here in the United States, if they could buy and import these same drugs from Canada or Europe at lower prices than the pharmaceutical companies charge here at home.

Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. Thus American pharmacists and wholesalers must pay the exorbitant prices charged by the pharmaceutical industry in the U.S. market and pass along those high prices to consumers. It is time to stop protecting the pharmaceutical industry's outrageous profits—and they are outrageous.

Where the average Fortune 500 industry returned 3.8 percent profits as a percentage of their assets, the pharmaceutical industry returned 16.5 percent.

Where the average Fortune 500 industry returned 15 percent profits as a percentage of shareholders equity, the pharmaceutical industry returned 36 percent.

Those record profits are no surprise to America's senior citizens because they know where those profits come from—they come from their own pocketbooks. It is time to end the price gouging.

We need legislation that can assure our Senior Citizens and all Americans that safe and affordable prescription medications at last will be as available in the United States of America as they are in all the other countries of the industrialized world. This amendment which I am introducing along with Senators JEFFORDS and DORGAN accomplishes that end.

And contrary to the campaign of false information being promoted by the pharmaceutical industry, the Amendment includes all the safety precautions needed to protect the American public. This amendment includes the specific protections—which were not included in the House-passed amendments—to make sure we are not sacrificing safety for price.

The only things that are not protected in this amendment are the excessive profits of the pharmaceutical industry. My job as a United States Senator is not to protect those profits but to protect the people. Colleagues, please join in and support this thoughtful and necessary amendment that will help make prescription drugs affordable to the American people.

Mr. JEFFORDS. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator JEFFORDS and Senator DORGAN for this amendment. There is no reason why American consumers should not have access to lower-priced medicines, while assuring the safety of those medicines that are imported.

I quote from an editorial from the Detroit News. This is an editorial department which is very outspokenly conservative, avowedly conservative in its editorial policy. It says:

> . . . Congress should remove the prohibition because the federal government ought not to restrict the purchasing options of Americans.

It goes on to say:

> . . . using government coercion to prevent Americans from purchasing drugs from abroad is not the way to go.

That is what this issue is all about. This is whether or not we are going to use the free market. This has nothing to do with setting prices. This has to do with using a free market to allow the reimportation of something manufactured in the United States after it has been certified by the FDA that it is safe to do so.

It is incredibly galling as well as incredibly expensive for my constituents in Michigan to go across the border to Canada in order to buy drugs at about half the price of what they are charged for those same drugs in Michigan. Again, these are drugs manufactured in the United States and exported to Canada. All this amendment says is that it ought to be possible for our wholesalers and our pharmacists to import something back into the United States manufactured in the United States and having been approved by a process of the FDA to make sure that it is safe.

We have done a survey in my home State. We have compared the prices of these drugs. They are quite extraordinary. We have many people who cannot afford these drugs. These are often lifesaving drugs, life-extending drugs. These are drugs which reduce pain, which make it possible for people to be more mobile than they otherwise would be.

We looked at seven of these most popular drugs because there were three on which we could not make a comparison because they were over-the-counter drugs in Canada or otherwise unavailable to get prices, but seven of the most popular drugs. Premarin is an estrogen tablet taken by menopausal women. It costs $23 in Michigan, $10 in Ontario. Synthroid—this replaces a hormone which is normally produced by the thyroid gland—costs over $13 in Michigan, under $8 in Ontario. We could go through the next five drugs on this list, and I have done this already in the RECORD in previous remarks I made on the Senate floor.

We cannot afford to be subsidizing the consumers in other countries. We ought to use the free market that we are all so proud of to allow the import of something which is, by the way,

manufactured in the United States and, by the way, in some cases had previously received financial support from the taxpayers of the United States through either the Tax Code on research and development or, in some cases, direct grants from the National Institutes of Health to the scientists who developed these drugs.

It is really an intolerable situation when we have people in our States who can't afford these critically important drugs and are simply prohibited from having a wholesaler or a pharmacist import that drug from another country. Since the amendment provides for safety through a process which has to be approved by the FDA, it seems to me this is a sensible thing to do.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is nothing worse than losing an argument you are not having. We had four or five opponents talk about this legislation, and they were making arguments about a bill that doesn't exist. So they win. What is the argument? Listen carefully and you will hear the scare tactics, suggesting that somehow in an old garage with a dirt floor on a dusty street somewhere in Haiti, someone is going to produce a counterfeit drug and ship it to the U.S. We should not do that, they say. Well, I agree. But that has nothing to do with this legislation. They are winning an argument we are not having.

This legislation establishes very strict controls and pertains only to prescription drugs that are produced in manufacturing plants approved by the FDA, with strict FDA oversight and proof of FDA approval on all imported medicines. Only licensed pharmacists and wholesalers can import the medicine for resale, and there is lab testing to screen out counterfeits. That is what this is about. Risk? This isn't about risk.

One of our colleagues said what we need is more insurance coverage for prescription drugs. Well, I agree that we need to add a prescription drug benefit to Medicare to help our senior citizens pay for their medications.

But we also need lower prices for prescription drugs. There is a famous football coach who is on television just about every night in an advertisement for a drug called Zocor. He is one of America's better professional football coaches and, I gather, a wonderful man. He says that Zocor reduces his cholesterol. I am sure it does; it is a wonderful drug. Zocor is advertised widely on television. If you buy it in the United States it is $3.82 per tablet. If you buy it in Canada—the same pill by the same company—it is $1.82 per tablet.

I ask anybody who spoke today in opposition to this amendment, how does one justify that? Do you support it? Do you think it is right? Do you want to tell the American consumer we have a global economy for everyone except for them? The compounds and chemicals used in this pill can be accessed globally by the companies that produce it, and that is fine. But the global economy isn't for you, American consumers. The drug companies can price their products any way they want here in the United States, and the American consumer has no business accessing them at a lower price anywhere outside the United States.

I ask all those who oppose this, do you support this pricing strategy—$1.82 for the person in Winnipeg, Canada, and $3.82 for the U.S. consumer?

The Senator from Vermont offers a very simple piece of legislation. The amendment allows for the importation only of products approved for sale in the United States by the FDA and manufactured in FDA-approved plants.

At a hearing before the HELP committee earlier this year, Dr. Christopher Rhodes, a professor of applied pharmaceutical sciences at the University of Rhode Island, who has 30 years of experience on the development and evaluation of drug products, said this:

> It is my considered professional opinion that the process of using re-imported prescription drugs in the United States need not place the American public at any increased risk of ineffective or dangerous products.

I understand what is at work here. The pharmaceutical industry wants to protect what they have. They have a pretty good deal. They can price their products at whatever price they want. But this is about fair prices for American consumers. I heard a colleague say: If we don't price products like this in the U.S., there won't be research and development for new drugs.

Oh, really? Every European country receives lower prices for the same drugs. Yet a larger percentage of research and development on prescription drugs takes place in Europe than in the United States. Explain that.

This is a good piece of legislation. I hope my colleagues will see it for what it is. It doesn't pose any risk. It says to the American consumers that they have rights as well.

Mr. COCHRAN. Mr. President, I yield the remainder of the time on our side to the distinguished Senator from North Carolina, Mr. HELMS.

Mr. HELMS. Mr. President, I ask unanimous consent that I may deliver my remarks while seated at my desk.

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

Mr. HELMS. Mr. President, I don't question the sincerity of those who advocate this amendment which is intended to repeal the law that prohibits the wholesale reimportation of potentially unsafe drugs from Canada or Mexico. While they may scoff at the opposition, I predict that one day, somewhere down the line, they will regret sincerely their support of this proposal which is fatally flawed.

Most Americans never doubt the safety of the drugs in our pharmacies and hospitals. That is because they understand that no drug can be sold in America without manufacturers first making enormous investments in research and development, the compound passing rigorous testing and review by the FDA, and then being distributed through a supply system that ensures that drugs must pass through a reliable and verifiable chain of custody.

No country in the world does as much to ensure the safety and efficacy of drugs used by its citizens.

FDA Commissioner, Dr. Jane Henney, recently warned that the United States demand for Canadian drugs could cause Canada to ''be used as a front for counterfeit or contaminated products becoming available.''

Some Senators have said: Forget that; it is not going to happen. Well, I predict that it is going to happen. Commissioner Henney went on to emphasize: ''One has to be concerned about a safety issue here.''

Echoing Commissioner Henney's concerns, the former FDA Commissioner and current Dean of the Yale Medical School, Dr. David Kessler, warned last year: ''with the rise of Internet pharmacies, the opportunities for illicit distribution of adulterated and counterfeit products have grown . . . Repealing the prohibition on reimportation of drugs would remove one of the principal statutory tools for dealing with this growing issue.''

Mr. President, current law has protected American consumers from the importation of substandard, impotent, adulterated, contaminated, and counterfeit pharmaceuticals—problems that have plagued many other countries. There is simply no good reason to undermine the integrity of our pharmaceutical supply system and to expose American consumers to corrupt middlemen and counterfeiters.

Foregoing the benefits of free markets and innovation for the false promise of cheaper, price-controlled drugs will lead not to improved health care but rather to a proliferation of unsafe and counterfeit drugs, a reduction in incentives and investment to develop new life-saving and life-improving medications; and ultimately, if this proposal passes, disastrous and fatal consequences for countless Americans.

Mr. President, I yield the floor.

Mr. JOHNSON. Mr. President, I rise to join Senators DORGAN and JEFFORDS in support of the prescription drug amendment being offered to the Agriculture Appropriations bill currently pending before this body. I commend my colleagues for their steadfast commitment to addressing this critically important issue. Like all of my colleagues, I deplore conditions that lead to Americans choosing between buying food for their family or medicine for their illnesses which is a choice that millions of consumers in this country are forced to make every day. This is a travesty and one that I am committed to put an end to.

The discussion of prescription drug pricing, accessibility, affordability, and safety has been elevated to new heights in the last year as we in Congress work to develop a practical and cost-effective approach to providing relief to combat escalating prescription drug prices for consumers throughout the United States.

Numerous studies have been conducted that highlight the price differentials existing between the United States, our neighbors to the North and South, and countries in the European Union. Several reports confirm that pharmaceutical prices are substantially higher in the United States than other countries.

Consider how drug prices charged to Americans differ from the drug prices paid by people living in other areas of the world as reported from a study done by the PRIME Institute at the University of Minnesota.

The study found that if Americans pay an average of $1.00 for a pharmaceutical product, that exact same product with the exact same dosage would have a much lower average cost in other industrialized nations. On average, that $1.00 product in the United States would cost .64 cents in Canada, .68 cents in Sweden, .65 cents in England, .71 cents in Germany, .57 cents in France, and .51 cents in Italy.

This amounts to price-gouging of Americans. It's wrong, and it has to stop.

So you ask, why don't Americans just buy it over the border and bring it back to the U.S.? Well, some individuals are being forced to take such drastic measures. South Dakota, though it does not share a border with another country, has an increasing number of individuals willing to make the drive to either Mexico or Canada, knowing full well that the savings are great enough to more than offset any expenses occurred in the process.

Presently, anecdotal evidence suggests that thousands of Americans cross the border to see a doctor and get their prescriptions filled for 25–50% less in cost for many popular prescription drugs. Here are a couple stories that have been shared with me over the last year:

A 72 year-old woman in Arlington, SD who spends $243 a month on prescription drugs wrote to me and said, ''The meds are so high in South Dakota. I try to get as much of them in Mexico as I can. I don't understand why there has to be such a difference in price.''

A 41-year-old man suffering from a disease that requires daily medication at a cost of more than $400 per month wrote to me and said, ''I want you to know that while I recognize that seniors are particularly hurt by unfair prescription pricing due to their fixed incomes, other Americans also feel the pinch. The same medication that I take is available in Mexico at less than half the price that it costs me in the U.S. Unfortunately, I can not afford to travel to Mexico periodically to obtain my prescription.''

Under current federal law, however, pharmaceutical companies are the only ones allowed to import drugs approved by the U.S. Food and Drug Administration into this country. Yet, if an American pharmacist or distributor wants to purchase these FDA-approved drugs at the lower prices available in other countries and pass the savings along to their customers, they are prohibited by law from doing so.

On July 10, the House of Representatives overwhelmingly passed two amendments to the Agriculture Appropriations bill that would allow widespread importation of prescription drugs without any FDA oversight. The overwhelming bipartisan support for these amendments clearly shows that Congress no longer wants to deny American consumers access to FDA approved medications that are available in other countries at much lower prices. I support that position and, in fact, have sponsored legislation introduced by my colleagues Senators DORGAN and JEFFORDS regarding international pricing disparities.

While I agree with the intent of the House action, I have concerns that the House provisions do not include the safety mechanisms necessary to ensure that only safe and effective FDA approved medications cross our borders. Perhaps the number one concern mentioned in regard to the reimportation of prescription drugs is the safety of the consumer. As with any product that passes through multiple distribution channels, it is important that a baseline be established to ensure proper handling and storage. This is particularly crucial in maintaining the therapeutic equivalence of prescription drugs.

The amendment we are offering today, which would amend federal law to allow pharmacists, distributors and licensed wholesalers to legally import U.S. FDA approved prescription drugs, addresses this concern by implementing assurances that any prescription drug reimported under this proposal be manufactured, packaged, and labelled according to FDA standards. It includes the essential safety provisions that will allow American consumers to benefit from international price competition for prescription drugs in the safest manner possible.

Many pro-consumer groups such as Families USA, Public Citizen and the National Community Pharmacists Association endorse this amendment saying it is a positive step towards leveling the playing field for prescription drug prices and would save U.S. consumers billions of dollars by allowing the safe reimportation of American-made, FDA-approved prescription drugs.

Of course, the pharmaceutical industry presents many economic and proprietary rationales for price disparities. From price controls to R&D to currency exchange rates, arguments are made that the prices garnered by some pharmaceutical companies are justified in a world where price is a measure of willingness to pay and price elasticity, not compassion or empathy.

Industry representatives have stated it would be profoundly fatal to allow for the reimportation of pharmaceutical drugs from other countries who purchase them at a much lower cost than our nation's senior population as this will create instability in the world's pharmaceutical markets. Personally, I can think of nothing more tragic than charging Americans prices for prescription medications that cost far more than the majority of Americans are able to pay without sacrificing one or more basic needs in their lives.

In my home state of South Dakota, I am conducting prescription drug meetings where constituents are able to communicate their concerns regarding prescription drug prices and express their ability, or perhaps inability, to pay for therapeutic regiments prescribed by their physician. Many of them ask, ''Why are citizens of other countries able to purchase their prescriptions at such lower prices?'' After all the arguments I have heard from the industry on why this is the case, I have yet to hear an acceptable response that I could give.

Perhaps the most disturbing argument that I have heard in the past year came from an industry representative during an Alliance for Health Reform briefing last year. Our colleague, Senator ROCKEFELLER, read a question from the crowd that asked why this individual's brother-in-law got the same medication from the same U.S. manufacturer for a considerable amount less. What I heard in response was shocking. The following quote is taken verbatim from the transcript of that briefing:

> Price discrimination is an economic concept that merely means different people in different markets are charged different things. In this particular case, price discrimination exists between the Canadian market and American market, for lots of reasons: differences in medical practice, how much of the product is sold, difference in exchange rates, different kinds of patent protections, the length and cost in time of distributing drugs and the marketing of drugs, and differences in living standards.
>
> [You] could have used Mexico as your example and would have found that it is less than a third of the price potentially and that's in large part because the standard of living is substantially lower and they can afford so much less. Beyond that, and the other income differences, there is the difference in willingness to pay.

The idea that Americans are charged what they are because they are willing to pay for it, is perhaps the most insensitive of all arguments. Can you imagine measuring the value of someone's life by whether or not they are willing to fill their prescription to control their cholesterol level or pay their rent? As well, the standard of living that exists for most elderly in the United States is precisely the reason

why we are having this hearing today. The simple fact is many seniors are not able to meet all of their basic needs and adhere to their prescription regiment. The number of South Dakotans who, due to their standard of living, can not afford their prescription drugs suggests that the pricing of pharmaceutical goes far beyond reasons based on standard of living and willingness to pay otherwise South Dakotans would have no problem affording their prescription drugs.

Mr. President, I am reminded of a popular fast food chain motto some years back that proclaimed, ''Make a run for the border.'' Who would have ever thought that we would be applying this same motto to the citizens of our country with regard to their prescription drug needs.

The amendment before us is an appropriate response to the discriminatory pricing practices engaged in by much of the pharmaceutical industry. The pharmaceutical industry, year after year, sits at the top of the Fortune Magazine list of most profitable industries in the country. The latest report covering 1999 showed the industry maintained top rankings from previous years: No. 1 in return on revenues, No. 1 in return on assets, No. 1 in return on equity. And the prices they charge to the uninsured in America remain the highest in the world.

For years, Americans have paid the price in more ways than just at the pharmacy counter for the cost of their prescription drugs. Improper prescription drug usage results in thousands of deaths a year though the exact number of seniors included in this number may never be known. How many seniors skip a day's pill or cut them in half in order to stretch their prescription just one more day? I would argue that even one is too many.

We are all working to address the concerns of not only our constituents in our respective home states but for citizens across this nation that rely on prescription drugs for their health care needs. I believe that every Senator here today is deeply concerned about the rising out-of-pocket costs for prescription drugs and hopefully we can address many of these concerns here today with passage of this amendment.

I am pleased to join Senators DORGAN and JEFFORDS in cosponsoring this crucial amendment and urge all of my colleagues to support its immediate passage.

Mrs. MURRAY. Mr. President, I applaud the efforts of the sponsors of this amendment.

As a Senator from a border State, I recognize the frustrations that have brought us to this point.

American consumers must have access to safe, affordable prescription drugs.

Mr. President, I intend to vote for this amendment because I believe we must move this debate forward.

I know that many Americans are facing serious problems because of the cost of prescription drugs.

I hope this amendment will have some impact on the market forces and that we will see some savings as a result.

But, Mr. President, while I will support this amendment, I do have two serious concerns.

First, we must be careful that we don't weaken the high safety standards for drugs in this country.

And second, we should not think for a moment that passing this amendment will mean we have helped senior citizens get access to the drugs they need.

We still must pass a Medicare prescription drug benefit.

I'm concerned that this amendment could draw attention away from the much larger issue of providing a prescription drug benefit through Medicare.

Mr. President, I've spent a lot of time working on this issue.

In fact, back in 1997—as a member of the Senate Health, Education, Labor and Pensions Committee—I examined the drug approval process so that we could enact a responsible and balanced FDA reform bill.

The one lesson I took away from that process is that, while some of the rules for drug approval in this country can be lengthy, they have been successful in ensuring that America's prescription drugs are safe and effective.

We've worked hard to ensure we have safe pharmaceuticals in this country, and I don't know any American who would accept anything less than the safety we have today.

Unfortunately, this amendment does not guarantee that those standards will remain as strong as they must be. That's because other countries have lower standards.

In fact, a recent hearing in the House Commerce Committee clearly illustrated a number of lapses in safety inspection at facilities outside the United States.

I'm concerned that even with ''importation restrictions'' we can't be as confident as we should be of the manufacturing standards used abroad.

This amendment gives us no assurance about the conditions under which the products were packaged, stored, handled, or shipped.

Consumers have no way to determine the potency of the individual units.

We know there are these types of problems with imported drugs today, and I'm concerned that unless this amendment is implemented very carefully, we could magnify those problems.

While I am pleased that the sponsors have made significant improvements from the House-passed amendment on drug reimportation, I'm still concerned that implementation could undermine our faith in the safety of all prescription drugs.

Mr. President, I'm also concerned that there is no guarantee that consumers would reap the benefits that are being suggested.

There is no requirement that the wholesaler or distributor pass the savings on to consumers.

Today, each consumer today often pays a different price for a prescription drug depending upon whether or not they have insurance coverage.

This amendment could simply enrich drug wholesalers at the expense of consumers.

In fact, back in 1999 David Kessler, the former FDA Commissioner, made this point regarding the effect on the consumer when he said:

> . . . prices to ultimate consumers are generally not lowered. . . . Rather, the profits go to the various middlemen, here and abroad, while consumers bear the risk.

Mr. President, the bottom line is that drug re-importation does not guarantee any savings for the consumer.

Mr. President, I have heard many of my colleagues talk about the need for a prescription drug benefit for seniors to ensure affordable access to prescription drugs.

If any of my colleagues think this amendment will meet this objective, they will be disappointed.

This amendment will simply not provide affordable, continuous, comprehensive access to prescription drugs for Medicare beneficiaries.

A prescription drug benefit is not just something to be ''tacked-on'' to Medicare. It has to be a fundamental change in how we provide health care to seniors and the disabled.

Today, prescription drugs are the doctor's office visits of 20 years ago and that must be considered as we work on adding a prescription drug benefit.

Mr. President, I do plan on supporting this amendment with the reservations I've mentioned.

I am hopeful that the regulatory process can address some of these risks, and I believe this amendment will—at the least—address some of the issues of fairness that have been raised.

I just hope that America's seniors are not fooled by this amendment.

No one should claim that—with this amendment—we have addressed the issue of prescription drug costs for seniors.

It is still a job we must undertake, and I hope that this amendment strengthens—rather than weakens—the resolve of the Senate to provide a prescription drug benefit through Medicare.

Mr. JEFFORDS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. JEFFORDS. Mr. President, we have heard long arguments today about the bill. I think there is general agreement, however, that if it is safe and possible, we should allow our people in this country to be able to take advantage of international competition to bring the cost of pharmaceuticals down to a reasonable rate and to that which other people in this world are able to receive.

Keep in mind, that is what the goal is. Right now, the bill requires the FDA to ''contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.''

I would like to pose a question to the chairman on his amendment. The amendment requires that the section may not operate unless it poses ''no risk.'' Am I correct in assuming that the author's intent is that there be ''no risk'' above that which prevails today?

Mr. COCHRAN. Mr. President, to respond to the question of the distinguished Senator, I answer in the affirmative. Yes.

Mr. JEFFORDS. Mr. President, I accept the amendment.

Mr. COCHRAN. Mr. President, time has been used on this side.

Does the Senator yield back his time?

Mr. JEFFORDS. I yield the remainder of my time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the Cochran amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3927. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from South Carolina (Mr. HOLLINGS) is absent due to a death in the family.

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

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

[Rollcall Vote No. 216 Leg.]

YEAS—96

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

NOT VOTING—3

Biden	Hollings	Torricelli

The amendment (No. 3927) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment.

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

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent I have 20 seconds to explain the amendment.

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

Mr. JEFFORDS. The Jeffords amendment, as modified by the COCHRAN amendment——

Mr. WELLSTONE. Mr. President, may we have order in the Chamber.

Mr. BYRD. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. There will be order in the Chamber.

The Senator from Vermont.

Mr. BYRD. Mr. President, may we have order in the Chamber.

The PRESIDING OFFICER. The Senate will suspend until there is order in the Chamber.

The Senator from Vermont.

Mr. JEFFORDS. The Jeffords amendment, as modified by the Cochran amendment, now states the bill requires the Food and Drug Administration——

Mr. BYRD. Mr. President, we still do not have order. May the Senate be in order. May we have order.

The PRESIDING OFFICER. The Senate will be order.

The Senator from Vermont.

Mr. BYRD. Mr. President, I insist that there be order in the Senate before the Senator from Vermont proceeds.

I hope Senators will listen to the Chair. The Chair is entitled to that respect, and so is the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, on the critical provision, the bill now requires that the Food and Drug Administration's regulation contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States so that it creates no risk above that which prevails today.

I ask for a yes vote and I urge the question.

Mr. BREAUX. Mr. President, is there any time in opposition to the amendment?

The PRESIDING OFFICER. There is none.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senator from Louisiana be recognized.

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

Mr. BREAUX. Thank you very much.

I just make the point, we have a Food and Drug Administration and Health and Human Services Department that already is overburdened. The amendment as is currently pending is going to require them to set up a program in 150 countries around the world to ensure that every warehouse, every manufacturer, every person who handles every drug in their country that is coming to this country be certified as healthy. They cannot do that. That is an impossible burden.

This should not be passed. I think we should vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3925, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. LOTT) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from South Carolina (Mr. HOLLINGS) is absent due to death in family.

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

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—74

Abraham	Feingold	Mikulski
Akaka	Feinstein	Moynihan
Allard	Fitzgerald	Murkowski
Ashcroft	Gorton	Murray
Baucus	Graham	Reed
Bingaman	Grams	Reid
Boxer	Grassley	Robb
Brownback	Gregg	Roberts
Bryan	Harkin	Rockefeller
Burns	Inouye	Roth
Byrd	Jeffords	Sarbanes
Campbell	Johnson	Schumer
Chafee, L.	Kennedy	Sessions
Cleland	Kerrey	Shelby
Collins	Kerry	Smith (NH)
Conrad	Kohl	Smith (OR)
Craig	Kyl	Snowe
Crapo	Landrieu	Specter
Daschle	Lautenberg	Stevens
DeWine	Leahy	Thomas
Dodd	Levin	Thurmond
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lugar	Wyden
Edwards	McCain	

NAYS—21

Bayh	Frist	Inhofe
Bennett	Gramm	Mack
Bond	Hagel	McConnell
Breaux	Hatch	Nickles
Bunning	Helms	Santorum
Cochran	Hutchinson	Thompson
Enzi	Hutchison	Voinovich

NOT VOTING—4

Biden	Lott
Hollings	Torricelli

The amendment (No. 3925), as amended, was agreed to.

Mr. JEFFORDS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NOTICE OF INTENT TO MOVE TO SUSPEND PARAGRAPH 4 OF RULE XVI

Mr. ASHCROFT. Mr. President, in accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of considering title IV of H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, as amended on July 18, 2000, by unanimous consent. (The UC is as follows: That all after the enacting clause of H.R. 4461 be stricken and the text of S. 2536 with a modified division B be inserted in lieu thereof, and that the new text be treated as original text for the purpose of further amendment, and that no point of order be waived.)

At the request of the Senator from Nevada (Mr. REID) the following statement was ordered to be printed in the RECORD.

● Mr. BIDEN. Mr. President, because of the sudden death of the former mayor of Wilmington, Delaware, who was a close friend of mine, I had to return to Delaware today directly after the funeral for Senator Pastore. Consequently, I was necessarily absent for the roll-call votes on Senate amendments No. 3925 and No. 3927 to the Agriculture Appropriations bill. Had I been present, I would have voted yes on both amendments.

The high cost of pharmaceuticals in this country relative to the cost of the same drugs in nearby countries, such as Canada and Mexico, is a major irritant to many seniors struggling to make ends meet in the face of fixed incomes and high expenses for medications. Reimportation of drugs from foreign countries, although it may lower prescription drug costs for Americans, should not be permitted if it will jeopardize the health of this country's citizens. The potential effect of these provisions to reduce pharmaceutical research and development in the U.S. is an unknown but important factor. The controversy over these provisions serves to emphasize once again the need to expand Medicare to provide prescription drug insurance coverage for seniors and the disabled.●

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

REMEMBERING SENATOR PAUL COVERDELL

Mr. SHELBY. Mr. President, I rise today to join some of my fellow Senators in remembering the extraordinary life and service of our friend and colleague, PAUL COVERDELL.

It is a somber day in the Senate Chamber, as we deal with this loss. PAUL COVERDELL served the people of Georgia with distinction for over 30 years. His passing leaves a significant mark on the many lives he has touched over his lifetime. On behalf of myself and my wife Annette, I offer my condolences to PAUL'S wife Nancy and his family.

Anyone who dealt with PAUL COVERDELL over the years came to respect him. He was honest, loyal, and dedicated to public service. It was these characteristics that PAUL brought to the table every day in his life. PAUL'S vision as a legislator and commitment to the principles and values for which he truly believed were demonstrated time after time in this Chamber. His commitment to improving education in the U.S. sets a high standard for all public officials. His hard work in the Republican leadership and his vision of a prosperous future for all Americans deserves tremendous praise.

Personally, it was truly my privilege to know and work with PAUL over the years. We sat next to each other recently in the Senate, as can be seen.

He will be remembered as a dedicated American who gave much of his life in service to his Nation. I offer my thoughts and prayers to those close to PAUL in this difficult time, especially to his family.

Mr. COCHRAN. 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. FITZGERALD. 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. FITZGERALD. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. FITZGERALD. Mr. President, I rise today to deliver some remarks upon the death of our beloved colleague, PAUL COVERDELL.

It is no exaggeration to say that the whole Senate is in a state of shock that we no longer have PAUL with us. Just last week, Senator COVERDELL was among us on the Senate floor debating legislation, visiting with us in the Cloakroom, speaking up in our weekly Republican conference. And now, only a short period later, he is no longer with us. To my knowledge, PAUL never seemed to have had any health problems. He certainly seemed fine last week.

My last remembrance of him is just how happy he was when we adjourned on Friday afternoon after we passed that landmark legislation repealing the death tax. I guess the fact that PAUL is no longer with us reminds us all that we need to keep life in perspective.

I first met Senator COVERDELL when I was first campaigning for the Senate 2 or 3 years ago. From that first time I met him, I came away with a very powerful impression that he was a most sincere and decent and friendly person. In all my dealings with him in my year and a half in the Senate, that impression never changed. PAUL was always in a good, cheerful mood. He was always positive and upbeat. I never once saw him raise his voice or get angry at anybody. He was unfailingly polite and courteous at all times and to everyone. He was the quintessential southern gentleman and a delight to know.

In the Senate, we debate issues of great moment to our country: war and peace, the economy, education policy. I guess it is sometimes the little, personal, seemingly inconsequential gestures of friendship that one remembers. I used to sit next to Senator COVERDELL every week in our Wednesday Republican luncheons. I got to know PAUL that way, not only as a colleague but as a person. Every week PAUL would gently rib me for eating my main course before I ate my salad. Week after week he would comment on that. I think finally he just concluded that that was a peculiar habit of midwesterners.

I will always remember the smile and the twinkle in PAUL COVERDELL's eyes, and I won't easily forget him or my friendship with him.

PAUL, I am proud to have served with you. I am going to miss you. We are all going to miss you. You enriched this Senate, the State of Georgia, and the whole country by your service. Our thoughts and prayers are with you and your wonderful wife Nancy and your family. May God bless you and keep you.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

Mr. DURBIN. Mr. President, I join my colleague from Illinois in paying tribute to our fallen colleague, Senator PAUL COVERDELL.

I have been in the Senate for 4 years and have worked with many colleagues on both sides of the aisle. I agree completely with Senator FITZGERALD: Senator COVERDELL brought to this floor a certain dignity and demeanor to which we all aspire. He was a person of good humor. I think it may be difficult for many people who follow the debates in the Senate to believe that a Democrat who believes very strongly in his party and a Republican who believes very strongly can be engaged in a hot debate on the floor of the Senate and then, as soon as the debate is over, meet each other in the corridor or the well or at another time and be friends. That was the case with PAUL COVERDELL.

We disagreed on many issues, but I never found him to be lacking a smile and always looking for some common ground where we might come together. The last conversation I had with him several weeks ago, he walked all the way across the floor to the Democratic side of the aisle and came right up to me. I was wondering what this could be.

He said: I need your help.

I said: What is it, PAUL?

He said: I want to try to secure a gold medal for Ronald and Nancy Reagan; will you help me?

I know he was from Illinois. I said: Of course, I will.

I signed onto it. That is the kind of person he was. As different as we might be politically, he was always trying to reach out and find some common ground. I think when we get caught up so much in the political debate and the furor here, we forget many times how important it is to have a person such as PAUL COVERDELL here to remind us time and again that after the debates are finished, we are all basically human beings trying to do our very best in the Senate.

I agree with my colleague from Illinois: It is hard to imagine that only a few days ago he was standing in the well and smiling and walking around as he always did as a member of the Republican leadership team and then stricken on Sunday, operated on on Monday and passed away. It is a sad day for the Senate.

I have noted, interestingly enough, today, as many of my colleagues on both sides of the aisle have come to the microphone, some have known PAUL COVERDELL for a long time. Some have known him in many different roles in life, some for a very short time. Everyone from both sides has a very positive take on what PAUL COVERDELL meant to each of us and meant to this institution.

It is a great loss, not only for the Senate but for the State of Georgia and for the Nation which he served in so many different ways so well.

I extend my sympathies to his wife Nancy and all his family and friends in this moment of grief. The Senate has lost a fine Senator. I am honored to have called him a friend.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President I ask unanimous consent to speak as in morning business.

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

Mr. BAUCUS. Mr. President, I join with my colleagues to pay tribute to PAUL COVERDELL. I have listened to a lot of tributes today. There have been so many themes, including cheerfulness, optimism, a welcome hand, no rancor, no bitterness. We all know that to be PAUL COVERDELL. I want that to mention one incident which, for me, encapsulates it all. It is going to be the incident that is defining for me. Whenever I think of PAUL, I will always think of this incident, and I always will.

This outfit—the Senate—tends to be a little partisan. Over the years, it has become too partisan, almost as two armed camps, one over there and one over here. It is regrettable, but that is something that has occurred and evolved up here in the Senate.

Not too many years ago, I was in Atlanta, GA, speaking at an event. I neglected, as is a common courtesy, to tell Senator COVERDELL I was there. Sam Nunn was a Senator at the time. I didn't tell PAUL I was having an event in Georgia, his home State. I felt kind of bad about it. But like a lot of us, I kind of pushed it to the side and rationalized that it was not that important.

Lo and behold, at that same hotel, PAUL was speaking about three or four rooms away, and I heard about it. I said to myself: Oh, my gosh, MAX, how stupid you are; why didn't you tell him? How guilty I felt. Oh, my gosh, here I am in PAUL'S home State and he doesn't even know I am here. I am in his State and he is just down the hall. I thought: You blew it, MAX.

When I finished, I was walking out in the hall and PAUL happened to be coming up. He bounced up to me and said, ''Hey, MAX, how are you? Welcome to Georgia. I hope you're having a good time.''

That was PAUL—positive, upbeat, cheerful, with a smile and a good attitude and a gleam in his eye. That made me feel even smaller and more guilty, but it made me feel even better about PAUL. That is the PAUL COVERDELL I will always remember.

Mr. President, Wanda and I send our deepest sympathies to Nancy and the family. Life is fickle, unpredictable. There but for the grace of God go any of us. People with the personal qualities of PAUL COVERDELL are the ones we will treasure here. I know the people of Georgia will treasure the same qualities in PAUL COVERDELL. He was a great man.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for 4 minutes.

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

Mr. LEVIN. Mr. President, I join with all of my colleagues today in praising the life and celebrating the life and grieving the loss of PAUL COVERDELL. He was a friend and someone whom I trusted. I think we all trust each other here because we are family. But I had a special fondness and a special trust for PAUL COVERDELL. He was a man of tremendous integrity, directness, and modesty.

There are many instances over our time period together that come to mind. But one in particular is perhaps the most recent one. I had a matter that was of great personal concern to me. It was an issue where he and I differed philosophically but where I needed his help in order to get my position heard. He agreed it should be heard, even though he disagreed with it. I went to him and asked him whether or not he might assist me in that process, and he said, ''CARL, I don't agree with you on this issue, but this is a matter of great import for this country and your views clearly should be considered by the decisionmaker here. I am going to do everything I can to make sure that in fact those views are considered.''

That said a lot about this man and about this place. Although we disagreed on an issue, he believed that the principle of having both sides heard was more important than the specifics of the issue. His integrity was indisputable and undoubted. We came to rely on him in so many ways. His background made him particularly able to make a special contribution to this Senate. He had great skills as a legislative craftsman and tactician. He, of course, had a wonderful background in the Peace Corps, and there were so many other ways he was able to contribute as a very special force in the deliberations on this floor.

PAUL COVERDELL rose to leadership in a very short period of time, which reflected the deep respect and regard that he had among his Republican colleagues. That special affection and regard was matched on this side of the aisle. The death of this very fine and gentle man is a terrible loss to the people of Georgia. I consider it to be a great loss to the people of Michigan and all of America, and a great personal loss to me as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the comments by my friend and colleague from Michigan regarding the death of our friend and colleague, PAUL COVERDELL.

Yesterday was a very, very sad day for the Senate. I was at this desk when the majority leader announced that PAUL COVERDELL passed away at 6:10 yesterday. Majority Leader TRENT LOTT was a very close friend of PAUL, as was I and many other Senators. This is a tough, trying time because we lost a very good friend and an outstanding Senator. It is sad to see the vacant chair right behind me that PAUL COVERDELL sat in. It demonstrates an enormous void his death leaves behind here in our body.

I had the pleasure of getting to know PAUL COVERDELL for the last 8 years. He did an outstanding job. PAUL COVERDELL was the type of Senator who would do any work assigned, and often times, work not assigned. He was the type of Senator who could enlighten the room, the type who could work with all Members and make things happen. He was the type of person who would be willing to take on tough tasks and always say yes, and

take them across the finish line. He was the kind of person you would want to have on your team at all times.

PAUL was the kind of person who really added a lot to this institution. It makes me proud to say he was my colleague. He contributed so much in so many ways. His death is an almost unspeakable loss for us, for the State of Georgia, and for the country.

He showed great leadership on a lot of issues, with a hallmark brand of analysis and execution that identified a challenge for our conference, pulled out all the views among our colleagues, and built consensus and success to the betterment of not just our party, but our country. For example, take primary and secondary education—something overlooked for many years. He focused on that in the last few years, and headed up a task force that cut across committee lines, seniority lines, and philosophical lines, to bring us together. He wanted us to do positive things to improve education across the nation. He successfully blended our different viewpoints together, and together we painted a vision on education that not only do many Americans support, but holds out real hope for change and improvement when it comes to educating our kids for the challenges of the 21st century. Further, many elements of his efforts brought along our colleagues across the aisle.

Or, take our war on drugs. Senator COVERDELL has worked hard with colleagues to address this challenge, here in the United States, and with the House and the administration to carry the fight overseas. In waging those battles, we came to realize that he was intense, he was serious, dedicated, and sincere. He was also successful, and many families today and in the future should be gratified in his success.

And these are just a few examples of the many areas where PAUL placed his tremendous energies. He was so involved in so many different issues, I even teased him last year. I said, ''We are enacting all Coverdell legislation, all the time'' because he had his name and fingerprints all over so many things were doing, because he was so proactive in trying to come up with positive solutions to challenging problems in education, or fighting the war on drugs here and overseas, or spending the country's money wisely, or returning the tax surplus to the people.

PAUL also didn't hesitate to join us in standing up on behalf of the Constitution, our system of checks and balances, of keeping the order we stand to defend. From the beginning to the end of his time in the Senate, rarely a day went by when he did not cast a thoughtful eye on the activism and activities of the executive, cognizant of the vision of our Founders who believed in a limited central government.

When you got to know him, you would discover that he had a real intensity, a keen curiosity to learn, understand, grapple with issues great and small. And he had such a great, congenial working spirit that made all of us better, that built us all up. His personality was infectious, his energy was admirable, his thoughtfulness was considerable, and his friendship was valuable.

We want to let PAUL's wife Nancy know that she is very much in our thoughts and prayers. We are comforted by the fact and have great confidence in the fact that PAUL COVERDELL now resides in a wonderful mansion, eternally. Our sympathies and prayers go with Nancy, and to the Coverdell family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Oklahoma for his comments. We celebrate the wonderful life of PAUL COVERDELL. I have a heavy heart, and I miss him. He was a great Senator. He contributed to this Nation in extraordinary ways.

He was a good friend to me, and a good friend to many others.

Yes, he was modest, self-effacing, encouraging, positive, and unifying—all of those things. But he was a courageous and positive leader for values that this Nation holds dear. He advocated them with such a winsome and effective way. We will miss him. I will miss him.

I say to the family and to Nancy particularly how sorry we are, and I express my sympathy. Maybe next week I will be better able to express my admiration and feelings for PAUL COVERDELL. I feel his loss deeply. So many of us do. I wanted to share those thoughts at this time.

I thank the Chair. I yield the floor.

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

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

Mr. REID. Mr. President, what is the legislative business now before the Senate?

The PRESIDING OFFICER. H.R. 4461, the Agriculture appropriations bill.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is none.

AMENDMENT NO. 3938

Mr. REID. 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 Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 3938.

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:

(Purpose: To prohibit the use of appropriated funds to label, mark, stamp, or tag as ''inspected and passed'' meat, meat products, poultry, or poultry products that do not meet microbiological performance standards established by the Secretary of Agriculture)

On page 25, line 11, before the period, insert the following: '': *Provided further,* That none of the funds made available under this heading may be used by the Secretary of Agriculture to label, mark, stamp, or tag as ''inspected and passed'' meat, meat products, poultry, or poultry products, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), that do not meet microbiological performance standards established by the Secretary''.

Mr. REID. Mr. President, this amendment clarifies USDA's authority to enforce standards for pathogens in meat and poultry products. These standards are essential to ensuring continued progress in producing safer products by reducing these pathogen levels in meat and poultry products. They are an important part of the new meat and poultry inspection system adopted in 1996.

This amendment only clarifies USDA's authority to enforce pathogen standards. It will not codify existing salmonella performance standards.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TAX RELIEF FOR MARRIED COUPLES

Mr. NICKLES. Mr. President, yesterday the Senate passed legislation providing tax relief for married couples. We passed a bill that basically eliminates the marriage penalty tax for most married couples. The cost of the bill was $55.6 billion over 5 years and over ten years. The cost of the bill was incorrectly reported in several newspapers despite the fact that on the floor of the Senate and in a press conference later, we stated clearly that the bill that we passed was a 5-year bill, and the cost of the bill was estimated by the Joint Committee on Taxation to be $56 billion. You wouldn't know that if you read the New York Times.

In today's paper: ''Senate Approves Tax Cut To Help Married Couples. Clinton Threatens Veto.'' That much is correct, but the next line says, ''$248 billion measure would aid even those who do not pay marriage penalty.'' I

dispute that claim, because it is absolutely false. The $248 billion cost they attribute to our bill is false. It is not correct.

In the article, the second paragraph says the vote was 61–38; eight Democrats joined Republicans to approve the measure which would reduce income taxes for nearly all married couples by a total of $248 billion over 10 years.

The facts are, the bill that we passed was $56 billion over the next 5 years and the next 10 years. Maybe some people didn't know that. Maybe if some Senators knew that they would have voted differently. I don't know. I want accuracy. I want people to know the facts.

The Washington Post had an article as well, and it had a chart that bothers me. The Washington Post headline said the ''Senate Votes ''Marriage Penalty' Relief.'' That statement is true. Then it says, GOP continues tax cutting drive and the President threatens to veto it. It talks of the bill being $248 billion and included a chart from the Citizens for Tax Justice. The chart asks the question: Who would benefit? It says the benefit for couples who make between $50,000 and $75,000 is $344. That is not correct.

The Citizens for Tax Justice has a reputation of being quite a liberal group. Regardless, they are entitled to their own opinion, but they are not entitled to their own facts. I want my colleagues and the American people to know what the facts are. Under the Senate-passed bill, people who have taxable incomes from zero to $43,000 could get a maximum tax benefit from earned income credit changes of $527, and a maximum tax benefit from the standard deduction adjustment of $218, for a total maximum tax cut of $745. For couples with taxable income between $43,000 and $52,500, they also have a standard deduction tax cut worth $218, and because of changes to the 15 percent income tax bracket they could also get a maximum tax cut of $1,125, for total maximum tax relief for married couples earning up to $52,500 of $1,342. These are facts about the bill we passed.

The Washington Post chart says people who make $40,000 to $50,000 have tax relief of $148. I believe the facts are that it could be as much as $1,342. There is a big difference.

Citizens for Tax Justice happens to be wrong. I don't know if they are using some unreasonable type of income classification that greatly inflates income so that everyone seems rich. That's what the Clinton administration does when it wants to attack our tax cuts. I don't know what they are doing. It bothers me. Maybe it shouldn't. Maybe I am a stickler for facts. We should stick to the facts.

We passed a tax bill yesterday that I believe will become law. If the President will sign it, married couples with taxable income of $52,500 will get $1,342 worth of tax relief. That is a fairly significant tax cut. For the local paper the next day to say that couples making between $40,000 and $50,000 get $148 is wrong, way wrong. It is $1,000 off.

The Washington Post tries to imply that the real benefits of this tax cut go to people making $200,000 or more. That is not the case, either. I will have printed in the RECORD a table for the information of our colleagues and the information of the press, if they happen to be interested in what we passed. This table shows the maximum tax benefit that anyone would receive under our bill by provision and by taxable income. A couple with taxable income of approximately $127,000 gets the maximum benefit, which is $2,165. People who made over $127,000 get less, and that amount would be $1,759.

One might say, why? The difference is because they lose the standard deduction. Under the law that passed in 1990, they lost a standard deduction after their income is above a certain level. We didn't change that. Maybe we should have, but we didn't.

Citizens for Tax Justice says, and the Washington Post says, people making over $200,000 get a much bigger benefit. They missed it by a mile. They imply that those over $200,000 get more of a benefit than those with income between $75,000 and $100,000. They missed it again. They are wrong. Factually incorrect. They ought to know better. If they are going to put this information in one of the largest newspapers in the country, they ought to do a better job and let the American people know what we voted on. Then maybe they can make the appropriate judgment: Was this a good bill or a bad bill?

I happen to think it is a good bill. I am delighted we had 61 votes. I wish we would have had 99 votes. Unfortunately, we didn't. I hope the President will sign this bill. He should sign this bill. I will predict he will sign the bill.

We are working in conference and we will come out with a bill that will be between the House bill and the Senate bill. The House passed permanent marriage tax relief that cost $180 billion over 10 years. The Senate bill was sunset at 5 years, and cost $56 billion over 5 years and 10 years. We are very close to working out a compromise somewhere between the House and the Senate. We will make that announcement probably at some point tomorrow.

I urge the President: Do not just issue veto threats; provide tax relief for American families. The President can help eliminate the marriage penalty by signing this bill. He should sign this bill. This bill will provide tax relief in the neighborhood of $1,300 for married couples making up to $52,000. He should sign that bill and give them tax relief.

I also urge the media to look at their reports. They are distorted. In the case of the chart in the Washington Post, it is totally, factually incorrect.

When we announce our conference agreement tomorrow, I hope people take another look at it and see that it is fair tax relief that should become law. My prediction is it will become law. My prediction is the President will sign it. If not, I hope there will be an overwhelming vote in the House and the Senate to override his veto.

I believe in accuracy. We should have accuracy in reporting. We, in the Senate, should be accurate when we present our case. I don't think it is necessary to embellish one's case by using inaccurate statements or inaccurate figures.

I ask unanimous consent to have printed in the RECORD a copy of the chart included in the Washington Post, a table of the revenue impact of the Senate bill, and also a table that I have assembled showing the maximum tax benefit under the Senate bill by taxable income.

If the Washington Post wants some help, maybe they should take a look at this information. It might be more informative for their readers.

I ask unanimous consent to have all three printed in the RECORD.

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

MAXIMUM MARRIAGE PENALTY BENEFIT POSSIBLE BY PROVISION AND BY TAXABLE INCOME GROUP

Taxable Income	Maximum benefit possible by provision				Total [1]
	EIC	Standard deduction adjustment [1]	15% bracket adjustment	28% bracket adjustment	
$0 to $43,850	527	218	0	0	745
$43,850 to $52,500	0	218	1,125	0	1,342
$52,500 to $127,200	0	406	1,125	635	2,165
$127,200 to $161,450	0	0	1,125	635	1,759
$161,450 to $288,350	0	0	1,125	635	1,759
$288,350 and over	0	0	1,125	635	1,759

[1] Taxpayers who itemize deductions, and those taxpayers above the deduction phase-out threshold would receive no benefit from the standard deduction adjustment.

Note: Staff estimates based on year 2000 tax parameters—Provided by Senator Don Nickles, 07/19/2000.

ESTIMATED REVENUE EFFECTS OF A MODIFICATION TO THE CHAIRMAN'S MARK OF THE ''MARRIAGE TAX RELIEF ACT OF 2000''—SCHEDULED FOR MARKUP BY THE COMMITTEE ON FINANCE ON MARCH 30, 2000

[Fiscal years 2001–2010, by billions of dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001–05	2001–10
1. $2,500 increase to the beginning and ending income levels for the EIC phase-out for married filing jointly [1].	tyba 12/31/00	[2]	−1.6	−1.5	−1.6	−1.6	−1.6	−1.6	−1.6	−1.6	−1.6	−6.3	−14.4
2. Standard deduction set at 2 times single for married filing jointly	tyba 12/31/00	−4.1	−6.0	−6.4	−6.5	−6.8	−7.0	−7.1	−7.3	−7.5	−7.6	−29.8	−66.2
3. 15% and 28% rate bracket set at 2 times single for married filing jointly, phased in over 6 years.	tyba 12/31/01		−1.7	−4.4	−8.5	−11.4	−12.9	−19.5	−22.0	−21.6	−20.7	−26.0	−122.7
4. Permanent extension of AMT treatment of refundable and nonrefundable personal credits.	tyba 12/31/01		−0.3	−1.6	−2.3	−3.5	−4.7	−5.6	−7.5	−8.8	−10.0	−7.7	−44.5
Net Total		−4.1	−9.6	−13.9	−18.9	−23.3	−26.2	−34.0	−38.4	−39.5	−39.9	−69.8	−247.8
Legend for ''Effective'' column: tyba = taxable years beginning after—		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001–05	2001–10
[1] Estimate includes the following effects on fiscal year outlays		[3]	−1.3	−1.3	−1.3	−1.3	−1.4	−1.4	−1.4	−1.4	−1.3	−5.3	−12.1

[2] Loss of less than $50 million.
[3] Less than $50 millin.

Note: From the Joint Committee on Taxation, 3–30–2000—Details may not add to totals due to rounding.

WHO WOULD BENEFIT

How much married couples would benefit on average if the Senate ''marriage penalty tax'' bill were phased in fully:

Average tax cut for married couples, by income group:	
Less than $10,000	$14
$10,000–20,000	128
$20,000–30,000	220
$30,000–40,000	172
$40,000–50,000	148
$50,000–75,000	344
$75,000–100,000	1,006
$100,000–200,000	1,118
$200,000 and more	1,342

Those who make $50,000 a year or more would receive most of the tax cut. However, they also pay the most in income taxes.

Income group	Percent of tax cut	Share of total individual income taxes
$0 to 20,000	3%	−2%
$20,000 to 30,000	5%	1%
$30,000 to 50,000	7%	7%
$50,000 to 75,000	17%	16%
$75,000 to 200,000	68%	79%

Note: Tax cut percentiles refer to joint returns, income tax percentages refer to family income. They are not exact comparisons.

Sources: Citizens for Tax Justice, Congressional Budget Office.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak up to 20 minutes in morning business.

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

Mr. DURBIN. Mr. President, I just listened carefully to my colleague from Oklahoma correcting the press, and of course I would join him on many days in that effort. As a public figure, I am often quoted enough and read things that I think are a little bit different than what I believe are the facts. I would say in this instance perhaps his characterization of the information presented by the Washington Post at least deserves to be discussed for a moment. He made reference to the Citizens for Tax Justice, a group with which I have worked. He referred to them as, I believe, a left wing or left leaning group. His characterization is his own and he is entitled to it. But I suggest to the Senator from Oklahoma and to anyone who is following this matter, when we assess how much it will cost for the so-called marriage penalty tax relief, we usually make assessments on a 10-year basis. Though the bill may say 5 years, it really strains credulity to suggest at the end of 5 years we are going to reimpose the tax once we have taken it off.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. NICKLES. I just inform my colleague from Illinois, I had printed in the RECORD the joint tax statement that had the 5-year cost at $56 billion and had the 10-year cost at $56 billion, my point being we ought to be accurate. For some people to imply the bill we passed was $248 is factually incorrect.

Mr. DURBIN. I thank the Senator from Oklahoma. I want to show a chart to the Senator from Oklahoma, and anyone else following this, that was not prepared by Citizens for Tax Justice. It was prepared by the Joint Committee on Taxation which is an official body that works for the U.S. Congress. It is bipartisan, as I understand it. They were asked to try to determine how much tax relief of the marriage penalty tax relief bill proposed by the Republicans would be going to certain income groups in America. It is starkly different than what the Senator from Oklahoma has said.

If he will take a look at the comparison between the Democratic plan in yellow and the Republican plan in red, he will see different income categories. There is a substantial difference in the tax relief available. In the lower income categories, we find substantial relief available for those making $20,000 a year—under the Democratic plan about $2,000; under the Republican plan about $500. At $30,000, it is substantial help—about $4,000 under the Democratic plan; about $800 under the Republican; At $50,000 a year in income, $1,900 in tax relief on the Democrat plan, $240 on the Republican.

Mr. NICKLES. Will the Senator yield?

Mr. DURBIN. When I finish, I will be happy to.

Mr. NICKLES. I don't have all day. I need to run, but I would like to make a comment. I don't know where the Senator got his chart, but I am telling him that factually any couple that made $52,000 under the bill we passed yesterday, the Republican bill, with 8 or 9 Democrats who voted with you, would get tax relief exactly—exactly as I announced on the floor or I will eat the paper. It is $1,125, plus $212, and that is 1,300 and some odd dollars, not $300. So the Senator's chart is factually incorrect.

Mr. DURBIN. I thank the Senator for his comments. I thanked him before leaving. I don't want him to take this paper with him for this dinner hour, but I will stand by the comments of the Joint Committee on Taxation. This is not a political group, not a partisan group. It is a group authorized by Congress to make these evaluations. The Senator from Oklahoma is entitled to his opinion. I am going to stick with the facts given to me by an organization we rely on all the time.

If I can finish the presentation, though, you note when we get to the highest income categories, the Democratic bill does not provide relief under the so-called marriage penalty tax relief, and the Republican plan does, about $1,000 of tax relief for people making $250,000 a year.

The important thing to keep in mind, too, in putting this in perspective, is not too many years ago we were laboring with a national deficit and worries about how we were going to pay it off and balance our books. Some suggested we needed a constitutional amendment, a dramatic revision in the budgetary policy here in Congress.

There are many of us who believe there is another way to do it, with sound fiscal policy and leadership, not only in the White House but also in Congress. With the leadership of President Clinton and Vice President GORE, we now find ourselves talking about spending surpluses.

I would like to speak for a moment about the tax bills we have considered over the last 2 weeks, but before I do that, I would like to yield to my colleague from the State of Nevada.

Mr. REID. I appreciate that very much. I am sorry my friend from Oklahoma is not here. I have here from the Joint Committee on Taxation, ''Estimated Revenue Effects of Modification to the Chairman's Mark of the Marriage Tax Relief Act of 2000.'' This we received from the Joint Committee. It says the net total impact of this tax over a 10-year period is $247.8 billion.

Is that what the Senator from Illinois was saying as I walked into the Chamber?

Mr. DURBIN. That is exactly my point. Before he rushed off for dinner, the Senator from Oklahoma suggested if that was the case, he would eat the paper. I suggest my friend from Nevada save that. Perhaps we can send it along for lunch tomorrow for my colleague because I stand by that estimate. I have no reason to believe it is not true. For him to suggest the cost of this program is $56 billion whether it is 5 years in length or 10 years in length really does not square with my understanding.

It certainly is going to cost us taxpayers more over a 10-year period of time than it did over a 5-year period of time. I believe that is what the Joint Committee on Taxation is telling us.

Mr. REID. If I could ask my friend one more question, this is not a question of the Democrats being opposed to the marriage penalty tax relief; is that true?

Mr. DURBIN. That is true. In fact, what we have done is present a proposal that says if you are in a situation where two wage earners get married and their joint income raises them to a higher tax rate, we protect them. Basically, we voted, if I am not mistaken, to say to those taxpayers: Take your pick. You can file a joint return. You can file a single return. We have a proposal that will protect you from being penalized for your marriage. The Republicans, unfortunately, go one step beyond solving the problem and create a problem. They create a problem because they not only remove what they consider to be the marriage penalty, although their approach is only half hearted—they provide a marriage bonus. In other words, those couples who get married and don't pay higher taxes because of combined joint income receive a tax break under the Republican plan. So it goes far beyond solving the additional problem that was identified. It creates a new problem because it creates a new expense, a new drain on the Treasury, a new expenditure of our surplus.

Mr. REID. I say to my friend, also in the form of a question, I hope that he has the opportunity to finish his description here of what the difference is between the two approaches. I also say to my friend, this issue is not over. People can yell and scream and declare victory, but in our Government, I think the Senator would agree, we have something called the Constitution. This tiny little document here establishes three separate but equal branches of Government. One of those branches of Government is called the executive branch. He is going to veto this and then it is going to come back. Then the legislative branch is going to sustain that veto.

Then they will have an opportunity, if they in good faith want to do something to help remove this marriage penalty tax, to work with the administration and the Democrats and come up with a compromise that would give true marriage penalty tax relief. In fact, what it would do is, instead of taking away three of the references where there is a penalty in our Tax Code, it would take care of all 67. Am I right, I say to my friend from Illinois?

Mr. DURBIN. The Senator from Nevada is correct. What the Republicans suggest is they end the marriage penalty. We know there are somewhere between 62 and 67 provisions in the Tax Code that penalize a couple when they are married and have a higher joint income. We on the Democratic side address every single one of those penalties and remove them for those who are truly penalized. The Republicans, unfortunately, only addressed three of them. They leave all the other taxes on this married couple. So they not only don't solve the problem, they create a new problem by taking the surplus away for people who are not being prejudiced by being married, and they don't address it in a comprehensive way.

President Clinton should veto this bill, and in vetoing it send it back to Congress and say if it is your goal to eliminate the marriage penalty, do it in an honest way; do it in a complete way. What we had before us yesterday was very incomplete and, I am afraid, not a very direct way of dealing with this problem.

Take a look, if you will, at the impact of the Republican marriage penalty tax cut by income because I am going to return to this theme in just a moment. If you take a look at who will benefit from the Republican tax relief plan, you will find that, as usual, those who are in the richest fifth, top 20 percent of wage earners in America, receive 78.3 percent of all benefits under this Republican tax relief. In fact, the top 5 percent of wage earners receive 25.7 percent of all of this tax relief. This, unfortunately, has become a recurring theme when the issue of tax relief comes before the Republican-controlled Senate. Time and again they believe the people who are best off in this country, the people who are doing well, are the ones who need a helping hand.

Many of us come from States and communities where the folks who are making a lot of money are doing very well. They are very comfortable. They have had a very profitable time for the last 7 or 8 years of the Clinton administration. We have seen dramatic increases in the Dow Jones, the NASDAQ. When President Clinton was sworn into office as President, the Dow Jones was about 3,000 or 3,300. Today it is over 10,000. The value of those stocks has more than tripled. In the same period of time, the NASDAQ indicators went up from about 800 when the President was sworn in to around 5,000 today.

There is a suggestion there for everyone that if you happen to be invested with savings accounts and retirement accounts in the stock market, you have had a pretty good time of it over the last 7 or 8 years. I am glad that has happened, and I am happy for all the families who profited and businesses and retirement funds that have seen better times because of this improvement.

It strikes me as strange, if not odd, that when we talk about tax relief then, the Republicans seem to want to focus on the people who have really done the very best in income and net worth over the last 10 years.

Take a look at this chart of Republican tax breaks under both the estate tax reform and the marriage tax penalty reform, and you will find again a dramatic difference in the money that is available. For those in the lowest 20 percent—these are people making the minimum wage or slightly more—the Republican idea of tax relief turns out to be $24 a year in reduced taxes, about $2 a month.

Now go up to the top 1 percent, people making over $300,000 a year, and the Republican idea of tax relief is $23,000, almost $2,000 a month. I suggest that anyone making $300,000—which, if my quick calculations are correct, comes out to about $25,000 a month in income—may not notice $2,000 a month. I guarantee the people at the lowest end who are struggling at minimum wage jobs are not going to notice $2 a month.

It is far more important for us, when we talk about real tax relief, to keep our eyes on those in the lower- and middle-income groups who are struggling mightily to do well in this economy. They have had some help. The economy is doing well, but they could use some tax relief, and if we are going to take the surplus of the United States and give it to families across America, should we start at the top? Should we start with the wealthiest or should we start basically with the lower- and middle-income families who really need it?

Take a look at this chart, too. This chart summarizes it. It shows the Republican tax plans we have debated over the last 2 weeks, and the impact it has, as I described on previous charts. The top 1 percent of people making over $319,000 a year, people with an average income of $915,000, receive a $23,000 tax break, which represents 43 percent of all of the tax relief that was included in those bills. We are taking the surplus generated in our economy for tax relief and 43 percent of it goes to people who have an average income of $915,000 a year.

There is a better way to do it. I hope the President vetoes the estate tax bill and the marriage tax penalty bill suggested by the Republicans because these bills are fundamentally unfair. That we would give tax breaks to the wealthiest among us and ignore families who work hard every single day is not fair.

If we are going to start a line of people most deserving of assistance in

America, I hardly believe we should start that line with Donald Trump and Bill Gates and folks who are making millions and millions of dollars. Better yet, let us try to bring to the front of that line those who are struggling every single day with the basic challenges that American families face.

Tax cuts should be directed. First and foremost, we need a prescription drug benefit. We just had an interesting debate. Pharmaceutical companies cannot be too happy with this debate because we said on a bipartisan basis that we are so upset with drug pricing in America that we are now going to allow companies, pharmacists, and distributors to import drugs from overseas at lower prices so they can sell them to Americans. These are drugs that are basically made and inspected in America, sent to foreign countries, and sold at a fraction of the price.

It happens in Canada. It happens in Europe. It happens in Mexico. We all know the story. People are getting in buses in some States and driving across the border to Canada to buy American drugs at a fraction of the cost.

The Senate said there has to be a better way. Absent addressing this problem of pricing drugs head on, we are going to allow the reimportation of these American drugs that have been made in inspected laboratories into the United States so that they can be sold to Americans at a reduced cost. I guess it is obvious from this vote that we know families are suffering because of drug prices, and yet before we have enacted any kind of a prescription drug benefit under Medicare, the Republicans have insisted we spend half of our anticipated surplus in tax breaks for the wealthiest in America.

It makes more sense to me to create a prescription drug benefit under Medicare, a universal guaranteed drug benefit accessible to every American who chooses to be part of it, one that allows a doctor to prescribe a drug that a person needs to stay strong and healthy in their home for as long as they want to be and be able to pay for the drug.

I have seen cases in Illinois and certainly in hearings across the country and in this city have heard from people who are struggling to pay for prescription drugs. That is the highest priority we should deal with, and we should do it before we break for the August conventions so that both parties can go to their conventions and say: We did something for the families across America. For those who are concerned about the elderly and disabled who are stuck with high drug prices, we did something for fathers and grandfathers, mothers and grandmothers, who really cannot afford the drugs their doctors prescribe.

We did not do that. Instead, we decided people with an average income of $915,000 a year need an additional $23,000 in tax breaks from the Republicans. I will bet a nickel there is not a person making $915,000 a year who cannot afford prescription drugs. These people know how to pay for virtually everything if they are making that much money, and we gave them more money.

Before we directed our attention to those who were struggling to get by on fixed incomes—people on Social Security taking home a check of $800 or $1,200 a month looking at drug bills of $200, $500, $600—we learned from a public hearing in Chicago of a woman who had gone through a double lung transplant. It was a miracle she stood there before us and looked very healthy. Years after that transplant, she still worried because she needed to take immunosuppressant drugs that cost over $2,000 a month. There was no way on her fixed income she could afford it.

Frankly, if she stopped taking them, she could have irreversible lung damage. She faced that prospect, she made that decision, she stopped taking the drugs for a period of months because she could not afford them, and did face irreversible lung damage. She got back on the welfare rolls long enough to resume prescriptions and living month to month trying to afford the drug she needed to stay alive. That is a real story of a person whose income is little more than $12,000 a year who literally worries from month to month as to whether or not they will be able to buy the drugs to keep them alive.

Did we remember that lady when we talked about tax relief here? No. We focused 43 percent of our attention and 43 percent of our surplus on people making over $300,000 a year, people making $915,000 average income. For those in the category above them, $130,000 to $319,000, we gave them another 14 percent of the surplus as well.

There is another group we forget, and when we had an opportunity to vote for an amendment, unfortunately, we could not muster a majority to support them: families who are paying for college education expenses for their kids.

We believe—the Clinton administration and Democrats believe—that families who want to put their kids through school should be able to deduct their college education expenses up to $12,000. It means a helping hand from the Government in the range of $3,000 a year. Most families would welcome that so they could pay the tuition expenses and the room and board for the kids who finally are accepted at good colleges and universities. It is a strain for a lot of families, and a lot of kids go deeply into debt to pay for college.

We believe tax relief should be directed to those families so they can send their kids to college. We brought it up for a vote, and it was rejected by the Republican side. That is not their idea of tax relief. Their idea of tax relief is $23,000 a year in tax breaks for people making over $900,000 a year.

We wanted to address another problem. What about day care? So many working families worry about where their kids are going to be during the course of a day—whether they will be in a place that is safe, clean, and healthy, someplace where a child might have a chance to learn—and they struggle to find that place they can afford. Day care is a real human, family problem. We came up with a proposal to increase the credit that a family can claim for the cost of day care.

The PRESIDING OFFICER. The Senator has spoken for 20 minutes.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. Mr. President, that was rejected as well. The idea of helping families through the Tax Code to pay for day care was rejected.

I can tell you with no doubt in my mind, with an absolute degree of certainty, that if you are making $915,000 a year, you probably do not worry too much about the weekly day care costs, but that is the group the Republican majority decided needed help, not the working family, struggling to find a safe, clean, affordable day-care center for their kids. No.

The group making over $900,000 a year will get $23,000 in tax breaks from the proposals on the Republican side of the aisle.

This list includes an effort by the Democratic side to provide tax credits to businesses offering health insurance to their employees. You know as well as I do that 40 million Americans do not have health insurance. We believe the best way to help them afford health insurance is to help the small business employers provide that benefit. Of course, that insurance is more expensive. Those who buy it in smaller groups, such as the small businesses, have to pay more for the health insurance premiums and their employees are in lower income categories.

So I proposed an amendment that said we would give a tax credit to businesses, a tax credit for those who would offer health insurance not only to the owners of the businesses but also to those who work there. That was rejected by the Republican side of the aisle. That is the kind of tax relief they just do not think is necessary.

I can tell you, you will not find a single person working for a small business in America making over $900,000 a year—the people we were trying to help with that amendment.

I can guarantee you, as well, that people making over $900,000 a year probably don't lose a single moment's sleep each night worrying about whether there will be health insurance.

So it comes down to this. The President has proposed he is going to veto these proposals by the Republicans because, once again, as they have done historically, the tax cuts proposed on the Republican side of the aisle have gone overwhelmingly to the wealthy. It happened in August of 1999; again, in May of 2000 under George W. Bush's plan; it happened with the House action recently in March of this year; and

it happened again on this estate tax repeal that the Republicans support.

Time and time again, the vast majority of relief goes to the wealthiest people in America. When will this Congress and this Senate listen to the 98 percent of the families in America who are hoping that we share their concerns about their future and their kids' future? Whether it is college education expenses, prescription drugs for their parents, prescription drugs for the disabled and their families, an effort to pay for child care, an effort to make certain they have health insurance on the job, when will this Congress put that as a high priority?

The Republican leadership said: Those people can go to the back of the line. We will wait for some other day, if ever, to discuss their needs. First we have to take care of the wealthiest. First we have to make sure that those making over $900,000 a year get about $2,000 more a month so they can be a little more comfortable in their lifestyle.

I think that is wrong. The President's veto is right. Let us provide tax relief and target it for the people who really need it. If there is a surplus in America, let working families, 98 percent of whom were ignored by the Republican tax cut plan, be first in line.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I enjoyed the speech of my good friend from Illinois. But I also want to footnote it by saying it is pretty tough to give tax cuts to folks who don't pay taxes. So it is a little on the rough side to do that.

REMEMBERING SENATOR PAUL COVERDELL

Mr. BURNS. Mr. President, I rise this evening, along with my colleagues, as we talk about and remember and celebrate the life of PAUL COVERDELL. He was born in Des Moines, IA. He was a graduate of the University of Missouri. That is where I went to school. PAUL COVERDELL was a person who came to the Senate with a history of being a doer. He was a workhorse in this Senate.

Early on, he demonstrated that he could be relied upon to take on the essential but unspectacular tasks for the good of the Senate and this Nation. He was rewarded for that when he was elected by his fellow Senators to be the Secretary of the Senate Republican Conference. I know something about that because he beat me. I could not have lost to a better man.

He had his little mannerisms. He could put you in a box, put a cap on you, do a lot of things. But his quiet demeanor and lack of fuss in tackling whatever tasks were assigned to him belied his effectiveness.

He served President Bush as Director of the Peace Corps. He was a man of peace. He served as leader of the Republican Party in the Georgia Senate for 15 years, from 1974 to 1989, skillfully guiding that body through some difficult but rewarding years.

His leadership really surfaced when he came to the Senate. We have talked about him being a stalwart on national defense and on taxes, but I think he had his best vision and his best grasp of this business in reforming public education because he always referred back to his vision for the next generation. The next generation was always on his mind. As a proponent of equal educational opportunities, he introduced sweeping education and tax reform bills. The list of his achievements in the Senate is substantial, indeed.

PAUL COVERDELL holds a special place in our hearts as we say goodbye to a brother, a Member of this body, who has shown us the way in the tradition of the Senate. We are all better just for having known him.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

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

FY 2001 DEFENSE APPROPRIATIONS ACT

Mr. ALLARD. Mr. President, today I rise in strong support of the FY 2001 Defense Appropriations Act Conference Report. This bill provides the much needed funding for our deserving men and women in the military. After years of declining military budgets, this Defense Appropriations bill does the right thing by putting more of our resources toward our Armed Forces.

While I strongly support the overall bill, I would like to make note of one serious omission—the cut in funding for the Discoverer II or DII program. I know that Senator STEVENS and the Defense Appropriations staff fought hard for the DII program, but that they ran up against an entrenched opposition from the other side.

Discoverer II is a key element in assessing the utility, feasibility, and affordability of Space Based Radar (SBR). SBR will provide all weather, 24 hour, 7-day a week global surveillance coverage. The Department of Defense has stated that SBR will satisfy many unfilled requirements, such as Long Range Endurance Reconnaissance, Surveillance and Target Acquisition, Improved Ground Moving Target Indicator Tasking, Processing, Exploitation and Dissemination Interoperability, and provide simultaneous access to multiple theaters worldwide.

The program not only had the wide support of many Members of Congress, but also from the Secretary of the Air Force, the Director of the National Reconnaissance Office, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the CINC of US Space Command, the CINC of US Central Command, and the Chief of Staff of the Air Force.

While I cannot understand the reasoning for such opposition, I do want to thank Senator STEVENS and his staff for fighting for this program and only hope that we can revive this important program in the future. The capabilities it will provide are too important to let it go quietly in the night. As the Chairman of the Strategic Subcommittee on the Armed Service Committee, as a member of the Senate Intelligence Committee, and as a member of the Commission on the National Reconnaissance Office, I have heard from our military and intelligence leaders that this capability is needed and that we must demonstrate the space based radar. That is why I will continue to fight for this defense capability.

Again, Mr. President, I want to thank Senator STEVENS for all his hard work and for producing such a strong bill for our military men and women.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. 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 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.

JULY 19

Steven Anderson, 38, Tulsa, OK; Eric Cummings, 24, Minneapolis, MN; Linda Dunn, 42, Detroit, MI; Betty Dreyfuss, 79, Daly City, CA; Tomas Hernandez, 27, Houston, TX; William Minis, 28, Dallas, TX; Ivan Powell, 32, Tulsa, OK; Percy Wright, 25, Baltimore, MD.

SENATOR JOHN O. PASTORE

Mr. L. CHAFEE. Mr. President. I rise today to speak of a man who, during 42 years of public service, left an indelible mark on generations of Rhode Islanders. Like thousands across the Ocean State, I am saddened by the passing of that great American statesman, John Orlando Pastore. Senator Pastore's life and career was one of diligence, accomplishment, integrity and distinction. Senator Pastore set a high standard for all who have followed him in the United States Senate, and while he will be missed, his contributions to our state and country will not be forgotten. My heartfelt condolences are extended to his family and friends in this difficult time.

The Nation's first Italian-American governor, and then U.S. Senator, John O. Pastore was rightfully proud of his

heritage and humble roots—and all of Rhode Island was proud of him. Not only did he embody the contributions made by Italian-Americans to our state and nation, his life and career were a source of pride and hope for immigrants from all nations.

A child when his father died, leaving his mother and siblings impoverished, the future Senator and Governor struggled to overcome the many daunting obstacles that life had laid in his path. Indeed, the true meaning of Senator Pastore's later personal and political achievements can only be understood when highlighted against the background of his own poignant memories of his childhood, which I would like to quote.

We lived in the ghetto of Federal Hill. We had no running water, no hot water. I used to get up in the mornings and have to crank the stove, to go out in the back yard and sift out the ashes and come back with the coal that I could recoup. I had to chisel with the ice pick the ice in the sink so that I could wash up in the mornings. And that was everybody in the family. That wasn't me alone. That was my wife's family, that was everybody's family.

A man who never forgot these humble beginnings, Senator Pastore captured the hearts and minds of Rhode Islanders in his conviction that if one worked hard enough and long enough, one's dreams would come true. As one who lived the American Dream, had risen from poverty to political prominence, Senator Pastore strived to extend those same opportunities to all in this country.

While Senator Pastore was a gentleman in everything he did, his convictions were equally strong. Whether he was standing up for the rights of the underprivileged, or warning of the dangers of nuclear proliferation, Senator Pastore was not afraid of a political fight. This was a man who, if asked an honest question, always provided an honest answer.

Perhaps for his family there is some comfort in knowing that Senator Pastore's career in public service has made the world a better place. He helped guide our state and nation through some of our most tumultuous times—from his pivotal role in the struggle for civil rights legislation to his efforts to protect mankind from the threat of nuclear weapons. Indeed, many in our nation may have marvelled at how a state so small could produce a man so great.

As the floor manager for the 1964 Civil Rights Act, Senator Pastore demonstrated his deep devotion for maintaining and promoting the rights of all people, regardless of their race, color or background. As a key player in the negotiation and ratification of the Nuclear Proliferation Treaty and the Nuclear Test Ban Treaty, Senator Pastore helped significantly reduce the dangers of thermonuclear war. On issues as diverse as civil rights and nuclear proliferation, Senator Pastore worked successfully to tighten the sinews of peace against a background of conflict.

On a personal note, my father, John Chafee, who followed John Pastore to the Senate in 1976, held his predecessor in the highest esteem. Their relationship consisted of mutual respect, admiration, and a never-ending series of personal kindnesses, great and small.

Upon his retirement in 1976, Senator Pastore addressed the Senate one final time. He expressed his love for this great institution and laid out the philosophy that had guided his career.

Whatever you do, keep that torch of opportunity lighted. Protect that flag. Maintain our institutions. Debate your differences if you have them. But always realize what that insignia says, ''E pluribus unum''—from the many there are one.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 18, 2000, the Federal debt stood at $5,680,376,489,658.94 (Five trillion, six hundred eighty billion, three hundred seventy-six million, four hundred eighty-nine thousand, six hundred fifty-eight dollars and ninety-four cents).

Five years ago, July 18, 1995, the Federal debt stood at $4,929,786,000,000 (Four trillion, nine hundred twenty-nine billion, seven hundred eighty-six million).

Ten years ago, July 18, 1990, the Federal debt stood at $3,160,432,000,000 (Three trillion, one hundred sixty billion, four hundred thirty-two million).

Fifteen years ago, July 18, 1985, the Federal debt stood at $1,796,027,000,000 (One trillion, seven hundred ninety-six billion, twenty-seven million).

Twenty-five years ago, July 18, 1975, the Federal debt stood at $533,511,000,000 (Five hundred thirty-three billion, five hundred eleven million) which reflects a debt increase of more than $5 trillion—$5,146,865,489,658.94 (Five trillion, one hundred forty-six billion, eight hundred sixty-five million, four hundred eighty-nine thousand, six hundred fifty-eight dollars and ninety-four cents) during the past 25 years.

ADDITIONAL STATEMENTS

THE JAPAN-AMERICA STUDENT CONFERENCE

● Mr. INOUYE. Mr. President, today I would like to offer a special tribute to the oldest university student exchange forum between Japan and the United States, the Japan-America Student Conference (JASC). Founded sixty-six years ago at the initiative of a group of Japanese students who were concerned about deteriorating U.S.-Japan relations, the month-long Conference has since convened on fifty-two annual occasions, alternating between the two countries.

This year, the Conference will open on July 21st at Tokai University's Honolulu campus, then move on to the University of North Carolina, Washington, DC, and New York City, and will conclude at the Reischauser Institute for Japanese Studies at Harvard University on August 21st. The sixty-two delegates, half from each country and, representing some thirty-four university campuses, will address such topics as: business practices, environmental issues, philosophy and religion, historical perspectives, and third world policies, against the thematic backdrop of ''Developing New Approaches to Promote Social Change.''

JASC is completely designed and implemented by students. Delegates elect Japanese and American Executive Committees at the conclusion of each Conference who manage, plan, and select delegates for the next year's event. Many alumni of the conference have gone on to distinguish themselves in the business, academic, and governmental arenas of their respective societies. Most notable among them is Kiichi Miyazawa, former Prime Minister and current Finance Minister of Japan, who participated in the 1939 and 1940 Conferences, and Henry Kissinger, former U.S. Secretary of State, who participated in the 1951 Conference. A common denominator among the highly diverse delegate community is a deep interest in knowing more about the U.S. and Japan, which can lead to careers relevant to the bilateral relationship.

Thirty intense days of travel and dialogue with each other foster better understanding and trust between the cultures, and, more importantly, friendships that endure for decades. As one delegate observed, ''JASC is not a destination; it is a journey that does not conclude.''●

ON THE 100TH ANNIVERSARY OF THE CROMWELL CHILDREN'S HOME

● Mr. DODD. Mr. President, for 100 years the Cromwell Children's Home in Cromwell, Connecticut has provided a nurturing and supportive environment for children. Although the Home has evolved from its initial origins as an orphanage, its dedication and devotion to helping children in need has not wavered. I am proud to rise today to recognize this praiseworthy institution and, on behalf of the people of Connecticut, extend a heartfelt thank you on its centennial anniversary.

On any one day in Connecticut, there can be over 5,000 children in need of the services so selflessly provided by institutions like the Children's Home. Those children staying at the Children's Home benefit from a positive environment created by the dedicated and skilled staff. From my experience of working on children's issues in the United States Senate, I know how important it is to provide a constructive and therapeutic atmosphere for children.

The Children's Home is special because it is a comprehensive residential

treatment center that can help many children who are emotionally disturbed, behaviorally challenged or socially maladjusted. Through the residential component of the treatment regiment, children develop social skills and learn to positively interact with others. Children also benefit from the educational opportunities provided by the Learning Center because every student's educational experience is designed to personally suit his or her needs and to complement his or her learning style. The extensive outdoor learning opportunities, coupled with access to computers, help to provide balanced, quality learning. In addition, family therapy is a prominent feature at the Home because it is crucial to facilitate effective interaction between children and their families.

All of these wonderful features contribute to the successful completion of the Children's Home goal of ''returning each child to his or her community with a more positive attitude.'' For 100 years, the Children's Home has succeeded in its endeavor and has positively contributed to the lives of its residents.

One such former resident who symbolized the success of the Children's Home was John Russell Bergendahl. Known to his friends as Russ or ''Red,'' John Bergendahl honored the Cromwell Children's Home, the state of Connecticut and our nation by his service in World War II. An only child whose parents died when he was a boy, Russ became a resident of the Cromwell Children's Home in 1932. The supportive environment at the Home enabled him to overcome his tragedy and live with a positive attitude. Russ quickly developed an outgoing personality that was complimented by his physical and mental discipline. As Russ matured, he became a model resident of the home, owing much to the caring environment and dedicated staff.

During high school, Russ excelled in athletics at Middletown High School and even played on the Cromwell town baseball team. Upon graduating from Middletown High School, he enlisted in the military to fight for his country in World War II. John entered military training and was assigned to the 504th Parachute Infantry Unit (PIR) of the 82nd Airborne Division. His unit fought courageously throughout Northern Africa and Italy during the early years of the War. The 504th's ranks were so depleted from these battles that they were retained as a reserve unit and did not participate in the D-Day invasion.

However, John was one of only 50 volunteers of the 504th to serve as pathfinders on D-Day . His 50-man unit courageously preceded the main airborne divisions behind enemy lines to protect the vulnerable beach landings and to prevent an enemy counterattack. John did not survive this hazardous mission and died serving his country on June 6, 1944. His death was undoubtedly heroic although the exact circumstances can not be verified. He is buried alongside his fellow pathfinders at the United States Military Cemetery at Omaha Beach.

On this, the 100th anniversary of the Cromwell Children's Home, it is only right that we recognize this special institution. As the story of John Russell Bergendahl demonstrates, the Cromwell Children's Home has nurtured a number of remarkable Americans, many of whom have served with distinction in the U.S. Armed Forces. But whether its residents go on to become heros or just good neighbors and positive members of the Community, the Cromwell Children's Home is making an important difference. I hope the case of John Russell Bergendahl serves as an inspiration to the past and future residents of the Cromwell Children's Home and that they understand that their lives and their potential are limitless. Once again, I congratulate the Cromwell Children's Home on this 100th anniversary and I encourage them to carry forward the good work for another 100 years.●

IN RECOGNITION OF REVEREND NICK HALL, JR.

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable person from my home state of Michigan, Reverend Nick Hall Jr. On July 23, Rev. Hall will retire after 48 years of service to the Bethesda Baptist Church in Saginaw.

Reverend Hall's history of pubic service is truly deserving of recognition. After serving his country in the Navy during World War II, he received his Bachelor of Theology from the Chicago Baptist Institute in 1950. He then moved to Saginaw, Michigan and organized the Bethesda Baptist Church in 1952, where he has ministered there for nearly five decades. In 1990, he furthered his studies in Theology by earning his Doctor of Divinity from Urban Bible College in Detroit. In addition to his career in the ministry, Rev. Hall has dedicated himself to civic leadership through his work with many community organizations. From civil rights activist to County Commissioner, he has won many hats in his long public career, but all of them have shown a true dedication to his community. For the last 48 years, Rev. Hall has served with integrity and compassion.

Rev. Hall's departure from Bethesda Baptist Church will certainly mark a new chapter in his life. I can only hope it is as successful as this previous one. Though I am sure he will remain active in his many church and community activities, I hope that he will be able to spend more time with his wife, Marie, and their children and grandchildren. I am pleased to join his family, congregation, and friends in offering my thanks for all he has done.

Mr. President, Reverend Nick Hall, Jr. can take pride in his long and honorable career to Bethesda Baptist Church. I hope my colleagues will join me in saluting Rev. Hall's commitment to his community and religion, and in wishing him well in his retirement.●

OUTSTANDING COMMUNITY LEADERSHIP IN FRANKLIN COUNTY, VERMONT

● Mr. LEAHY. Mr. President, I rise today to extend my congratulations to Franklin County, Vermont, one of five counties recently honored with the 2000 Community of Excellence Award from the organization Communities Can!

Franklin County is a small, sparsely populated area in northwestern Vermont. This county's close proximity to Lake Champlain and its rolling hills make it ideal for agriculture. In fact, the county has long been known as a state leader in dairy and maple syrup production. As with many rural areas, Franklin County has limited resources, but with the innovation and sense of community responsibility that has characterized Vermonters for centuries, leaders in the community have established a comprehensive network of educators, health care providers, and mental health workers to coordinate vital services for area children.

Communities Can! is a network of communities committed to ensuring that all children and families, including those with disabilities and special needs, have the services and support they need. Franklin County has been a part of this exemplary collaboration since its inception. Each year the organization recognizes five counties from across the country with the Community of Excellence Award. In order to be eligible for this prestigious award, a county must show that it identifies young children and families in need of services; provides affordable, convenient assistance; and includes family members in all levels of decision making. Receiving this award is a significant achievement.

It takes strong teamwork to bring all of these essential human services together to improve the lives of children and their families in a community. Thanks to the work of Mark Sustic, Coordinator of Early Childhood Programs; Peggy Durgin, Early Intervention/Team Coordinator; Paula Irish, Mental Health and Disabilities Coordinator for Head Start; Pam McCarthy, Director of the Family Center; and, Tracey Wagner, Chair of the Regional Interagency Coordinating Council, children and families in Franklin County receive the support and services they need to develop and flourish. I had the pleasure of meeting these remarkable community leaders this spring when they came to Washington to receive their award. These dedicated Vermonters make the most of the limited resources in their rural county by coordinating a comprehensive set of services including pre-kindergarten education, health care, parent education, special needs services, day care, and prenatal care.

I am proud of the people of Franklin County for their creativity and ingenuity in meeting the needs of families and children. They serve as an inspiring example to other communities in Vermont, and indeed, the entire country.●

MESSAGES FROM THE HOUSE

At 3:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1264. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W–2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the care of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3113. An act to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail.

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building.''

H.R. 4430. An act to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the ''Alfred Rascon Post Office Building.''

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building.''

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building.''

H.R. 4866. An act to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

The message also announced that the House agrees to the report of the Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001; and appoints Mr. ARCHER, Mr. ARMEY, and Mr. RANGEL, as the managers of the conference on the part of the House.

At 5:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 558. Resolution relative to the death of the Honorable PAUL COVERDELL, a Senator from the State of Georgia.

MEASURES REFERRED

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

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes; to the Committee on the Judiciary.

H.R. 3113. An act to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Commerce, Science, and Transportation.

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4430. An act to redesignate the facility of the United States Postal Service located at 8926 Baltimore Street in Savage, Maryland, as the ''Alfred Rascon Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, Hew Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4866. An act to provide for reconciliation pursuant to section 103(b)(1) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; to the Committee on Finance.

MEASURE REFERRED

The following bill, received previously from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated, on July 18, 2000:

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar on July 18, 2000.

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

MEASURE PLACED ON THE CALENDAR ON JULY 19, 2000

The following bill was read the first and second time by unanimous consent, and placed on the calendar:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, 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–9793. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report regarding the fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–9794. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 35587'' received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9795. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changed in Flood Elevation Determinations 65 FR 36069'' received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9796. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination 65 FR 36072'' received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9797. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 36068'' received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9798. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Debarment, Suspension, and Limited Denial of Participation; Clarification of Procedures'' (RIN2501–AC61 (FR–4505–F01)) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9799. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section Management Assessment Program (SEMAP); Lifting of Stay of Certain Regulatory Sections'' (RIN2577–AB60 (FR–3986–N–03)) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9800. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in

Flood Elevation Determinations 65 FR 36070'' (Docket No. FEMA–7324) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9801. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Office of Finance; Authority of the Federal Home Loan Banks to Issue Consolidated Obligations'' (RIN 3069–AA88) received on June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9802. A communication from the Fiscal Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, the report concerning the government securities brokers and dealers for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9803. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to exports to the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–9804. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Privacy of Consumer Financial Information (Regulation S–P)'' (RIN3235–AH90) received on June 23, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9805. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repurchases of Stock by Recently Converted Saving Associations, Mutual Holding Company Dividend Waivers, Gramm-Leach-Bliley Act Changes'' (RIN1550–AB24) received on June 26 , 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9806. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report regarding exports to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–9807. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 716, Privacy of Consumer Financial Information'' received on June 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9808. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations: Implementation of the Wassenaar Arrangement List of Dual Use Items: Revisions to Categories 1, 2, 3, 4, 5, 6 and 9 of the Commerce Control List'' (RIN0694–AC19) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9809. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report relative of the Securities Investor Protection Corporation for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9810. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report addressing the challenges of international bribery and fair competition; to the Committee on Banking, Housing, and Urban Affairs.

EC–9811. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the 1999 management reports of the twelve Federal Home Loan Banks and the Financing Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–9812. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Pet Ownership in Public Housing'' (RIN2577–AB94 (FR–4437–F–02)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9813. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Direct Funding of Public Housing Resident Management Corporations'' (RIN2577–AC12 (FR–4501–F–02)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9814. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Housing Choice Voucher Program: Expansion of Payment Standard Protection'' (RIN2577–AC18 (FR–4586–I–01)) received on July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9815. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 38429'' received July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9816. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP) Inspection of Insured Structures by Communities 65 FR 39726'' (RIN3067–AC70) received July 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9817. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of four issues of the Quarterly Journal (the annual report for 1999); to the Committee on Banking, Housing, and Urban Affairs.

EC–9818. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–9819. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Parties to a Transaction and their Responsibilities, Routed Export Transactions, Shipper's Export Declarations, the Automated Export System (AES), and Export Clearance'' (RIN0694–AB88) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9820. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers 65 FR 36633'' (RIN3067–AD11) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9821. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 36634'' (Docket No. FEMA–7313) received on June 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9822. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Bank, transmitting, pursuant to law, a report of the final rule entitled ''Other Equity Investments'' received on July 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9823. A communication from the President of the United States, transmitting, pursuant to law, the report of the notice of the continuation of emergency with respect to the Taliban; to the Committee on Banking, Housing, and Urban Affairs.

EC–9824. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to amend the Housing Act of 1949 to increase the guarantee fee on guaranteed loans; to the Committee on Banking, Housing, and Urban Affairs.

EC–9825. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 65 FR 30545'' (Docket No. FEMA–7735) received on July 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9826. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the Southeast Bering Sea Carrying Capacity (SEBSCC) Project'' (RIN0648–ZA86) received on May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9827. A communication from the Chairman of the Interagency Coordination Committee on Oil Pollution Research, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report relative to oil spill pollution research; to the Committee on Commerce, Science, and Transportation.

EC–9828. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure For the Shore-based Sector'' received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9829. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector'' received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9830. A communication from the Acting Assistant Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Rebuilding Overfished Fisheries'' (RIN0648–AM29) received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9831. A communication from the Chief of the Marine Mammal Conservation Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing the Taking and Importing of

Marine Mammal; Endangered and Threatened Fish and Wildlife; Cook Inlet Beluga Whales'' (RIN0648–XA53) received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9832. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Administrative Revisions to the NASA FAR Supplement'' received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9833. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99–NM–351 [6–19/6–22]'' (RIN2120–AA64 (2000–0340)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–599. A resolution adopted by the Legislature of the State of Alaska relative to the Exxon Mobil Corporation; to the Committee on the Judiciary.

POM–600. A resolution adopted by the Legislature of the State of Alaska relative to fair trade between the United States and Canada; to the Committee on the Judiciary.

POM–601. A petition from the Native Hawaiian Convention concerning the reestablishment of a Native Hawaiian Nation; to the Committee on the Judiciary.

POM–602. A resolution adopted by the House of the Legislature of the State of Illinois relative to industrial hemp; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 553

Whereas, Industrial hemp refers to varieties of the cannabis plant that have a low content of tetrahydrocannabinol (THC) and that are cultivated for fiber and oil; and

Whereas, Industrial hemp should not be confused with varieties of cannabis that have high content of tetrahydrocannabinol (THC) and that are commonly referred to as marijuana; and

Whereas, The commercial production and cultivation of industrial hemp is now permitted in Canada, under licenses and authorizations issued by Health Canada; and

Whereas, Health Canada controls, through rules, all activities relating to the importation, exportation, possession, production, sale, provision, transportation, sending, delivering, and offering for sale of industrial hemp; and

Whereas, Industrial hemp is grown legally throughout Europe and Asia; and

Whereas, Many farmers facing uncertain times in the agricultural marketplace view the reintroduction of industrial hemp as another potentially alternative crop that will have long-term economic benefits to the farmers who produce hemp and the persons who use hemp in the production of textiles, paper products, concrete reinforcement, automobile parts, plastic, cosmetics, organic foods, and natural body products; and

Whereas, Congress never originally intended to prohibit the production of industrial hemp when restricting the production, possession, and use of marijuana; therefore be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the United States Congress to acknowledge the difference between the hallucinogenic drug know as marijuana and the agricultural crop known as industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States' producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the chairmen of the Agriculture Committees of the United States Senate and House of Representatives, the United States Secretary of Agriculture, and each member of the Illinois congressional delegation.

POM–603. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the preservation of liberty; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 33

Whereas, the Preamble to the Constitution of the United States of America, which became effective on March 4, 1789, declares that the people of the United States have established that constitution with the stated purposes of forming a more perfect union, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the blessings of liberty; and

Whereas, the Fourth Amendment to the Constitution of the United States of America, which became effective on December 15, 1791, provides, in part, that ''the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .''; and

Whereas, on November 19, 1863, in his Address of Gettysburg, President Abaham Lincoln noted that our nation was conceived in liberty and spoke of the need for those who heard his words to resolve ''. . . that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth''; and

Whereas, these noble and lofty ideals, upon which our nation was founded and preserved, of liberty and government for the people, appear to be in danger as the echoes of the increasing raids against the citizens of our country, the latest of which was in Miami, reverberate across our land; and

Whereas, our nation must always be prepared to do the things which are necessary to preserve our liberty, but in preserving the liberty of the nation, the rights of the individuals must also be preserved; and

Whereas, certain actions by certain agents of our federal government have risen to an unhealthy fear of our government among the citizens of our nation; and

Whereas, the United States Congress should take the lead in preserving the liberties of our nation as a whole and the liberties of the individual citizens of our nation: Therefore, be it

Resolved, That the Louisiana House of Representatives does hereby memorialize the United States Congress to take such steps as are necessary to preserve the liberties of our nation as a whole and the liberties of the individual citizens of our nation; be it further

Resolved, That copies of this Resolution shall be transmitted to the presiding officer of each house of the United States Congress and to each member of the Louisiana delegation of the United States Congress.

POM–604. A resolution adopted by the General Assembly of the State of New Jersey relative to the Voting Rights Act of 1965; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 90

Whereas, On August 6, 1965, United States President Lyndon B. Johnson signed the federal Voting Rights Act (VRA) into law; and

Whereas, The purpose of this landmark legislation was to ensure that the voting rights of African-American citizens, as guaranteed by the Fourteenth and Fifteenth amendments, to the United States Constitution, are preserved and strongly enforced; and

Whereas, Prior to the passage of the VRA, many areas of the United States were in the grip of oppressive state laws that purposely hindered and abridged the right of African-Americans to register and vote by imposing demeaning tests and devices that kept them away from the polls on election day and permitted white voters to have control over the electoral process and the candidates for elective office; and

Whereas, For example, before the passage of the VRA, only 29 percent of African-Americans were registered to vote in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia compared over 73.4 percent of whites, and within two years after the passage of the law, more than 52 percent of African Americans were registered to vote in those states; and

Whereas, When the VRA was adopted, Section 4 of the law abolished literacy tests and all other similar devices used to discriminate against minority voters; and

Whereas, Section 5 of the law was designed to ensure that minority voters would have the opportunity to register to vote and fully participate in this county's electoral process free of discrimination; and

Whereas, Section 5 mandated that any change in election law in states that had a history of electoral discrimination—including something as small as moving a polling place—must be precleared, either through the federal Department of Justice or through the federal district court in the District of Columbia, to ensure that the change did not abridge minority voting rights; and

Whereas, In the wake of the passage of the VRA, the federal Department of Justice has used it to stop or remove a large number of the discriminatory practices that diluted the voting strength of African-Americans or prevented them from achieving electoral victories; and

Whereas, These practice include racial gerrymandering—drawing Congressional or legislative district boundaries with race as the primary consideration—and the use of at-large elections in counties and municipalities, whereby representatives are elected from the political subdivision as a whole, instead of from districts within it, so that a majority of white voters always defeat African-Americans candidates; and

Whereas, New Jersey has long had an interest in ensuring that African-Americans are permitted to exercise their constitutionally-guaranteed right to vote, as evidenced by the honor given to Thomas Mundy Peterson of Perth Amboy, the first African-American to vote in the United States after the passage of the Fifteenth Amendment to the United States Constitution in March 1870; and

Whereas, Given that the civil rights community believes that the VRA has allowed African-Americans in this country to fully exercise their right to vote and have an important role in this country's democratic process, it is fitting and proper for this State to acknowledge the year 2000 as the 35th anniversary of the VRA; now, therefore be it

Resolved by the General Assembly of the State of New Jersey:

1. This House acknowledges the year 2000 as the 35th anniversary of the passage of the Voting Rights Act of 1965.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to every presiding officer of the Congress of the United States, every member thereof elected from this State and to the executive officers of the largest civil rights organizations in the United States and this State.

POM–605. A resolution adopted by the General Assembly of the State of New Jersey relative to the proposed ''Justice for Holocaust Survivors Act''; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 58

Whereas, During the tragic events we now call the Holocaust, in which the Nazi dictatorship in Germany illegally expropriated private property and murdered six million Jews as part of a systematic program of genocide; and

Whereas, Five million others were also murdered by the Nazis; and

Whereas, There are thousands of Holocaust survivors living in the United States who are being denied restitution for their pain and suffering during the Holocaust; and

Whereas, This situation affects many survivors who have come to the United States during the last 50 years, as well as thousands of survivors from the former Union of Soviet Socialist Republics who have arrived here during the last decade and who have experienced a disproportionate refusal rate by the Conference on Jewish Material Claims Against Germany; and

Whereas, Many Holocaust survivors are indigent and in need of financial assistance; and

Whereas, Current United States law precludes lawsuits against sovereign governments such as the Federal Republic of Germany; and

Whereas, H.R. 271 of 1999, the Justice for Holocaust Survivors Act, would amend the federal Foreign Sovereigns Immunity Act to permit U.S. citizens who are victims of the Holocaust, whether or not they were citizens of the United States during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The President and the Congress of the United States are respectfully memorialized to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law.

2. A copy of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and every member of Congress elected from this State.

POM–606. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to voluntary school prayer; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 71

Whereas, the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection with the First Amendment of the Constitution of the United States; and

Whereas, statements of belief in a Supreme Power and the virtue of seeking strength and protection from that Power are prevalent throughout our national history; and

Whereas, today there are numerous signs of harmonious church/state coexistence, including organized prayer at every Congressional session, the use of the Bible while administering the oath of office, and the imprinting of ''In God we trust'' on the national currency; and

Whereas, prayer in public schools existed for nearly 200 years before the United States Supreme Court ruled in *Engel* v. *Vitale* that a government-composed nondenominational ''Regents'' prayer recited by students was unconstitutional as a violation of the establishment of the religion clause of the First Amendment; and

Whereas, this decision has severely constrained the exercise of religious freedom guaranteed by the First Amendment; and

Whereas, in the aftermath of the recent tragic events at Columbine High School in Littleton, Colorado and Westside Middle School in Jonesboro, Arkansas, many believe that providing for school prayer would help to prevent these incomprehensible acts of violence from recurring at other schools; and

Whereas, several resolutions have been introduced during the 106th Congress, proposing an amendment to the Constitution of the United States to allow for individual or group prayer in public schools and other public institutions; and

Whereas, the proposed amendments would not prescribe the content of the prayer, endorse one religion over another, or require any person to participate in prayer; and

Whereas, voluntary prayer is a beneficial practice that provides the opportunity for free expression of religion and rebuilding a moral emphasis needed in a country troubled by outbreaks of unprecedented school violence; now, therefore, be it

Resolved by the House of delegates, the Senate concurring, That the Congress of the United States be urged to propose an amendment to the Constitution of the United States to allow for voluntary school prayer; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1912: A bill to facilitate the growth of electronic commerce and enable the electronic commerce market to continue its current growth rate and realize its full potential, to signal strong support of the electronic commerce market by promoting its use within Federal government agencies and small and medium-sized businesses, and for other purposes (Rept. No. 106–349).

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. WELLSTONE:

S. 2888. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Finance.

By Mr. DURBIN:

S. 2889. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. L. CHAFEE):

S. 2890. A bill to provide States with funds to support State, regional, and local school construction; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 2891. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science , and Transportation.

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

S. 2892. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building''; to the Committee on Environment and Public Works.

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

S. 2893. A bill to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. BURNS, and Mr. SANTORUM):

S. 2894. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 2888. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Finance.

HEALTH SECURITY FOR ALL AMERICANS ACT

Mr. WELLSTONE. Mr. President, today I want to talk about an issue that is of the utmost importance: Health Security.

First I want to talk about the problem: Health insecurity. Then I want to talk about the solution: The Health Security for All Americans Act. And finally I want people around the country to hear what they can do to wake up Congress and make Health Security for All Americans a reality.

This year has been a hard one for me. Two months ago, we buried one of my dear friends, Mike Epstein. Mike's sons came to be with him for the last few weeks of his struggle with cancer. Devoted sons, they spoke glowingly about their father at a memorial service for him in the Capitol. As any of you who has sat with a dying parent knows, emotions overflow, coping is difficult, and the grief is profound. The last thing a son or daughter, a parent or spouse, needs is to have the additional burden of wondering where will the next dollar for ever mounting health care bills come from; to worry about going into debt; to worry about going bankrupt because of a loved ones health care needs. Mike's sons did not have to worry about that because Mike had health care coverage as good as Congress gets.

The wife of my health policy advisor, John Gilman, battled cancer for two and a half years before succumbing one month ago. She had required innumerable sessions of radiation therapy, plus chemotherapy and surgery. John had his hands full with work plus taking care of his wife, both physically and emotionally. It is draining, but can you imagine how much worse it would be if John and his wife, June, had no health insurance. John didn't have to worry about how to pay for the next medical bill because John and his wife had health care coverage as good as Congress gets.

People do get ill. As hard as we try and as much as we pray, we can't always cure them. But we certainly can make sure they all have access to high quality, affordable care with dignity. There is no reason why all Americans can't have health insurance as good as everyone of us who serves in the United States Senate.

The idea of procuring health security for all Americans is not a new one. Franklin Delano Roosevelt recognized the need for universal health care in the 1930s when we were in the depths of the depression; Harry Truman fought for it in the 1940s when the troops came home from World War II; John Kennedy envisioned it in the midst of the cold war; Richard Nixon had it high on his agenda before events overtook his Presidency.

What these 20th century Presidents all understood is that there is a basic human drive for good health, and the good health of the American people is what drives this country and its economy. By 1992 it was far past due for us to recognize that all Americans should have a basic right to quality affordable health care. We had the opportunity in 1993 and 1994 to confer that right on to all of our people—and we lost it, because of differences and failures to compromise, and obstructionists and nay sayers, and failing to keep our eye on the ball: Universal, quality, affordable health care for every American.

I began introducing bills to provide universal health care in this country shortly after I arrived in the Senate in 1991. Back then people were aware of the problems of the uninsured—it wasn't being swept under the rug. Do you remember back in 1992, we were coming out of a recession, unemployment was at 7.5 percent, the national debt was increasing each year and 36 million Americans were uninsured, and everyone was talking about some form of health insurance for all.

Eight years later, we're told the economy's humming along, unemployment is the lowest its been in 30 years, and there is a budgetary surplus. But despite the fact that there are 45 million Americans without health insurance—10 million more than there were 10 years ago—nobody in Washington is talking seriously about doing anything about it. Incremental change may keep some people from losing their insurance, and may insure some people who would otherwise be uninsured, but incrementalism has not stopped the steady rise in the number of uninsured in America which will soar to 55 million people by 2008.

We need to change that. I don't think the fact that 140 million Americans own stocks today should make us forget that 45 million Americans don't have health insurance. And that millions more can't make ends meet because their health insurance is simply too expensive.

Make no mistake about it: Not having health insurance has its consequences. And I know some of you know it personally too well. There are some myths out there about not having health insurance that need to be debunked:

The first myth is that the uninsured can easily get the care they need. But the fact is: Uninsured Americans needlessly suffer because they don't have access to the care they need. For example, the uninsured are four times more likely to go without needed medical care and to delay seeking care; and are up to four times more likely to experience an avoidable hospitalization and emergency hospital care. The uninsured are more likely to be in fair or poor health and have a higher probability of in-hospital death than the privately insured.

The second myth is that the lack of health insurance is usually a temporary condition and that most people get their coverage back quickly. But the fact is otherwise: Nearly 60 percent of people who are uninsured have been uninsured for at least two years. Or put another way: 6 out of 10 people who lose their health insurance this month will still be uninsured in July 2002!

Employers used to do more to help assure their workers of coverage. In 1985, nearly two-thirds of businesses with 100 or more workers paid the full cost of health coverage. Last year only one-fourth of businesses did. In 1988, employers asked workers to pay on average 20 percent of the cost through payroll deductions. By 1998, they had raised the average worker's share to 27 percent. Three-fourths of the working uninsured are not offered or eligible for any coverage through their workplace.

The third myth is that most people don't have health insurance because they are not working. But the fact is: 75 percent of uninsured Americans hold down full-time jobs or are the dependents of someone who does, and nine out of ten come from working families. What's also a fact is that low wage workers frequently aren't offered insurance at all through their employment or if they are, it is at an unaffordable price.

The fourth myth is that most people who don't have insurance could afford it but just choose not to buy it. But the fact is: The high cost of health insurance premiums is the main reason that half the uninsured don't have health insurance. Only 3 percent of people without insurance say the most important reason is because they don't think they need it.

Going without health insurance means living in poorer health. Most uninsured adults have no regular source of health care. Most postpone getting care. Three in ten go without needed medical care. A quarter forego getting the medicine they need because they cannot afford to fill their medical prescriptions. Uninsured children are 30 percent more likely to fall behind on well-child care and 80 percent more likely to never have routine care at all.

The uninsured are three to four times more likely to have problems getting the health care they feel the need. Uninsured children are at least 70 percent more likely not to get medical care for common conditions—like asthma—that if left untreated can lead to more serious health problems.

Uninsured Americans are more likely to end up hospitalized for conditions—like uncontrolled diabetes—that they could have avoided with better health care. In the end, uninsured patients are more likely to die while hospitalized than privately insured patients with the same health problems.

Partly because they are less likely to get regular mammograms, uninsured women are nearly 50 percent more likely to die of breast cancer. Our system takes its toll in senseless, random pain and suffering.

Without insurance, the medical bills mount quickly. More than one in three uninsured adults have problems paying their medical bills. The uninsured are three times more likely to have problems with their medical bills than the insured. Eight out of ten uninsured people receive absolutely no reduced charge or free health services. The crushing weight of bankruptcy looms on the horizon. One out of four people filing for bankruptcy identified an illness or injury as a major reason for filing; 1 out of 3 had substantial medical bills; and almost 50 percent had both.

Even with insurance, low- and middle-income families frequently find themselves in a financial straight jacket. Families with annual incomes of $30,000 or less are spending an inordinate, unaffordable share of their income on health care expenses. And the average family with an income under $10,000 is paying well over 20 percent of its annual income on health care costs. These families can least afford to make that kind of payment.

For families with annual incomes of $30,000 or more, the average amount of that income spent on premiums, deductibles and co-pays drops to below 5 percent on average. But these are just averages: many families at every income level spend more than 10 percent of their family income on health care, especially if someone in the family has a serious illness. That is not affordable. That is not fair.

Since coming to the Senate, my number one priority has been achieving universal, affordable, comprehensive, quality care for all Americans. That is

why I am proud to be introducing today the Health Security for All Americans Act.

Let me digress and tell you how I arrived at this legislation.

When I was first elected to the Senate and Bill Clinton was elected president two years later, I believed the political winds and tides were aligned for a decade of progressive change for America. I thought I had been elected at just the right time to be a part of this change. When President Clinton, in his State of the Union speech, announced he would veto any health care legislation that did not provide universal coverage, that every citizen must be covered, I jumped to my feet and cheered. This was why I came to Washington, to make this kind of change, and this was a fight I thought we could win.

But I had some quick learning to do. When I spoke about my interest in a ''single-payer'' health care plan, similar to the Canadian system where doctors and hospitals remain in the private sector, but where there is just one insurer or payer, I was told by a senior colleague that my plan might be the best proposal. ''But it does not have a chance. The insurance industry hates it and it will go nowhere. It is just not realistic.''

I was completely disillusioned. I could not accept then, and I do not accept now, the proposition that even before the American people have the opportunity to be informed or included, a good proposal is ''dead on arrival'' because the insurance industry opposes it. That isn't supposed to happen in a representative democracy!

In spite of the advice, I did introduce the single payer plan with Jim McDermott, a congressman and physician from the state of Washington. I thought first you start with the most desirable, and later on in the process you'll find out what is politically feasible. I refused to admit defeat before we had even begun to fight. And I was hoping that our legislation would pull the debate in a more progressive direction.

What happened was just the opposite. The trillion dollar health care industry, led by the insurance companies, went on the attack, not against our plan which ''wasn't realistic'' but against the President's plan which ''was''. ''Harry and Louise'' ads cried out against the horrors of ''government medicine.'' Intensive and expensive lobbying efforts expounded on the same theme.

Media coverage, which should have been about the nuts and bolts of different proposals shifted now to focus on strategy rather than substance and head counts rather than hard information. So ordinary citizens no longer had a source of knowledge to form opinions and inform their elected leaders.

But the problems were not limited to the insurance lobby and the media. The only way we could have beaten the health care industry would have been with dramatic and effective citizen politics. It never happened. Progressives didn't organize a constituency to fight for health care reform, and the Administration didn't have the political will to stand up to powerful interests and therefore never asked the American people to take on this fight. They tried to win with ''inside politics,'' cutting deals and making compromises with different economic interests.

With each accommodation to private power, the President's plan became hopelessly complicated. As a constituent told me at the time, ''How can you be for something you don't understand?'' What started as a noble effort by the President to fill a crucial national need became instead an object of derision.

Over the years, as I traveled around the country talking about the need for Universal Health Care and the Single Payer model, I found people turning off—not to the need for health insurance for all, but to the specific mechanism I favored. They wanted universal health care, but they didn't want a national single payer system or they didn't think one was possible here, so they stopped listening.

The mood of the country has changed since the early 1990s. In 1990, there were 34 million uninsured. Ten years later, today, there are 45 million, and the number is growing by 100,000 people per month. Numerous polls show that the large majority of Americans want universal affordable comprehensive health care coverage and that they are willing to pay higher taxes for everyone to be covered.

The people and the States are ahead of the Federal politicians on this issue. The people want a big change; not an incremental change. In Massachusetts and Washington state, people are pushing for ballot referendums in the fall on universal coverage. Massachusetts and Maryland have already received commissioned cost studies of alternative universal coverage plans. California this past fall legislated a task force to investigate options for universal coverage.

Governor Howard Dean (D) of VT (also a physician), whose state presently covers 93.5 percent of its citizens, says it well: ''It is my view that health insurance ought to be universal, the right of every citizen in Vermont.'' And there is bipartisan support in Vermont. ''Health care is not a partisan issue in Vermont,'' state Sen. John Bloomer (R) said, adding that ''it's a bipartisan goal to expand health care access and affordability.''

The Health Security for All Americans Act is a plan for a big change. It builds on the momentum going on in the states of this great Nation.

So I decided that rather than trying to tell people how I thought the system should work, what I needed to do was first, to set out what I have found are the common goals of the American people: universal affordable comprehensive health coverage; and second to provide federal matching funds for each state to reach those goals in the way that best fits the needs of that state.

So, let me tell you about the Health Security for All Americans Act.

First, it is based on the premise that every American—not just everyone in this chamber, but every American—is entitled to have health care coverage as good as the Congress gets. Every Federal employee has that right. Why shouldn't every other American?

Second, it is based on the premise that good health care must be affordable. Americans should not go broke trying to keep their bodies fixed. From my experience traveling around the country, Americans all across the income spectrum are willing to be responsible for an affordable fair share of the cost of coverage and care, and a growing number of polls show that a majority of Americans are willing to pay higher taxes so that all Americans will have health coverage. Under the Health Security for All Americans Act, a family's financial responsibilities for health care is based on a percentage of family income. At the lowest end of the income scale, families would be responsible for no more than one-half of 1 percent of family income, so they can have quality health care, and a roof over their head, and 3 square meals a day. While at the higher end of the income scale, families would be responsible for no more than 5 percent or 7 percent of family income. For example, under the Health Security for All Americans Act, a family of four with an annual income of $25,000 would be responsible for no more than $11 a month in total health care costs, while a family of four with $50,000 in annual income would have the security of knowing that its total out-of-pocket health care spending (premiums and cost sharing) could not exceed 5 percent of family income or $2500 per year.

Third, it's based on the premise that you have to have access to care when you or your family needs it. That is why the Health Security for All Americans Act includes the Norwood-Dingell Patient Bill of Rights that has been endorsed by over 300 health care organizations.

Fourth, it's based on the premise that good health care delivery doesn't just happen. It depends on a well trained, well compensated health care workforce that doesn't have to constantly worry about where the next dollar is coming from. And I am referring to doctors and nurses and orderlies and home health workers, and nursing home workers—all health care workers. If we are going to deliver humane dignified health care to everyone in this country, we need to start by treating the health care workforce with dignity and respect and that starts with affordable health care for all workers. That is why the Health Security for All Americans Act includes health care quality, patient safety, and workforce standards.

My experience has taught me that Americans agree with these premises. They want high quality, affordable health care as good as Congress gets, but they are not sure the best way to get there. That is why the Health Security for All Americans Act is a federal state partnership that says here is what Americans want; you—the states—design the plan you want to get your state there; and we the federal government will provide the majority of the funds you need to reach that goal in the manner you chose.

States that submit plans early and achieve universal coverage are rewarded with increased federal dollars for their efforts. But all states must have plans in force within four years and coverage for all their residents within five years. States could reach these goals in a variety of ways: with an employer mandate, with a combination of public and private initiatives, with single payer, or some other method. I think this is a good approach because it allows the states flexibility, but it clearly sets out a fair and just goal: Universal coverage; comprehensive benefits as good as Congress gets; quality care guaranteed with patient protections; real income protections; and honoring of health care workers. I am proud today to be introducing the Health Security for All Americans Act and I am proud that this legislation has the backing and support of the Service Employees International Union, America's largest health care union.

To my colleagues I say, together we can put universal health care back on the front burner where it belongs.

We all know that in 1994, the effort to bring health care coverage to all Americans failed. All of us have heard the reasons why. But what we haven't answered is why did we give up when we knew this was the right thing to do? Why have we become so timid? Why have we only been willing to take half steps?

We must not shrink from the task at hand! America's doctors and nurses know how to cure disease better than anywhere else in the world. Well, now it is time to treat America's worst malady—45 million uninsured Americans, and millions more underinsured Americans who are spending far too much of their monthly pay check on health care costs.

Martin Luther King, Jr. rightly said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' All the doctors and all the nurses and all the other health care providers in America cannot solve this problem nor right this injustice, but we in the Congress can.

This is a problem that isn't going away on its own, but there is a solution. So to my colleagues, I say, ''Join me in sponsoring the Health Security for All Americans Act.'' And to members of the American public who are listening, I ask you to join thousands of your fellow citizens who have already written to Members of Congress, and call and write your Senators and Representatives and ask them to join in bringing quality, affordable health care coverage to all Americans.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 2888

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 ''Health Security for All Americans Act''.

(b) TABLE OF CONTENTS.—The table of contents of the Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—HEALTH SECURITY FOR ALL AMERICANS—EXPANSION PHASE (PHASE I)

Sec. 101. Expansion phase (phase I) voluntary State universal health insurance coverage plans.

''TITLE XXII—HEALTH SECURITY FOR ALL AMERICANS

''PART A—EXPANSION PHASE (PHASE I) PLANS

''Sec. 2201. Purpose; voluntary State plans.
''Sec. 2202. Plan requirements.
''Sec. 2203. Coverage requirements for expansion phase (phase I) plans.
''Sec. 2204. Allotments.
''Sec. 2205. Administration.
''Sec. 2206. Definitions.''.

TITLE II—HEALTH SECURITY FOR ALL AMERICANS—UNIVERSAL PHASE (PHASE II)

Sec. 201. Universal phase (phase II) State universal health insurance coverage plans.

''PART B—UNIVERSAL PHASE (PHASE II) PLANS

''Sec. 2211. Purpose; mandatory State plans.
''Sec. 2212. Plan requirements.
''Sec. 2213. Coverage requirements for universal phase (phase II) plans.
''Sec. 2214. Requirements for employers regarding the provision of benefits.
''Sec. 2215. Allotments.
''Sec. 2216. Administration; definitions.''.

Sec. 202. Consumer protections.

''PART C—CONSUMER PROTECTIONS

''Sec. 2221. Home care standards.
''Sec. 2222. Consumer protection in the event of termination or suspension of services.
''Sec. 2223. Consumer protection through disclosure of information.''.
''Sec. 2224. Consumer protection through notice of changes in health care delivery.''.

TITLE III—PATIENT PROTECTIONS

Sec. 301. Incorporation of certain protections.

TITLE IV—HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS

Sec. 401. Health Care Quality, Patient Safety, and Workforce Standards Institute.
Sec. 402. Health Care Quality, Patient Safety, and Workforce Standards Advisory Committee.

TITLE V—IMPROVING MEDICARE BENEFITS

Sec. 501. Full mental health and substance abuse treatment benefits parity.
Sec. 502. Study and report regarding addition of prescription drug benefit.

TITLE VI—LONG-TERM AND HOME HEALTH CARE

Sec. 601. Studies and demonstration projects to identify model programs.

TITLE VII—MISCELLANEOUS

Sec. 701. Nonapplication of ERISA.
Sec. 702. Sense of Congress regarding offsets.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The health of the American people is the foundation of American strength, productivity, and wealth.

(2) The guarantee of health care coverage and access to quality medical care to all Americans is a fundamental right and is essential to the general welfare.

(3) 45,000,000 Americans, more than 11,000,000 of whom are children, have no health insurance, and that number will grow to more than 54,000,000 by 2007 even if the economy remains strong.

(4) Health insurance coverage is unstable; less than ½ of all adults have been in their current health plan for 3 years.

(5) The average American will hold at least 7 jobs during their life, risking lack of health coverage every time they change or are between jobs.

(6) In 1998, annual health care expenditures in the United States totaled $1,150,000,000,000, or $4,094 per person. National health expenditures are projected to total $2,200,000,000,000 by 2008.

(7) In 1998, health care expenditures represented 13.5 percent of the gross domestic product in the United States and grew at the rate of 5.6 percent while the gross domestic product grew only at the rate of 4.9 percent. By 2008, health care expenditures are projected to reach 16.2 percent of gross domestic product. Growth in health spending is projected to average 1.8 percentage points above the growth rate of the gross domestic product for the period beginning with 1998 and ending with 2008.

(8) Although the United States spends considerably more in health care per person than any other nation, it ranks only fifteenth among countries worldwide on an overall index designed to measure a range of health goals according to the World Health Organization.

(9) One of 4 adults, about 40,000,000 people, say they have gone without needed medical care because they couldn't afford it.

(10) Nearly 31,000,000 Americans face collection agencies annually because they owe money for medical bills.

(11) The average American worker is paying 3 times more for family coverage than 10 years ago, and more than 4 times more for employee-only coverage.

(12) Because many individuals do not have health insurance coverage, they may incur health care costs which they do not fully reimburse, resulting in cost-shifting to others.

(13) As a consequence of the piecemeal health care system in the United States, administrative overhead costs approximately $1,000 per person annually, while other Western industrialized nations with universal health care systems spend approximately $200 per person annually for administrative overhead.

(14) The United States should adopt national goals of universal, affordable, comprehensive health insurance coverage and should provide generous matching grants to

the States to achieve those goals within 5 years of the date of enactment of this Act.

TITLE I—HEALTH SECURITY FOR ALL AMERICANS—EXPANSION PHASE (PHASE I)

SEC. 101. EXPANSION PHASE (PHASE I) VOLUNTARY STATE UNIVERSAL HEALTH INSURANCE COVERAGE PLANS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—HEALTH SECURITY FOR ALL AMERICANS

"PART A—EXPANSION PHASE (PHASE I) PLANS

"SEC. 2201. PURPOSE; VOLUNTARY STATE PLANS.

''(a) PURPOSE.—The purpose of this part is to provide funds to participating States to enable those States to ensure universal health insurance coverage by establishing State administered systems.

''(b) EXPANSION PHASE (PHASE I) PLAN REQUIRED.—A State is not eligible for a payment under section 2205(a) unless the State has submitted to the Secretary a plan that—

''(1) sets forth how the State intends to use the funds provided under this part to ensure universal, affordable, and comprehensive health insurance coverage to eligible residents of the State consistent with the provisions of this part; and

''(2) has been approved under section 2202(d).

"SEC. 2202. PLAN REQUIREMENTS.

''(a) IN GENERAL.—Every expansion phase (phase I) plan shall include provisions for the following:

''(1) INFORMATION ON THE LEVEL OF HEALTH INSURANCE COVERAGE.—

''(A) The level of health insurance coverage within the State as determined under subsection (b).

''(B) The base coverage gap for the year involved as determined under subsection (b)(4).

''(C) State efforts to provide or obtain health insurance coverage for uncovered residents of the State, including the steps the State is taking to identify and enroll all uncovered residents of the State who are eligible to participate in public or private health insurance programs.

''(2) DETAILS OF, AND TIMELINES FOR, EXPANSION PHASE (PHASE I) PLAN.—

''(A) USE OF FUNDS; COORDINATION.—The activities that the State intends to carry out using funds received under this part, including how the State will coordinate efforts under this part with existing State efforts to increase the health insurance coverage of individuals.

''(B) TIMELINES.—Consistent with subsection (c), the manner in which the State will reduce the base coverage gap for the year involved, including a timetable with specified targets for reducing the base coverage gap by—

''(i) 50 percent within 2 years after the date of approval of the expansion phase (phase I) plan; and

''(ii) 100 percent within 4 years after such date.

''(3) MAINTENANCE OF EFFORT.—The manner in which the State will ensure that—

''(A) employers within the State will continue to provide not less than the level of financial support toward the health insurance premiums required for coverage of their employees as such employers provided as of the date of enactment of this title; and

''(B) the State will continue to provide not less than the level of State expenditures incurred for State-funded health programs as of such date.

''(4) STATE OUTREACH PROGRAMS; ACCESS.—The manner in which, and a timetable for when, the State will—

''(A) institute outreach programs; and

''(B) ensure that all eligible residents of the State have access to the health insurance coverage provided under this part.

''(5) ASSURANCE OF COVERAGE OF ESSENTIAL SERVICES.—An assurance that the State program established under this part will comply with the requirements of section 1867 (commonly referred to as the 'Emergency Medical Treatment and Active Labor Act').

''(6) REPRESENTATION ON BOARDS AND COMMISSIONS.—The manner in which the State will ensure that all Boards and Commissions that the State establishes to administer the plan will include, among others, representatives of providers, consumers, employers, and health worker unions.

''(7) DISCLOSURE OF INFORMATION TO THE PUBLIC.—The manner in which the State will ensure that, with respect to entities and individuals that provide services for which reimbursement is provided under this part—

''(A) financial arrangements between insurers and providers and between providers and medical equipment suppliers are disclosed to the public; and

''(B) ownership interests and health care worker qualifications and credentials are disclosed to the public.

''(8) CONSUMER PROTECTIONS.—The manner in which the State will ensure compliance with sections 2221, 2222, 2223, and 2224.

''(9) PUBLIC REVIEW.—The manner in which the State will provide for the public review of institutional changes in services provided, markets and regions covered, withdrawal or movement of services, closures or downsizing, and other actions that affect the provision of health insurance under the plan.

''(10) SERVICES IN RURAL AND UNDERSERVED AREAS; CULTURAL COMPETENCY.—The manner in which the State will ensure—

''(A) coverage in rural and underserved areas; and

''(B) that the needs of culturally diverse populations are met.

''(11) PURCHASING POOLS.—The manner in which the State will encourage the formation of State purchasing pools that provide choice of health plans, control costs, and reduce adverse risk selection.

''(12) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—The manner in which the State will ensure that all qualified plans in the State expend at least 90 percent (or, during the first 2 years of the plan, 85 percent) of total income received from premiums on the provision of covered health care benefits (excluding all costs for marketing, advertising, health plan administration, profits, or capital accumulation) to individuals.

''(13) SELF-EMPLOYED AND MULTI-EMPLOYED.—The manner in which the State will address self-employed individuals and multiwage earner families.

''(14) MEDICAID WRAPAROUND COVERAGE.—The manner in which the State will ensure that individuals who are eligible for medical assistance under title XIX and who receive benefits under the expansion phase (phase I) plan shall receive any items or services that are not available under the expansion phase (phase I) plan but that are available under the State medicaid program under title XIX through 'wraparound coverage' under such program.

''(15) OTHER MATTERS.—Any other matter determined appropriate by the Secretary.

''(b) CURRENT LEVEL OF COVERAGE.—

''(1) IN GENERAL.—The Secretary shall develop a survey approach that provides timely and up-to-date data to determine the percentage of the population of each State that is currently covered by a health insurance plan or program that provides coverage that meets the requirements of section 2203(a).

''(2) BIANNUAL SURVEY.—The Secretary shall provide for the conduct of the survey developed under paragraph (1) not less than biannually to make coverage determinations for purposes of paragraph (1).

''(3) USE OF ALTERNATIVE SYSTEM.—The Secretary shall permit a State to utilize an alternative population-based monitoring system to make determinations with respect to coverage in the State for purposes of paragraph (1) if the Secretary determines that such system meets or exceeds the methodological standards utilized in the survey developed under paragraph (1).

''(4) BASE COVERAGE GAP.—For purposes of subsection (a)(1)(A), the base coverage gap for a State shall be equal to 100 percent of the eligible individuals and families in the State for the year involved, less the current level of coverage for those individuals and families for such year as determined under paragraph (1) or (3).

''(c) REDUCING THE LEVEL OF UNINSURED INDIVIDUALS.—

''(1) IN GENERAL.—To be eligible to receive funds under this part, a State shall agree to administer an expansion phase (phase I) plan with a goal of providing health insurance coverage for 100 percent of the eligible residents of the State by not later than 4 years after the date of approval of the State's expansion phase (phase I) plan.

''(2) PERMISSIBLE ACTIVITIES.—A State may use amounts provided under this part for any activities consistent with this part that are appropriate to enroll individuals in health plans and health programs to meet the targets contained in the State plan under subsection (a)(2)(B), including through the use of direct payments to health plans or, in the case of a single State plan, directly to providers of services.

''(d) PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF EXPANSION PHASE (PHASE I) PLAN.—The provisions of section 2106 apply to an expansion phase (phase I) plan under this part in the same manner as they apply to a State plan under title XXI, except that no expansion phase (phase I) plan may be effective earlier than January 1, 2001, and all expansion phase (phase I) plans must be submitted for approval by not later than December 31, 2002.

"SEC. 2203. COVERAGE REQUIREMENTS FOR EXPANSION PHASE (PHASE I) PLANS.

''(a) REQUIRED SCOPE OF HEALTH INSURANCE COVERAGE.—Health insurance coverage provided under this part shall consist of at least the benefits provided under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of part 5, United States Code, including mental health and substance abuse treatment benefits parity.

''(b) LIMITATIONS ON PREMIUMS AND COST-SHARING.—

''(1) DESCRIPTION; GENERAL CONDITIONS.—An expansion phase (phase I) plan shall include a description, consistent with this subsection, of the amount (if any) of premiums, cost-sharing, or other similar charges imposed. Any such charges shall be imposed pursuant to a public schedule.

''(2) LIMITATIONS ON PREMIUMS AND COST-SHARING.—

''(A) INDIVIDUALS AND FAMILIES WITH INCOME BELOW 150 PERCENT OF POVERTY LINE.—In the case of an individual or family whose income is at or below 150 percent of the poverty line—

''(i) the State plan may not impose a premium; and

''(ii) the total annual aggregate amount of cost-sharing imposed by a State with respect to all individuals in a family may not exceed 0.5 percent of the family's income for the year involved.

''(B) INDIVIDUALS AND FAMILIES WITH INCOME BETWEEN 150 AND 300 PERCENT OF POVERTY LINE.—In the case of an individual or family whose income exceeds 150 percent but does not exceed 300 percent of the poverty line—

''(i) the State plan may not impose a premium that exceeds an amount that is equal to—

''(I) 20 percent of the average cost of providing benefits to an individual (or a family) under this part in the year involved; or

''(II) 3 percent of the family's income for the year involved; and

''(ii) the total annual aggregate amount of premiums and cost-sharing (combined) imposed by a State with respect to all individuals in a family may not exceed 5 percent of the family's income for the year involved.

''(C) INDIVIDUALS AND FAMILIES WITH INCOME ABOVE 300 PERCENT OF POVERTY LINE.—In the case of an individual or family whose income exceeds 300 percent of the poverty line—

''(i) the State plan may not impose a premium that exceeds 20 percent of the average cost of providing benefits to an individual (or a family of the size involved) under this part in the year involved; and

''(ii) the total annual aggregate amount of premiums and cost-sharing (combined) imposed by a State with respect to all individuals in a family may not exceed 7 percent of the family's income for the year involved.

''(D) SELF-EMPLOYED INDIVIDUALS.—The State shall establish rules for self-employed individuals based on individual and family income.

''(3) COLLECTION.—The State shall establish procedures for collecting any premiums, cost-sharing, or other similar charges imposed under this part. Such procedures shall provide for annual reconciliations and adjustments.

''(c) APPLICATION OF CERTAIN REQUIREMENTS.—

''(1) RESTRICTION ON APPLICATION OF PREEXISTING CONDITION EXCLUSIONS.—The expansion phase (phase I) plan shall not permit the imposition of any preexisting condition exclusion for covered benefits under the plan.

''(2) CHOICE OF PLANS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the expansion phase (phase I) plan shall offer eligible individuals and families a choice of qualified plans from which to receive benefits under this part. At least 1 plan shall be a preferred provider option plan.

''(B) WAIVER.—The Secretary—

''(i) may waive the requirement under subparagraph (A) if determined appropriate; and

''(ii) shall waive such requirement in the case of a State that establishes a single State plan.

''SEC. 2204. ALLOTMENTS.

''(a) STATE ALLOTMENTS.—

''(1) IN GENERAL.—With respect to a fiscal year, the Secretary shall allot to each State with an expansion phase (phase I) plan approved under this part the amount determined under paragraph (2) for such State for such fiscal year.

''(2) DETERMINATION OF COST OF COVERAGE.—The amount determined under this paragraph is the amount equal to—

''(A) the product of—

''(i) the Federal participation rate for the State as determined under subsection (b) or, if applicable, the enhanced Federal participation rate for the State, as determined under subsection (c);

''(ii) the estimated cost for the minimum benefits package required to comply under section 2203, not to exceed the sum of—

''(I) the total annual Government and employee contributions required for individual or self and family health benefits coverage under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5, United States Code (adjusted for age, as the Secretary determines appropriate); and

''(II) the estimated average cost-sharing expense for an individual or family; and

''(iii) the estimated number of residents to be enrolled in the expansion phase (phase I) plan; less

''(B) the sum of—

''(i) the individual or family health insurance contribution and cost-sharing payments to be made in accordance with section 2203(b); and

''(ii) any applicable employer contribution to such payments.

''(b) FEDERAL PARTICIPATION RATE.—For purposes of subsection (a)(2)(A)(i), the Federal participation rate for a State shall be equal to the enhanced FMAP determined for the State under section 2105(b).

''(c) ENHANCED FEDERAL PARTICIPATION RATE.—

''(1) IN GENERAL.—For purposes of subsection (a)(2)(A)(i), the enhanced Federal participation rate for a State shall be equal to the Federal participation rate for such State under subsection (b), as adjusted by the Secretary based on the decrease in the base coverage gap in the State.

''(2) AMOUNT OF ADJUSTMENT AND APPLICATION.—

''(A) AMOUNT OF ADJUSTMENT.—The Federal participation rate under subsection (b) with respect to a State shall be increased by—

''(i) 1 percentage point if the base coverage gap of the State has decreased by at least 50 percent within 2 years after the date of approval of the expansion phase (phase I) plan, as determined by the Secretary; and

''(ii) 3 percentage points if the base coverage gap of the State has decreased by 100 percent within 4 years after the date of approval of the expansion phase (phase I) plan, as determined by the Secretary.

''(B) APPLICATION.—The increase described in—

''(i) subparagraph (A)(i) shall only apply to a State for the period beginning with the month of the determination under such subparagraph and ending with the month preceding the month of the determination under subparagraph (A)(ii) (if any), but in no event for more than 24 months; and

''(ii) subparagraph (A)(ii) shall apply to a State for any year (or portion thereof) beginning with the month of the determination under such subparagraph.

''(3) FULL COVERAGE.—For purposes of this part, a State shall be deemed to have decreased its base coverage gap by 100 percent if the Secretary determines that—

''(A) 98 percent of all eligible residents of the State are provided health insurance coverage under the expansion phase (phase I) plan; and

''(B) the remaining 2 percent of such residents are served by alternative health care delivery systems as demonstrated by the State.

''(d) GRANTS TO INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS, AND ALASKA NATIVE ORGANIZATIONS.—

''(1) IN GENERAL.—Out of funds appropriated under subsection (e), the Secretary shall reserve an amount, not to exceed 1 percent of the total allotments determined under subsection (a) for a fiscal year, to make grants to Indian tribes, Native Hawaiian organizations, and Alaska Native organizations for development and implementation of universal health insurance coverage plans for members of such tribes and organizations.

''(2) PLAN.—To be eligible to receive a grant under paragraph (1), an Indian tribe, Native Hawaiian organization, or Alaska Native organization shall submit a universal health insurance coverage plan to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

''(3) REGULATIONS.—The Secretary shall issue regulations specifying the requirements of this part that apply to Indian tribes, Native Hawaiian organizations, and Alaska Native organizations receiving grants under paragraph (1).

''(e) APPROPRIATION.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this title such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

''(2) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations with the allotments determined under this section and the grants for administrative and outreach activities under section 2205.

''SEC. 2205. ADMINISTRATION.

''(a) PAYMENTS.—

''(1) IN GENERAL.—

''(A) QUARTERLY.—Subject to subparagraph (B) and subsection (b), the Secretary shall make quarterly payments to each State with an expansion phase (phase I) plan approved under this part, from its allotment under section 2204.

''(B) FUNDING FOR ADMINISTRATION AND OUTREACH.—

''(i) AUTHORITY TO MAKE GRANTS.—In addition to the allotments determined under section 2204, the Secretary may make grants to States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations for expenditures for administrative and outreach activities.

''(ii) AMOUNTS.—

''(I) IN GENERAL.—A grant awarded under this subparagraph shall not exceed the applicable percentage (as determined under subclause (II)) of the total amount allotted to the State, Indian tribe, Native Hawaiian organization, or Alaska Native organization under section 2204.

''(II) APPLICABLE PERCENTAGE.—For purposes of subclause (I), the applicable percentage is—

''(aa) 14 percent during the first 2 years an expansion phase (phase I) plan is in effect and complies with the requirements of this title;

''(bb) 12 percent during the third, fourth, and fifth years that such plan, or a universal phase (phase II) plan added by an addendum to an expansion phase (phase I) plan, is in effect and complies with the requirements of this title; and

''(cc) 10 percent during any year thereafter such plan (or universal phase (phase II) plan added by an addendum to such plan) is in effect and complies with the requirements of this title.

''(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make payments under this part for each quarter on the basis of advance estimates by the State and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

''(3) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.

''(b) AUTHORITY FOR BLENDED RATE FOR HEALTH SECURITY, MEDICAID, AND SCHIP FUNDS.—The Secretary shall establish procedures for blending the payments that a State is entitled to receive under this title, title XIX, and title XXI into 1 payment rate if—

''(1) the State requests such a blended payment; and

''(2) the Secretary finds that the State meets maintenance of effort requirements established by the Secretary.

''(c) LIMITATIONS ON FEDERAL PAYMENTS BASED ON COST CONTAINMENT.—

''(1) DETERMINATION OF BASELINE.—Each year (beginning with 2001), the Secretary shall establish a baseline projection for the national rate of growth in private health insurance premiums for such year.

''(2) REQUIREMENT.—Beginning with fiscal year 2002 and each fiscal year thereafter, any payment made to a State under section 2204 shall not exceed the amount paid to the State under such section for the preceding fiscal year, adjusted for changes in enrollment and a premium inflation adjustment that is 0.5 percent below the baseline projection determined under paragraph (1) for the year.

''(d) OTHER LIMITATIONS ON USE OF FUNDS.—

''(1) IN GENERAL.—A State participating under part A, and, effective January 1, 2005, all States under part B, shall ensure that any payments received by the State under section 2205 or 2116(a) are not used by any individual or entity, including providers or health plans that contract to provide services herein, to finance directly or indirectly, or to otherwise facilitate expenditures to influence health care workers of such individual or entity with respect to issues related to unionization.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to limit expenditures made for the purpose of good faith collective bargaining or pursuant to the terms of a bona fide collective bargaining agreement.

''(e) WAIVER OF FEDERAL REQUIREMENTS.—A State may request (and the Secretary may grant) a waiver of any provision of Federal law that the State determines is necessary in order to carry out an approved expansion phase (phase I) plan under this part.

''(f) REPORT.—Not later than January 1, 2002, and each January 1 thereafter, the Secretary, in consultation with the General Accounting Office and the Congressional Budget Office, shall prepare and submit to the appropriate committees of Congress a report on the number of States receiving payments under this part for the year for which the report is being prepared as well as the level of insurance coverage attained by each such State.

''SEC. 2206. DEFINITIONS.

''In this title:

''(1) COST-SHARING.—The term 'cost-sharing' has the meaning given such term under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan described in and offered under section 8903(1) of part 5, United States Code, and includes deductibles, copayments, coinsurance, as such terms are defined for purposes of such plan.

''(2) ELIGIBLE RESIDENTS OF A STATE.—

''(A) IN GENERAL.—The term 'eligible residents of a State' means an individual or family who—

''(i) is (or consists of) a resident of the State involved;

''(ii) except as provided in subparagraph (B), has a family income that does not exceed 300 percent of the poverty line;

''(iii) is (or consists of) a citizen of the United States, a legal resident alien, or an individual otherwise residing in the United States under the authority of Federal law; and

''(iv) in the case of an individual, is not eligible for benefits under the medicare program under title XVIII or for medical assistance under the medicaid program under title XIX (other than under the application of section 1902(a)(10)(A)(ii)(XIV)).

''(B) OPTION TO PROVIDE COVERAGE FOR INDIVIDUALS AND FAMILIES WITH HIGHER INCOME.—If approved by the Secretary, a State may increase the percentage described in subparagraph (A)(ii), or eliminate all income eligibility criteria in order to provide coverage under this part to more individuals and families.

''(3) EXPANSION PHASE (PHASE I) PLAN.—The term 'expansion phase (phase I) plan' means the State universal health insurance coverage plan submitted under section 2201(b).

''(4) HEALTH CARE SERVICES.—The term 'health care services' includes medical, surgical, mental health, and substance abuse services, whether provided on an in-patient or outpatient basis.

''(5) HEALTH CARE WORKER.—The term 'health care worker' means an individual employed by an employer that provides—

''(A) health care services; or

''(B) necessary related services, including administrative, food service, janitorial, or maintenance service to an entity that provides such health care services.

''(6) HEALTH PLAN.—The term 'health plan' includes health insurance coverage, as defined in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)) and group health plans, as defined in section 2791(a) of such Act (42 U.S.C. 300gg91(b)(1)).

''(7) MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT BENEFITS PARITY.—

''(A) IN GENERAL.—The term 'mental health and substance abuse treatment benefits parity' means the same level of parity for such benefits as is required under the Federal Employees Health Benefits Program standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of part 5, United States Code, as of January 1, 2001.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), there shall be no limit on parity benefits for patients who do not substantially follow their treatment plans unless such limits also are imposed on all medical and surgical benefits.

''(8) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

''(9) PREMIUM.—The term 'premium' includes any enrollment fees and other similar charges.

''(10) QUALIFIED PLAN.—The term 'qualified plan' means a health plan that satisfies the coverage requirements described under section 2203 and participates in an expansion phase (phase I) plan.''.

TITLE II—HEALTH SECURITY FOR ALL AMERICANS—UNIVERSAL PHASE (PHASE II)

SEC. 201. UNIVERSAL PHASE (PHASE II) STATE UNIVERSAL HEALTH INSURANCE COVERAGE PLANS.

Title XXII of the Social Security Act, as added by section 101, is amended by adding at the end the following:

''PART B—UNIVERSAL PHASE (PHASE II) PLANS

''SEC. 2211. PURPOSE; MANDATORY STATE PLANS.

''(a) PURPOSE.—The purposes of this part are to—

''(1) require States to establish and implement State-administered systems to ensure universal health insurance coverage; and

''(2) provide funds to States for the establishment and implementation of such systems.

''(b) UNIVERSAL PHASE (PHASE II) PLAN REQUIRED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than January 1, 2004, a State shall submit to the Secretary a plan that sets forth how the State intends to use the funds provided under this part to ensure universal, affordable, and comprehensive health insurance coverage to eligible residents of the State consistent with the provisions of this part.

''(2) STATES WITH PHASE I PLANS.—

''(A) IN GENERAL.—Not later than January 1, 2004, a State with a phase I State plan shall submit an addendum to such plan that provides assurances to the Secretary that such plan conforms to the requirements of this part.

''(B) CONVERSION TO UNIVERSAL PHASE (PHASE II) PLAN.—If an addendum to an expansion phase (phase I) plan is approved by the Secretary—

''(i) the plan shall be automatically converted to a universal phase (phase II) plan; and

''(ii) section 2214 and any provision of part A that is inconsistent with this part shall not apply to the plan.

''(3) FAILURE TO SUBMIT PLAN OR ADDENDUM.—If a State fails to submit a plan as required in paragraph (1) (or an addendum as required in paragraph (2)), or fails to have such plan or addendum approved by the Secretary, such State shall be in violation of this part; and any residents of such a State may bring a cause of action against the State in Federal district court to require the State to comply with the provisions of this part.

''SEC. 2212. PLAN REQUIREMENTS.

''(a) IN GENERAL.—A universal phase (phase II) plan shall include a description, consistent with the requirements of this part, of the following:

''(1) DETAILS OF THE UNIVERSAL PHASE (PHASE II) PLAN.—The activities that the State intends to carry out using funds received under this part to ensure that all eligible residents of the State have access to the coverage provided under this part, including how the State will coordinate efforts under the program under this part with existing State efforts to increase to 100 percent the health insurance coverage of eligible residents of the State by January 1, 2006.

''(2) REQUIREMENTS FOR EMPLOYERS.—The manner in which the State will ensure that employers within the State will comply with the requirements of section 2214.

''(3) PART A PROVISIONS.—The following provisions apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A:

''(A) STATE OUTREACH PROGRAMS; ACCESS.—Section 2202(a)(4).

''(B) ASSURANCE OF COVERAGE OF ESSENTIAL SERVICES.—Section 2202(a)(5).

''(C) REPRESENTATION ON BOARDS AND COMMISSIONS.—Section 2202(a)(6).

''(D) DISCLOSURE OF INFORMATION TO THE PUBLIC.—Section 2202(a)(7).

''(E) CONSUMER PROTECTIONS AND WORKFORCE STANDARDS.—Section 2202(a)(8).

''(F) PUBLIC REVIEW.—Section 2202(a)(9).

''(G) SERVICES IN RURAL AND UNDERSERVED AREAS; CULTURAL COMPETENCY.—Section 2202(a)(10).

''(H) PURCHASING POOLS.—Section 2202(a)(11).

''(I) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Section 2202(a)(12).

''(J) SELF-EMPLOYED AND MULTI-EMPLOYED.—Section 2202(a)(13).

''(K) MEDICAID WRAPAROUND COVERAGE.—Section 2202(a)(14).

''(4) OTHER MATTERS.—Any other matter determined appropriate by the Secretary.

''(b) PERMISSIBLE ACTIVITIES.—A State may use amounts provided under this part for any activities consistent with this part that are appropriate to enroll individuals in health plans to ensure that all eligible residents of the State are provided coverage under this part, including through the use of direct payments to health plans or providers of services.

''(c) COST CONTAINMENT; COMPETITIVE BIDDING.—Notwithstanding subsection (b), State purchasing pools shall solicit bids from health plans at least annually.

''(d) PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF UNIVERSAL PHASE (PHASE II) PLAN.—Section 2106 applies to a universal phase (phase II) plan under this part in the same manner as such section applies to a State plan under title XXI, except that no universal phase (phase II) plan may be effective earlier than January 1, 2005, and all such plans must be submitted for approval by not later than January 1, 2004.

''SEC. 2213. COVERAGE REQUIREMENTS FOR UNIVERSAL PHASE (PHASE II) PLANS.

''(a) REQUIRED SCOPE OF HEALTH INSURANCE COVERAGE.—Section 2203(a) applies to a universal phase (phase II) plan under this part.

''(b) UNIVERSAL COVERAGE.—All States shall ensure that by January 1, 2006, 100 percent of eligible residents of the State have health insurance coverage that meets the requirements of section 2203(a).

''(c) LIMITATIONS ON PREMIUMS AND COST-SHARING.—Section 2203(b) applies to a universal phase (phase II) plan under this part.

''(d) APPLICATION OF CERTAIN REQUIREMENTS.—Section 2203(c) applies to a universal phase (phase II) plan under this part.

''SEC. 2214. REQUIREMENTS FOR EMPLOYERS REGARDING THE PROVISION OF BENEFITS.

''(a) REQUIREMENTS.—Subject to subsection (c)(2)(B), an employer in a State shall comply with the following requirements:

''(1) EMPLOYERS WITH LESS THAN 500 EMPLOYEES.—

''(A) IN GENERAL.—An employer with less than 500 employees shall enroll each employee in a State-designated purchasing pool.

''(B) CONTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A) and subject to clause (ii), the employer shall make a contribution on behalf of each employee for health insurance coverage that is equal to at least 80 percent of the total premiums for such coverage for employees and their families if the employee elects dependent coverage.

''(ii) LIMITATION.—An employer shall not be liable under subparagraph (B) for more than 10 percent of each employee's annual wages.

''(2) EMPLOYERS WITH AT LEAST 500 EMPLOYEES.—

''(A) IN GENERAL.—An employer with at least 500 employees, a majority of whose wages fall below an amount equal to 300 percent of the poverty line applicable to a family of the size involved, shall comply with the requirements applicable to an employer under paragraph (1).

''(B) OTHER EMPLOYERS.—

''(i) IN GENERAL.—An employer with at least 500 employees that is not described in subparagraph (A) shall, at the option of the employer, either—

''(I) comply with the requirements applicable to an employer under paragraph (1); or

''(II) provide health insurance coverage to all employees and their families (if the employee elects dependent coverage) that meets the requirements of section 2213 and the employer contribution required under paragraph (1)(B).

''(ii) ADDITIONAL EMPLOYER CONTRIBUTION.—An employer that elects to comply with clause (i)(I) shall contribute an additional 1 percent of payroll into the State-designated purchasing pool in which it participates.

''(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as prohibiting a labor organization from collectively bargaining for an employer contribution that is greater than the contribution that is required under paragraph (1)(B) or, as applicable, for health insurance benefits that are greater than the coverage required under paragraph section 2203(a).

''(4) PART-TIME EMPLOYEES.—An employer shall be responsible for meeting the requirements under this subsection for all employees of the employer.

''(5) MULTIEMPLOYER FAMILIES.—In the case of a family with more than 1 employer, the employers of individuals within the family shall apportion their contributions in accordance with rules established by the State.

''(b) NONAPPLICABILITY.—This section shall not apply—

''(1) to any State that establishes a single payor system; or

''(2) to any State that established a universal phase (phase II) plan through an approved addendum to an expansion phase (phase I) plan.

''(c) PRIVATE CAUSE OF ACTION.—

''(1) LIABILITY.—An employer that fails to comply with the requirements of subsection (a) or otherwise takes adverse action against an employee for the purpose of interfering with the attainment of any right to which the employee may be entitled to under this title, shall be liable to the employee affected.

''(2) AMOUNT.—The amount of the liability described in paragraph (1) shall be an amount equal to—

''(A) the contributions that otherwise would have been made by the employer on behalf of the employee under this section;

''(B) an additional amount as liquidated damages; and

''(C) consequential damages for reasonably foreseeable injuries resulting from such action.

''(3) JURISDICTION; EQUITABLE RELIEF.—

''(A) JURISDICTION.—An action under this subsection may be maintained against any employer in any Federal or State court of competent jurisdiction by any 1 or more employees.

''(B) EQUITABLE RELIEF.—In addition to the damages described in paragraph (2), a court may enjoin any act or practice that violates this title.

''(4) ATTORNEY'S FEES.—If a plaintiff or plaintiffs prevail in an action brought under this subsection, the court shall, in addition to any judgment awarded to the plaintiff or plaintiffs, award the reasonable attorney's fees and costs associated with the bringing of the action.

''SEC. 2215. ALLOTMENTS.

''(a) STATE ALLOTMENTS.—Subsections (a) and (b) of section 2204 apply to a universal phase (phase II) plan under this part in the same manner as such subsections apply to an expansion phase (phase I) plan under part A.

''(b) SPECIAL RULE FOR EXPANSION PHASE (PHASE I) PLANS.—A State that operated an expansion phase (phase I) plan and converted such plan to a universal phase (phase II) plan pursuant to section 2211(b)(2)(B) shall continue to be eligible for the enhanced Federal participation rate determined under section 2204(c).

''(c) GRANTS TO INDIAN TRIBES, NATIVE HAWAIIAN ORGANIZATIONS, AND ALASKA NATIVE ORGANIZATIONS.—Section 2204(d) applies to a universal phase (phase II) plan under this part.

''(d) APPROPRIATION.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this title such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter.

''(2) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide States, Indian tribes, Native Hawaiian organizations, and Alaska Native organizations with the allotments determined under this section and the grants for administrative and outreach activities under section 2205(a)(1)(B) (as applied to this part under section 2216(a)).

''SEC. 2216. ADMINISTRATION; DEFINITIONS.

''(a) ADMINISTRATION.—The provisions of section 2205 (other than subsection (c) of such section) apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A.

''(b) DEFINITIONS.—

''(1) APPLICATION OF SECTION 2206.—The definitions set forth in section 2206 apply to a universal phase (phase II) plan under this part in the same manner as such provisions apply to an expansion phase (phase I) plan under part A except that for purposes of this part, the definition of 'eligible residents of a State' set forth in section 2206(2) shall be applied without regard to subparagraphs (A)(ii) and (B).

''(2) UNIVERSAL PHASE (PHASE II) PLAN.—In this title, the term 'universal phase (phase II) plan' means the State universal health insurance coverage plan submitted under section 2211(b).''.

SEC. 202. CONSUMER PROTECTIONS.

Title XXII of the Social Security Act, as amended by section 201, is amended by adding at the end the following:

''PART C—CONSUMER PROTECTIONS

''SEC. 2221. HOME CARE STANDARDS.

''In order to ensure that home care services are provided in a consumer-directed manner, a State participating under part A, and, effective January 1, 2005, all States under part B, shall satisfy the Secretary that any health plan that provides home care services under this title creates, or contracts with, a viable entity other than the consumer or individual provider to provide effective billing, payments for services, tax withholding, unemployment insurance, and workers compensation coverage, and to serve as the statutory employer of the home care provider. Recipients of such services shall retain the right to independently select, hire, terminate, and direct the work of the home care provider.

''SEC. 2222. CONSUMER PROTECTION IN THE EVENT OF TERMINATION OR SUSPENSION OF SERVICES.

''A State participating under part A, and, effective January 1, 2005, all States under part B, shall satisfy the Secretary that any health plan providing services under this title shall ensure that enrollees will receive continued health services in the event that the plan's health care services are terminated or suspended, including as the result of the plan filing for bankruptcy relief under title 11, United States Code, or the failure of the plan to provide payments to providers, lockouts, work stoppages, or other labor management problems.

''SEC. 2223. CONSUMER PROTECTION THROUGH DISCLOSURE OF INFORMATION.

''(a) IN GENERAL.—A State participating under part A, and, effective January 1, 2005,

all States under part B, shall satisfy the Secretary that any health care provider that provides services to individuals under this title shall provide to the State information regarding the identity, employment location, and qualifications of health care workers providing services under—

''(1) the licensure of the provider; or

''(2) a contract between the provider and a health plan or the State.

''(b) AVAILABILITY TO PUBLIC.—A health care provider shall make the information described in subsection (a) available to the public.''.

''SEC. 2224. CONSUMER PROTECTION THROUGH NOTICE OF CHANGES IN HEALTH CARE DELIVERY.

''A State participating under part A, and, effective January 1, 2005, all States under part B, shall describe how the State will provide, at a minimum, the following protections:

''(1) Adequate advance notice to the public, the affected health care workers, and labor organizations representing such workers, of a pending—

''(A) facility or operating unit closure;

''(B) sale, merger, or consolidation of a facility or operating unit;

''(C) transfer of work from 1 facility or entity to another facility or entity; or

''(D) reduction of services.

''(2) A right of first refusal for similar vacant positions with—

''(A) the resulting entity, in the case of a health care worker whose position was eliminated following a merger of the worker's original employer with a new entity; or

''(B) the contractor, in the case of a health care worker whose position was eliminated following the contracting out of the work the worker formerly performed.''.

TITLE III—PATIENT PROTECTIONS

SEC. 301. INCORPORATION OF CERTAIN PROTECTIONS.

(a) INCORPORATION.—The provisions of the following bills are hereby enacted into law:

(1) H.R. 2723 of the 106th Congress (other than section 135(b)), as introduced on August 5, 1999.

(2) H.R. 137 of the 106th Congress, as introduced on January 6, 1999.

(b) PUBLICATION.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

TITLE IV—HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS

SEC. 401. HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS INSTITUTE.

(a) ESTABLISHMENT.—

(1) INSTITUTE.—There is established within the Agency for Healthcare Research and Quality, an institute to be known as the Health Care Quality, Patient Safety, and Workforce Standards Institute (in this section referred to as the ''Institute'').

(2) DIRECTOR.—The Secretary of Health and Human Services shall appoint a director of the Institute. The director shall administer the Institute and carry out the duties of the director under this section subject to the authority, direction, and control of the Secretary.

(b) MISSION.—The mission of the Institute is to—

(1) demonstrate how patient safety issues and workplace conditions are linked to quality patient care and the reduction of the incidence of medical errors; and

(2) reduce the incidence of medical errors and improve patient safety and quality of care.

(c) DUTIES.—In carrying out the mission of the Institute, the director of the Institute shall—

(1) work closely with the director of the Agency for Healthcare Research and Quality to ensure that issues related to workplace conditions are reflected in the activities conducted by such agency in order to reduce the incidence of medical errors and improve patient safety and quality of care, including—

(A) the establishment of national goals;

(B) the development and implementation of a research agenda;

(C) the development and promotion of best practices;

(D) the development of performance and staffing standards in consultation with the Health Care Financing Administration and other Federal agencies, as appropriate; and

(E) the development and dissemination of information, educational and training materials, and other criteria as it relates to the delivery of quality care;

(2) provide recommendations to the Secretary of Health and Human Services and other Federal agencies with responsibility for health care quality and the development of standards that impact on the delivery of quality patient care on standards related to workplace conditions and patient safety;

(3) support the activities of the Health Care Financing Administration related to the development of new or revised conditions of participation under the medicare and medicaid programs and subsequent rulemaking on issues related to workplace conditions, medical errors, and patient safety and quality of care; and

(4) conduct other activities determined appropriate by the director of the Institute.

(d) WORKPLACE CONDITIONS.—For purposes of this section, the term ''workplace conditions'' shall include issues related to—

(1) health care worker staffing;

(2) hours of work;

(3) confidentiality and whistleblower protections;

(4) employee participation in decision-making roles that contribute to improved quality of care and the reduction of the incidence of medical errors;

(5) workforce training; and

(6) the impact of health care delivery restructuring on communities and health care workers.

(e) DEFINITION OF HEALTH CARE WORKER.—

(1) IN GENERAL.—In this section, the term ''health care worker'' means an individual employed by an employer that provides—

(A) health care services; or

(B) necessary related services, including administrative, food service, janitorial, or maintenance service to an entity that provides such health care services.

(2) HEALTH CARE SERVICES.—In paragraph (1), the term ''health care services'' includes medical, surgical, mental health, and substance abuse services, whether provided on an in-patient or outpatient basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Institute such sums as may be necessary to carry out the purposes of this section.

SEC. 402. HEALTH CARE QUALITY, PATIENT SAFETY, AND WORKFORCE STANDARDS ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—There is established a Health Care Quality, Patient Safety, and Workforce Standards Committee (in this section referred to as the ''Committee'').

(b) FUNCTIONS OF COMMITTEE.—

(1) ADVICE TO INSTITUTE.—The Committee shall provide advice to the Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 on issues related to the duties of the Director.

(2) INITIAL REPORT.—Not later than December 31, 2001, the Committee shall submit an initial report to the Secretary that contains—

(A) recommendations regarding minimal workforce standards that are critical for improved health care quality and patient safety; and

(B) recommendations regarding additional ways to reduce the incidence of medical errors and to improve patient safety and quality of care.

(3) FINAL REPORT.—Not later than December 31, 2002, the Committee shall submit a final report to the Secretary of Health and Human Services regarding the recommendations contained in the initial report required under paragraph (2), including any modifications of such recommendations.

(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

(1) STRUCTURE.—The Committee shall be composed of the Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 and 15 additional members who shall be appointed by the Secretary of Health and Human Services.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

(B) SPECIFIC MEMBERS.—In making appointments under paragraph (1), the Secretary of Health and Human Services shall ensure that the following groups are represented:

(i) Health care providers and health care workers, including labor unions representing health care workers.

(ii) Consumer organizations.

(iii) Health care institutions.

(iv) Health education organizations.

(d) CHAIRMAN.—The Director of the Health Care Quality, Patient Safety, and Workforce Standards Institute established under section 401 shall chair the Committee.

TITLE V—IMPROVING MEDICARE BENEFITS

SEC. 501. FULL MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT BENEFITS PARITY.

Notwithstanding any provision of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), beginning January 1, 2001, each individual who is entitled to benefits under part A or enrolled under part B of the medicare program, including an individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program, shall be provided full mental health and substance abuse treatment parity under the medicare program established under such title of such Act consistent with title XXII of the Social Security Act (as added by this Act).

SEC. 502. STUDY AND REPORT REGARDING ADDITION OF PRESCRIPTION DRUG BENEFIT.

Not later than January 1, 2003, the Director of the Institute of Medicine shall study and report to Congress and the President legislative recommendations for adding a comprehensive, accessible, and affordable prescription drug benefit to the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

TITLE VI—LONG-TERM AND HOME HEALTH CARE

SEC. 601. STUDIES AND DEMONSTRATION PROJECTS TO IDENTIFY MODEL PROGRAMS.

The Secretary of Health of Human Services shall—

(1) conduct studies and demonstration projects, through grant, contract, or interagency agreement, that are designed to identify model programs for the provision of long-term and home health care services;

(2) report regularly to Congress on the results of such studies and demonstration projects; and

(3) include in such report any recommendations for legislation to expand or continue such studies and projects.

TITLE VII—MISCELLANEOUS

SEC. 701. NONAPPLICATION OF ERISA.

The provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) shall not apply with respect to health benefits provided under a group health plan (as defined in section 733(a) of that Act (29 U.S.C. 1191b(a))) qualified to offer such benefits under an expansion phase (phase I) plan under title XXII of the Social Security Act (as added by this Act) or under a universal phase (phase II) plan under such title.

SEC. 702. SENSE OF CONGRESS REGARDING OFFSETS.

It is the sense of Congress that any sums necessary for the implementation of this Act, and the amendments made by this Act, should be offset by—

(1) general revenues available as a result of an on-budget surplus for a fiscal year;

(2) direct savings in health care expenditures resulting from the implementation of this Act; and

(3) reductions in unnecessary Federal tax benefits available only to individuals and large corporations that are in the maximum tax brackets.

GROWTH IN THE NUMBER OF UNINSURED AMERICANS: 1988–98

[Millions of nonelderly uninsured]

Year	
1988	33.6
1989	34.3
1990	35.6
1991	36.3
1992	38.3
1993	39.3
1994	39.4
1995	40.3
1996	41.4
1997	43.1
1998	43.9
1999	[1] 45.0
2000	[2] 55.0

[1] Approximate.
[2] Projected.

Source: Employee Benefits Institute, 2000.
Data: Current Population Surveys (March) 1989–1999 Health Insurance Association of America (HIAA).

MOST IMPORTANT REASONS FOR NOT HAVING HEALTH INSURANCE, 2000

	Percent
It is too expensive	47
Your job doesn't offer coverage	15
You are between jobs or unemployed	15
You can't get coverage or were refused	5
You don't think you need it	3
Other	15

Source: The NewsHour with Jim Lehrer/Kaiser Family Foundation National Survey on the Uninsured, 2000.

By Mr. DURBIN:

S. 2889. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Commerce, Science, and Transportation.

THE STRONGER TOBACCO WARNING LABELS TO SAVE LIVES ACT

• Mr. DURBIN. Mr. President, today I am introducing the Stronger Tobacco Warning Label to Save Lives Act. This legislation would replace the current cigarette warning label on tobacco products with larger, more direct messages that will have an impact on current smokers and potential smokers who are usually children. The Stronger Tobacco Warning Label to Save Lives Act will require a new series of warning labels modeled after new, more effective warning labels in Canada.

On January 19, 2000, Canadian Health Minister Allan Rock unveiled new and larger health warning labels for tobacco products which include color graphics and images that illustrate the damage that cigarettes do to the health of smokers and those around them. These warning labels will cover 50% of the front and back panels of tobacco products—one side in English and the other in French—and provide more information on the harmful ingredients in tobacco products. These new warning labels apply to all tobacco products. They will take effect on January 1, 2001.

After the U.S. Surgeon General publicly announced the dangers of tobacco use in 1965, the U.S. became the first country to impose mandatory health warning labels on all cigarette packs. In 1984, the U.S. replaced that label with a system of four rotating warning labels. Since then, the U.S. cigarette warning labels have become stale and ineffective. Many smokers have memorized all of the current warning labels. Others never notice the warnings because they are placed inconspicuously the side of the pack.

Other countries have since taken the lead and required stronger health warning labels. These labels have been effective in reducing smoking rates. For example, in South Africa, tobacco consumption decreased by 15% between 1994 and 1997 due to a combination of radio advertising campaigns, increased excise taxes on cigarettes, and new health warning labels. Fifty-eight percent of smokers said that the cigarette warning labels made them want to quit, cut down on smoking, or at least change to a lighter cigarette. Among non-smokers, 38% said that the warnings made them glad they had never started smoking.

The tobacco industry's massive expenditures on tobacco product promotion and public relations have ensured that, over time, Americans have seen more positive than negative imagery surrounding tobacco. The Stronger Tobacco Warning Label to Save Lives Act will ensure that every time someone lights up, the first thing that comes to mind is the health consequences—not the alluring lifestyle images associated with tobacco industry marketing. Too many young people smoke because they are led to believe it's cool and glamorous, when the truth is that tobacco kills.

Because tobacco products are highly addictive for many users, and because most users start using tobacco at a very young age, the standard of warning for tobacco must be much higher than for other products. The warning labels should at least be as prominent in selling the health message as the industry's design is effective in promoting the product. This is not about banning or regulating a legal product, this is about providing the consumer with the appropriate information so they can make an informed decision.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation to ensure that every time someone lights up, the first thing that comes to mind are the health consequences—not the alluring lifestyle images associated with tobacco industry marketing. I ask unanimous consent that a copy of the legislation be printed in the CONGRESSIONAL RECORD.

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

S. 2889

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 ''Stronger Tobacco Warning Labels to Save Lives Act''.

SEC. 2. AMENDMENT TO FEDERAL CIGARETTE AND LABELING ADVERTISING ACT.

(a) AMENDMENT.—The Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) is amended by striking section 4 and inserting the following:

''SEC. 4. LABELING.

''(a) LABEL.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, a warning label.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations describing the warning label required by paragraph (1).

''(3) CONTENT OF LABEL.—The regulations promulgated under paragraph (2) shall ensure that the text of each warning label addresses one of the following:

''(A) Diseases or fatal health conditions caused by cigarette smoking.

''(B) Any physical addiction that results from cigarette smoking.

''(C) The influence that cigarette smoking by adults has on young children and teenagers and the consequences of such use.

''(D) The health hazards of secondhand smoke from cigarettes.

''(4) GRAPHICS.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2) shall ensure that each warning label contains a color graphic or picture that illustrates or emphasizes to the greatest practicable extent the message of the text of the corresponding warning label.

''(B) CONTENTS.—The graphics described in subparagraph (A) shall enhance the message of the text of the warning label and may include a color picture of one of the following:

''(i) A diseased lung, heart, or mouth.

''(ii) An individual suffering from addiction.

''(iii) Children watching an adult smoke a cigarette.

''(iv) An individual adversely affected by secondhand smoke from a cigarette, including pregnant women or infants.

''(b) ADVERTISING.—It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the warning label statements required by subsection (a).

''(c) REQUIREMENTS FOR LABELING.—

''(1) LOCATION.—Each label statement required by subsection (a) shall be located on the upper portion of the front panel of the cigarette package (or carton) and occupy not less than 50 percent of such front panel.

''(2) TYPE AND COLOR.—Each label statement required by subsection (a) shall be printed in at least 17 point type with adjustments as determined appropriate by the Secretary. All the letters in the label shall appear in conspicuous and legible type, in contrast by typography, layout, or color with all other printed material on the package, and be printed in a black-on-white or white-on-black format as determined appropriate by the Secretary.

''(d) REQUIREMENTS FOR ADVERTISING.—

''(1) LOCATION.—Each label statement required by subsection (b) shall occupy not less than 50 percent of the area of the advertisement involved.

''(2) TYPE AND COLOR.—

''(A) TYPE.—Each label statement required by subsection (b) shall be printed in a point type that is not less than the following types:

''(i) With respect to whole page advertisements on broadsheet newspaper—45 point type.

''(ii) With respect to half page advertisements on broadsheet newspaper—39 point type.

''(iii) With respect to whole page advertisements on tabloid newspaper—39 point type.

''(iv) With respect to half page advertisements on tabloid newspaper—27 point type.

''(v) With respect to DPS magazine advertisements—31.5 point type.

''(vi) With respect to whole page magazine advertisements—31.5 point type.

''(vii) With respect to 28cm x 3 column advertisements—22.5 point type.

''(viii) With respect to 20cm x 2 column advertisements—15 point type.

The Secretary may revise the required type sizes as the Secretary determines appropriate within the 50 percent requirement.

''(B) COLOR.—All the letters in the label under this paragraph shall appear in conspicuous and legible type, in contrast by typography, layout, or color with all other printed material and be printed in an alternating black-on-white and white-on-black format as determined appropriate by the Secretary.

''(e) ROTATION OF LABEL STATEMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the label statements specified in subsections (a) and (b) shall be rotated by each manufacturer or importer of cigarettes quarterly in alternating sequence on packages of each brand of cigarettes manufactured by the manufacturer or importer and in the advertisements for each such brand of cigarettes in accordance with a plan submitted by the manufacturer or importer and approved by the Federal Trade Commission. The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by subsections (a) and (b) will be displayed by the manufacturer or importer at the same time.

''(2) APPLICATION OF OTHER ROTATION REQUIREMENTS.—

''(A) IN GENERAL.—A manufacturer or importer of cigarettes may apply to the Federal Trade Commission to have the label rotation described in subparagraph (C) apply with respect to a brand style of cigarettes manufactured or imported by such manufacturer or importer if—

''(i) the number of cigarettes of such brand style sold in the fiscal year by the manufacturer or importer preceding the submission of the application is less than ¼ of 1 percent of all the cigarettes sold in the United States in such year; and

''(ii) more than ½ of the cigarettes manufactured or imported by such manufacturer or importer for sale in the United States are packaged into brand styles which meet the requirements of clause (i).

If an application is approved by the Commission, the label rotation described in subparagraph (C) shall apply with respect to the applicant during the 1-year period beginning on the date of the application approval.

''(B) PLAN.—An applicant under subparagraph (A) shall include in its application a plan under which the label statements specified in subsection (a) will be rotated by the applicant manufacturer or importer in accordance with the label rotation described in subparagraph (C).

''(C) OTHER ROTATION REQUIREMENTS.—Under the label rotation which the manufacturer or importer with an approved application may put into effect, each of the labels specified in subsection (a) shall appear on the packages of each brand style of cigarettes with respect to which the application was approved an equal number of times within the 12-month period beginning on the date of the approval by the Commission of the application.

''(f) APPLICATION OF REQUIREMENT.—Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.

''(g) CIGARS; PIPE TOBACCO.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as may be necessary to establish warning labels for cigars and pipe tobacco. Such regulations shall require content-specific messages regarding health hazards posed by cigars and pipe tobacco, include graphic illustrations of such content messages, as is required under subsection (a), and be formatted in a clear and unambiguous manner, as is required under subsection (a).

''(2) DEFINITIONS.—In this subsection:

''(A) CIGAR.—The term 'cigar' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco that is a cigarette or cigarillo).

''(B) PIPE TOBACCO.—The term 'pipe tobacco' means any loose tobacco that, because of the appearance, type, packaging or labeling of such tobacco, is likely to be offered to, or purchased by, consumers as a tobacco to be smoked in a pipe.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this section.

SEC. 3. AMENDMENT TO THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986.

(a) AMENDMENT.—The Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) is amended by striking section 3 and inserting the following:

''SEC. 3. SMOKELESS TOBACCO WARNING.

''(a) GENERAL RULE.—

''(1) LABEL ON PACKAGE.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this section, a warning label.

''(2) LABEL IN ADVERTISEMENTS.—It shall be unlawful for any manufacturer, packager, or importer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless the advertising bears, in accordance with the requirements of this Act, one of the labels required by paragraph (1).

''(b) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations describing the warning labels required under subsection (a).

''(c) CONTENT OF LABEL.—The regulations promulgated under subsection (b) shall ensure that the text of each warning label addresses one of the following:

''(1) Diseases resulting from use of smokeless tobacco products.

''(2) Any physical addiction that results from using smokeless tobacco products.

''(3) The influence that use of smokeless tobacco products by adults has on young children and teenagers and the consequences of such use.

''(d) NUMBER OF LABELS.—The regulations promulgated under subsection (b) shall ensure that not less than 2 warning labels are created for each subject matter described in paragraphs (1), (2), and (3) of subsection (c). Such regulations shall also require that each package of smokeless tobacco bear 1 warning label that shall be rotated in accordance with subsection (g).

''(e) GRAPHICS.—

''(1) IN GENERAL.—The regulations promulgated under subsection (b) shall ensure that each warning label required by subsection (a) contains a color graphic or picture that illustrates or emphasizes to the greatest practicable extent the message of the text of the corresponding warning label.

''(2) CONTENTS.—The graphics described in paragraph (1) shall enhance the message of the text of the warning label and may include a color picture of one of the following:

''(A) A diseased mouth or other physical effect of using smokeless tobacco products.

''(B) An individual using a smokeless tobacco product.

''(C) Children watching an adult use a smokeless tobacco product.

''(f) FORMAT.—

''(1) LOCATION.—Each label statement required by subsection (a)(1) shall be located on the principal display panel of the product and occupy not less than 50 percent of such panel.

''(2) TYPE AND COLOR.—Each label statement required by subsection (a)(1) shall be printed in 17 point type with adjustments as determined appropriate by the Secretary to reflect the length of the required statement. All the letters in the label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package and be printed in an alternating black on white and white on black format as determined appropriate by the Secretary.

''(g) ADVERTISING AND ROTATION.—The provisions of sections (d) and (e)(1) of the Federal Cigarette Labeling and Advertising Act (as amended by the Stronger Tobacco Warning Labels to Save Lives Act) shall apply to advertisements for smokeless tobacco products required under subsection (a)(2) and the rotation of the label statements required under subsection (a)(1) on such products.

''(h) APPLICATION OF REQUIREMENT.—Subsection (a) does not apply to a distributor or a retailer of smokeless tobacco products who does not manufacture, package, or import such products for sale or distribution within the United States.

''(i) TELEVISION AND RADIO ADVERTISING.—It shall be unlawful to advertise smokeless tobacco or cigars on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this section.●

By Ms. SNOWE (for herself and Mr. L. CHAFEE):

S. 2890. A bill to provide States with funds to support State, regional, and local school construction; to the Committee on Health, Education, Labor, and Pensions.

BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT

Ms. SNOWE. Mr. President, I rise today with my friend and colleague, Senator CHAFEE, to introduce a revised version of the ''Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act''—legislation that would address our nation's burgeoning need for K–12 school construction, renovation, and repair.

The legislation—which is endorsed by the National Education Association (NEA) and National PTA, and the National Association of State Boards of Education (NASBE)—would accomplish this in a fiscally-responsible manner while seeking to find the middle ground between those who support a very direct, active federal role in school construction, and those who are concerned about an expanded federal role in what has been—and remains—a state and local responsibility.

Mr. President, the condition of many of our nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office (GAO) in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the ''oldest condition,'' which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition, and a recent report by the NEA identified $332 billion in unmet school modernization needs. Nowhere is this cost better understood than in my home state of Maine, where a 1996 study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceiling or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in upholding its end of the bargain, only recently increasing its share above 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by nearly $2.5 billion over the past four years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free-up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation we are offering today—the ''BRICKS Act''—will do just. Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, our legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that at least one-half of these loan monies must be used to pay the interest owed to bondholders on new school construction bonds that are issued through the year 2003, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made. In addition, by providing that up to one-half of the monies may be used for state-wide school construction initiatives, the bill provides needed flexibility to ensure that unique state and local approaches to school construction will also be supported, such as revolving loan funds.

Of importance, these loan monies—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, our bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future.

Specifically, our bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated.

Regardless of how one feels about exercising greater constraint over he ESF or liquidating it, I believe that if this $40 billion fund can be used to bail-out foreign currencies, it certainly can be used to help America's schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made

from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends, it should also be noted that my proposal ensures that states and local governments will not be forced to pay excessive interest, or that they will be forced to repay over an unreasonable period of time. In fact, if the federal government fails to substantially increase its share of IDEA funding, states will incur no interest at all!

Specifically, to encourage the federal government to meet its funding commitment for IDEA—and to compensate states for the fact that every dollar in foregone IDEA funding is a dollar less that they have for school construction or other local needs—our bill would impose no interest on BRICKS loans during the first five years provided the 40 percent funding commitment is not met.

Thereafter, the interest rate is pegged to the federal share of IDEA: zero in any year that the federal government fails to fund at least 20 percent of the cost of IDEA; 2.5 percent—the long-term projected inflation rate—in years that the federal share falls between 20 and 30 percent; 3.5 percent in years the federal share is 30 to 40 percent; and 4.5 percent in years the full 40 percent share is achieved.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that our bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, our bill provides substantial federal assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the ''BRICKS Act''—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

Thank you, Mr. President. I ask unanimous consent that the letters of support from the NEA, PTA, NASBE, and Jim Rier, the Chairman of the Maine State Board of Education, be inserted in the RECORD following my statement.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, July 13, 2000.

Senator OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the National Education Association's (NEA) 2.5 million members, we would like to thank you for your leadership in introducing a revised version of the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act.

As you know, our nation's schools are in desperate need of repair and renovation. Too many students attend classes in overcrowded buildings with leaky roofs, faulty wiring, and outdated plumbing. A recently-released NEA study documents more than $300 billion in unmet infrastructure and technology needs, nearly three times the level estimated in previous research by the General Accounting Office.

NEA believes the revised BRICKS Act offers a meaningful avenue for assisting schools. The bill would make available $20 billion in guaranteed funding over 15 years to provide low-interest—and in many cases zero interest—school modernization loans to states and schools. According to a preliminary Department of Education analysis, the BRICKS Act would provide schools with a benefit of $465 for each $1,000 in bonds.

We are pleased that the BRICKS Act would allow up to 50 percent of federal funds to be used for payment of actual construction costs or the principal portion of loans, as well as the interest costs. We also appreciate the provision allowing those states with laws that prohibit borrowing to pay the interest costs on school bonds to use 100 percent of their BRICKS loans for state revolving loan funds or other state administered school modernization programs.

NEA believes it is essential to enact meaningful school modernization assistance this year. We thank you for your leadership in this area and look forward to continuing to work with you toward passage of bipartisan school modernization legislation.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL PTA,
Chicago, IL, July 7, 2000.

Hon. LINCOLN D. CHAFEE,
Hon. OLYMPIA J. SNOWE,
United States Senate, Washington, DC.

DEAR SENATORS CHAFEE AND SNOWE: On behalf of the 6.5 million parents, teachers, students, and other child advocates who are members of the National PTA, I am writing to support the Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act, which you plan to introduce next week.

We thank you for your leadership in proposing this initiative, which acknowledges the federal government's responsibility to help schools repair and renovate their facilities. As you are aware, the U.S. General Accounting Office has estimated that the cost of fixing the structural problems in schools across the nation will cost more than $112 billion. If new schools are built to accommodate overcrowding, and if schools' technology, wiring, and infrastructure needs are added in, this estimate would exceed $200 billion dollars.

This is a problem schools cannot address without a partnership with the federal government, and National PTA supports a variety of approaches to address this growing crisis. In addition to endorsing the BRICKS bill, National PTA is supporting the Public School Repair and Renovation Act, which would provide tax credits to pay the interest on school modernization bonds and create a grant and loan program for emergency repairs in high-need districts; and also the America's Better Classrooms Act, which would provide $22 billion over two years in zero interest school construction and modernization bonds.

Under BRICKS, nearly $20 billion would be available over 15 years to provide low interest, and in many cases zero interest, loans to States for interest payments on their school modernization bonds. We are pleased that the proposal will allow increased flexibility in using the federal funds for interest payments, as well as for other state-administered programs that assist state entities or local governments pay for the construction or repair of schools.

National PTA is committed to helping enact a federal school modernization proposal this Congress. We believe the BRICKS Act should be promoted as one of the ways the federal government can assist schools, and we thank you for your leadership in this area. We look forward to continuing to work with you toward formulation and passage of bipartisan school modernization legislation.

Sincerely,

VICKI RAFEL,
Vice President for Legislation.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, July 18, 2000.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policy-making, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

We are writing to applaud your efforts to provide federal assistance to states for school construction. The deterioration of America's school infrastructure has reached crisis proportions. At least one-third of all U.S. schools are in need of extensive repairs or replacement and 60% have at least one major building deficiency such as cracked foundations, leaky roofs, or crumbling walls. We cannot expect our children to learn much less excel in such decrepit and unsafe environments.

The more than $112 billion needed to renovate and/or repair existing school facilities has simply overwhelmed state and local resources. This national problem demands federal attention and we are encouraged that your office is attempting to address this need by proposing a $20 billion federal loan program.

Your legislation, the Building, Renovating, Improving, and Construction Kids' Schools Act (BRICKS), will leverage new school construction expenditures at the state and local levels and provides flexibility to integrate this assistance with the variety of solutions

states have already undertaken, such as revolving funds, to enhance the financing of school construction.

We appreciate your efforts and attention to address this critical situation. NASBE is encouraged by your actions and we look forward to working with your office to foster a partnership between federal, state and local entities to improve the learning conditions of American children.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Executive Director.

STATE BOARD OF EDUCATION,
Augusta, ME, April 29, 2000.

Senator OLYMPIA J. SNOWE,
United States Senate,
Washington, DC.

DEAR SENATOR SNOWE: The age and condition of our nation's public schools are an expanding crisis and should be of great concern to all. Decades of neglect, unfunded maintenance programs, constrained state and municipal budgets, shifting populations, technology requirements, and programmatic changes have combined to weaken the infrastructure of public education. As you are well aware, a 1995 GAO report estimated that just repairing existing school facilities would cost $112 billion. In addition, building new facilities to met the demands of program and increased enrollments could cost another $73 billion. We have allowed the condition of our schools to deteriorate to a point that there are now critical implications for the health and safety of our students and staff who occupy those buildings. A number of states have launched major efforts to address their school facilities needs. The task is huge and beyond the ability of most local and even state resources.

Unfortunately, Maine mirrors the nation. A Facilities Inventory Study, conducted in 1996 by the Department of Education and the University of Maine's Center for Research and Evaluation, identified approximately $650 million in needed facility improvements. Of particular concern was the need for over $60 million in serious health and safety related improvements as well as an additional $150 million in other renovation and upgrades required.

In response to Maine's survey of over 700 buildings, Governor King appointed a Commission to develop a plan to address the needs identified. Their report was delivered to the Maine Legislature in February 1998, and the recommendations were enacted in April 1998. Maine has responded to address the identified needs with significant state and local resources. However, even as we develop policy and resources to aggressively address those needs, our concern grows.

Progressing from the condition survey to a detailed engineering and environmental analysis of the conditions causes even greater alarm. Roofs that were reported as leaking in the survey are found to have serious structural integrity problems with greater safety risks for occupants as well as more complex and costly solutions. Indoor air quality problems in the survey grow from increased air exchange solutions to more complex ones due to mold and microbial growth in the interior walls. Again, this poses increased health risk for students and staff. As we learn more about the problems, our concerns grow and the necessary resources increase. The critical health and safety needs from the 1996 survey ($60 million) have grown to over $86 million in our latest project estimates. Many more projects are yet to be identified.

Applications for Major Capital Construction projects were received in August of 1999 from over 100 buildings throughout Maine. Even with a major new commitment of over $200 million from this Session of the Maine Legislature we will only be able to address approximately 20 of those projects over the next two years. More will be applying in the next two-year cycle that begins in July 2001.

Although school construction and modernization is and should remain primarily a state and local responsibility, states and school districts cannot meet the current urgent needs alone. Federal assistance in the form of reduced or low interest loans as you have included in S1992, the BRICKS ACT, responds to the urgent need and could provide a critical component to a comprehensive but flexible approach to address Maine's, as well as the nation's, school facilities needs. As currently proposed, your legislation would allow the flexibility to address the renovation and upgrade of existing facilities as well as provide relief for overcrowding and insufficient program space where major capital construction is required. It creates an effective local/state/federal partnership, while leaving decisions about which schools to build or repair up to states and local school units. In Maine, that would allow us to strengthen our Revolving Renovation Fund (created to aid local units in the upgrade and renovation of existing buildings), and it would enhance our bonding capacity for long term debt commitment to major capital construction projects.

Structurally unfit, environmentally deficient, or overcrowded classrooms impair student achievement, diminish student discipline, and compromise student safety. Although not cited often, the learning environment does affect the quality of education and our ability to help students achieve high standards.

The National Association of State Boards of Education has identified school construction as one of its priority issues. I serve as Vice-Chair of their Governmental Affairs Committee and would be happy to enlist their help in focusing the nation's attention on the poor condition of our schools and the need for comprehensive federal assistance. If you have questions or need information from NASBE please contact David Griffith, Director of Governmental Affairs at 703–684–4000. As Chairman of the Maine State Board of Education and the governor's School Facilities Commission I am available and would be pleased to participate in any way you think appropriate to outline Maine's innovative and comprehensive school facilities program, and to elaborate on how federal assistance could best complement state and local efforts to address our school construction needs.

It was an honor to meet you in March during NASBE's Legislative Conference. I look forward to working with you in support of a federal partnership with state and local school units to provide a safe, healthy, and effective learning environment for all.

Sincerely,

JAMES E. RIER, Jr.,
Chair.

Mr. L. CHAFEE. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, in introducing a revised version of BRICKS—the Building, Renovating, Improving, and Constructing Kids' Schools Act. This legislation represents a fresh approach to addressing the infrastructure problems in our nation's elementary and secondary schools.

Many thanks to Senator SNOWE for her commitment to this issue and for her leadership; to the National PTA and the NEA, both of whom have endorsed the proposal; and special thanks to the Rhode Island Department of Education and Commissioner Peter McWalters for offering suggestions which I believe helped to improve this proposal.

As some of you may know, Senator SNOWE first introduced the BRICKS proposal at the end of the last session. In January, I joined as a cosponsor. We had hoped to offer this revised version as an amendment to S. 2 but were unable to do so. As a result, we are introducing the revised version of BRICKS today in a form we hope many of our colleagues will be enthusiastic about cosponsoring.

The BRICKS Act would permit the federal government to provide low, or no, interest loans to states to address their serious school infrastructure problems. The National Center for Education Statistics reports that three quarters of our nation's public schools need to build, renovate, improve or modernize their facilities. In some cases the need arises from increased school-age population. In other cases, school facilities are simply old and in need of repair. Today's estimated cost of modernizing and improving school facilities throughout the United States is $127 billion. There is no argument about whether a serious problem exists. There are differences on how best to solve this terribly serious problem.

BRICKS recognizes that our nation faces a grave problem. We worry about whether our children are learning enough to compete in the international marketplace, yet we send our children to school in overcrowded classrooms. We tell them to do their best without adequate air conditioning, heating and plumbing. We expect them to learn in buildings with leaky roofs and crumbling walls, or we house them in ''temporary'' classrooms in trailers on school parking lots.

In Rhode Island, our schools are old: twenty five percent were built before 1930; another thirty-six percent were built in the 1940s and 1950s; twenty-three percent were built in the 1960s; and thirteen percent were built in the recent 1980s. Between 1986 and 1990, our small State spent about $400 million on school construction projects, averaging about 11 projects per year, and there is much more to be done. My State isn't asking the federal government to step in and take over its school facilities responsibilities or the responsibilities of local communities. Rather, help is being sought at the federal level to meet a critical and immediate need.

The legislation which Senator SNOWE and I are introducing today, addresses that need by providing twenty billion dollars in federal loans to the states. Each state receives funds, based on the Elementary and Secondary Education Act's Title I distribution formula, at the request of the Governor. States have until 2003 to request the loans. Fifty percent of the loans must be used to repay the interest on school construction bonds. The other fifty percent may be used to support existing state-administered school construction

programs. Decisions about the use of these federal dollars are made by the Governor in consultation with the director of the state education agency. I am very pleased that the revised legislation encourages the loans to go to those school districts with the greatest need, but the final decisions are made by those closest to the problems.

As a former mayor, the person at the local level signing the checks to pay for my community's education needs, I am very familiar with educational priorities at the local level. I am deeply committed to ensuring that the federal government meets its overdue goal of paying up to forty percent of the cost of educating children with special needs. Since coming to the Senate, I have made fully-funding IDEA—the Individuals with Disabilities Education Act—a top priority. This bill links the interest states and localities will be required to pay to the federal level of IDEA funding.

Until 2006, there will be zero interest on BRICKS loans. After that, interest will be determined by the federal funding level for IDEA. If federal IDEA funding remains, as it is today, below twenty percent, the loans will remain at zero interest. If the federal spending on IDEA is between twenty and thirty percent, interest will be 2.5 percent. If federal spending on IDEA rises to between thirty and forty percent, interest rises to 3.5 percent. Finally, if the federal government meets its forty percent goal, interest peaks at 4.5 percent. Taking into account federal funding of IDEA seems completely appropriate to me. I hope this linkage of IDEA and spending on school facilities is another step which encourages Congress to meet the goal of fully funding IDEA.

Our proposal does not ask the federal government to assume responsibility for building, improving and maintaining school facilities. States and local school districts already have accepted that responsibility by spending more than ever before on facilities. According to the most recent study by the General Accounting Office on school facilities, issued in March 2000, spending on school infrastructure increased by 39 percent from 1990 to 1997. But they cannot do it alone. The federal government can and should help by providing BRICKS loans.

I hope that Senators who care about this issue will put aside partisan differences and look carefully at the plan Senator SNOWE and I are proposing. We believe that BRICKS addresses an immediate problem in a responsible manner that does not usurp the authority or responsibility of states and school districts. I urge my colleagues to join as cosponsors of BRICKS.

By Mr. REID:

S. 2891. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

AIR TRAVELERS FAIR TREATMENT ACT OF 2000

Mr. REID. Mr. President, I rise to introduce the Air Travelers' Fair Treatment Act of 2000.

Air travel is an increasingly unpleasant and stressful experience. Anyone who flies much at all knows that airports are crowded, flights too often delayed or canceled without explanation, ticket prices are unpredictable and hard to figure out, passengers are more unruly and occasionally violent.

Monday's edition of the Washington Post included a front-page story reporting that delays and cancellations are at an all-time high. According to Time Magazine, the number of air-rage incidents reported by flight crews from 66 in 1997, to 534 last year. It doesn't take a great leap of faith to see a relationship between the two.

Last year, Congress passed my ''air rage'' bill that increased penalties on passengers who commit acts that threaten the health or safety of other passengers or jeopardize the safety of the flight. That was a good bill, that I think will help passengers and airlines alike to reduce the amount of stress associated with flying.

But punishing unruly passengers is only half of the solution, because unruly passengers are not the only source of stress in air travel. Air rage is not only a cause, but a symptom, of stress.

The airlines have cut corners in recent years in ways that make traveling by air more and more difficult and unpleasant for customers.

A few weeks ago, the Inspector General of the Department of Transportation released a study on the performance of the airline industry. According to the study:

Through the first four months of this year, the number of passenger complaints to the Department has increased a whopping 74 percent compared to last year.

Complaints about delays, cancellations, and missed connections were up 115 percent since last year—in other words, they have more than doubled in only one year.

And even these numbers may be low, because the Inspector General estimates that the airlines receive anywhere from 100 to 400 complaints for every one that is filed with the government.

Last fall, the airlines announced that they would voluntarily implement their own reforms. They made a great show of implementing their ''12 Commandments for Customer Service'' last fall.

But this study reveals that things have become worse, not better. The study cites numerous instances where the airlines have violated their own so-called ''Commandments.''

For example, one of these so-called Commandments is to notify customers about delays and cancellations. The Transportation Department's report indicated that airlines were, in fact, making an effort to communicate delays and cancellations—but that the information communicated was, to quote the Inspector General, ''frequently inaccurate, incomplete or unreliable.''

Airlines are often poorly equipped to handle in-flight emergencies—some carriers have virtually no first-air or medical equipment on their flights, and the amount of first-aid training that flight crews received varies widely from carrier to carrier.

And airlines ticket prices are still confusing and arbitrary. Some carriers have enacted rules that prohibit customers from combining legs of different tickets to get the best prices.

Now, there are some explanations for the decline in service and the increase in the number of complaints. Last year, the airlines carried a total of 635 million passengers, a record number, double the number of passengers 20 years ago. The average load factor—which refers to the percentage of passengers compared to available seats—is 71 percent, also a record.

But crowded airports are no excuse for airlines to violate their own so-called Commandments for Customer Service.

It's no excuse for providing misleading or inaccurate explanations of delays or cancellations to air travelers. People make plans around posted flight schedules, important personal or business plans. If a flight is canceled or delayed, they should be able to find out what's going on, so that they can make alternative plans if they need to.

The bill I am introducing today will address some of these concerns.

The bill has seven provisions.

(1) Pricing Policies: Due to the complex way that airlines price their tickets, in some cases, a trip will be cheaper if a passenger purchases a ticket to a different destination and gets off during the layover, leaving the second leg of the ticket unused, rather than buying a ticket directly to his/her intended destination. Similarly, a passenger may save money by combining portions of different tickets. To prevent this and to force passengers to pay the higher prices, airlines have begun canceling the return ticket if the passenger does not use the entire ticket, and penalizing travel agents who allow customers to combine ticket portions this way. The bill would allow passengers to use all, part or none of a purchased ticket without penalty by the airline, enabling passengers and travel agents to freely mix-and-match tickets to get the best price.

(2) Flight Delays: The bill requires air carriers to provide travelers with accurate and timely explanations of the reasons for a flight cancellation, delay or diversion from a ticketed itinerary, by classifying the failure to do so as an unfair business practice.

(3) Right to Exit Aircraft: Where a plane has remained at the gate for more than 1 hour past its scheduled departure time and the captain has not been informed that the aircraft can be cleared for departure within 15 minutes, passengers would have the right

to exit the plane into the terminal to make alternative travel plans, or simply to stretch their legs, get something to eat, etc. I believe this provision will help prevent ''air rage'' incidents when passengers are forced to sit in parked planes for long periods of time.

(4) Right to In-flight Medical Care: Currently, each airline has its own policy regarding what kind of medical and first-aid equipment and training is provided on their flights, so that the available equipment varies widely, particularly with more expensive equipment like defibrillators. This bill would direct the Secretary of Transportation to issue uniform minimum regulations for all carriers regarding the type of medical equipment each flight must carry, and the kind of medical training each flight crew should receive.

(5) Access to State Laws: The Federal Courts have split on whether the Airline Deregulation Act of 1978 pre-empts state consumer protection and personal injury laws as applied to airlines. The Ninth Circuit Court of Appeals has held that passengers may sue airlines in state court for violations of state tort and consumer laws; in contrast, the Fourth Circuit has held that airlines are immune from state laws. The Supreme Court has not acted on the issue. The bill would add a provision making clear that the 1978 Act does not preempt state tort and consumer protection laws.

(6) Termination of Ticket Agents: Travel agencies provide a valuable service to customers looking for the best prices. Yet airlines have enormous leverage over what kind of information they can and cannot provide to customers, because they can withdraw their accounts without notice from any travel agency for any reason—even if the only reason is that the travel agency is giving the customer the best rates. The bill requires carriers to provide written 90-day advance statement of reasons before canceling a travel agency's account with the airline, and to give them 60 days to correct the identified deficiencies.

(7) Independent Commission: Finally, the bill would establish an independent Commission to study the airlines' pricing practices and their effects on customer choice, on the number of routes available, and on the quality of service provided by the airlines.

The stress associated with air travel has increased considerably, and much of that stress is caused by things that airlines do to save money and maximize profit that hurt customers. I believe that we must look at unfair and deceptive practices of the airlines that contribute to the stress of air travel, in a specific, targeted and reasonable manner. This bill will do that.

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

S. 2892. A bill to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building''; to the Committee on Environment and Public Works.

DESIGNATING A FEDERAL BUILDING AS THE ''FLOYD H. FLAKE FEDERAL BUILDING''

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

S. 2893. A bill to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''; to the Committee on Government Affairs.

DESIGNATING A UNITED STATES POSTAL FACILITY AS THE ''MATTHEW F. MCHUGH POST OFFICE''

Mr. SCHUMER. Mr. President, I had the honor and privilege of working with former Representative Floyd H. Flake during my tenure in the House and it gives me great pleasure to join Senator MOYNIHAN and my House colleague Congressman GREG MEEKS in introducing a bill to name a Federal building in Jamaica, Queens, New York, after the man who served that district with the utmost honor and dedication.

Floyd was elected to the House of Representatives in 1986 to serve the 6th Congressional District of New York. He served his constituents admirably for 11 years until his retirement in 1997. He is most remembered for his service on the Banking and Financial Services Committee, a committee we served on together.

In the House, Floyd distinguished himself as a leader in the fight for the revitalization of urban communities. He worked tirelessly to pass the Community Development Financial Institutions Act of 1993 and to ensure passage of the Community Reinvestment Act. These two acts, along with Floyd's countless other efforts to help urban communities, illustrates his commitment as a true public servant.

Since his retirement, Floyd has continued his service to the public. He is currently the Pastor of the Allen A.M.E. Church in Queens and has led a movement to increase church-based non-profit activity in communities. He has dedicated his life to helping New York City residents work their way towards a better life through innovative employment programs, community improvement projects and renewal of spiritual faith.

Floyd has distinguished himself as a true leader who was able to combine high morals with government. I can think of no one more deserving of this honor than Reverend Flake.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. BURNS, and Mr. SANTORUM):

S. 2894. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

THE RURAL AMERICA PROSPERITY ACT OF 2000

Mr. LUGAR. Mr. President, I rise today to introduce the Rural America Prosperity Act of 2000. I am pleased that Senator ROBERTS, Senator SANTORUM, and Senator BURNS have joined as cosponsors of this bill.

A Republican controlled Congress in 1996 produced a sweeping reform of farm programs. Farmers were no longer told by the government what crops they had to plant. Farmers were no longer forced by the government to idle part of their land. That farm bill disentangled farmers from government controls and enabled them to make production decisions based on market signals.

Freeing farmers from excessive, and often counterproductive, government controls is an important step, but we should do more to give farmers the tools they need to succeed. Specifically, we need to work to open foreign markets for our agricultural commodities and products, ease the tax and regulatory burden, and provide new risk management tools for farmers.

There are three tax provisions in this legislation that I have long advocated as crucial to the financial health of farmers. First is the repeal of the estate tax. A repeal of this tax, which has prevented some farms from being passed from one generation to the next, is essential. We are proposing the same 10-year phase-out of the estate tax which Congress just passed, and the President has promised to veto. Excluding capital gains from the sale of farmland would put production agriculture on the same footing as homeowners who benefit from a capital gains exclusion for their home. The deduction of health care insurance costs is needed for farmers and others who are self-employed.

Recently Congress provided over $8 billion to improve the federal crop insurance program. While crop insurance is an important risk management tool, today we offer two other risk management tools for farmers—income averaging and FARRM accounts. Two years ago Congress made income averaging a permanent risk management tool for farmers when calculating taxes. Unfortunately, the interaction between income averaging and the alternative minimum tax has prevented many farmers from receiving the benefit of income averaging. This bill fixes that problem. Under this bill, farmers will be able to contribute up to 20 percent of annual farm income into a FAARM account and deduct this amount from their taxes. This is an excellent tool for managing financial volatility associated with farming.

We also address regulatory reform in our bill. We are seeking a review of existing and proposed regulations to determine the cost of compliance for farmers, ranchers and foresters. We want to determine if there are more cost-effective ways for farmers, ranchers and foresters to achieve the objectives of these regulations.

Finally, we must do more to help develop new markets abroad for our farm commodities and agricultural products. Opportunity lies in developing

countries where growing wealth allows for increased demand for meat and processed commodities. Authorizing fast-track authority for the President to negotiate international trade agreements may be the single most important thing we can do to facilitate exports.

We also need to address sanctions. Sanctions that prohibit the export of U.S. agricultural products into the sanctioned country are often morally indefensible because they deny necessities to people, not the offending government. Such sanctions also deny markets for U.S. agricultural products which are then captured by our competitors.

This legislation represents what I believe is necessary to further the historic reforms initiated in the farm bill 4 years ago. I urge my colleagues to cosponsor this bill. I will continue to encourage my colleagues and the Administration to work to enact these proposals.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 499

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1191

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1191, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1472

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1555

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1555, a bill to provide sufficient funds for the research necessary to enable an effective public health approach to the problems of youth suicide and violence, and to develop ways to intervene early and effectively with children and adolescents who suffer depression or other mental illness, so as to avoid the tragedy of suicide, violence, and longterm illness and disability.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1919

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1919, a bill to permit travel to or from Cuba by United States citizens and lawful resident aliens of the United States.

S. 1941

At the request of Mr. DODD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2033

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2033, a bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2387, a bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. AKAKA), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 2585

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 2615

At the request of Mr. KENNEDY, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2615, a bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes.

S. 2639

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2639, a bill to amend the

Public Health Service Act to provide programs for the treatment of mental illness.

S. 2696

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. GRAHAM), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2733

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from New York (Mr. SCHUMER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor 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. 2779

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2779, a bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of 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.

S. 2857

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2857, a bill to amend title 11, United States Code, to exclude personally identifiable information from the assets of a debtor in bankruptcy.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. FRIST, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. HAGEL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. COLLINS), the Senator from Colorado (Mr. ALLARD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. GRAMS), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 133

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 133, a resolution supporting religious tolerance toward Muslims.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 329

At the request of Mr. L. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 329, a resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

AMENDMENT NO. 3702

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3702 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. 3811

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 3811 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

MCCAIN (AND OTHERS) AMENDMENT NO. 3917

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. GREGG, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUGAR PROGRAM.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

CAMPBELL (AND OTHERS) AMENDMENT NO. 3918

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. DORGAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra, as follows:

On page 50, line 22, before the period, insert the following: ''*Provided further,* That, of the funds made available under this heading, (1) $7,300,000 shall be used to purchase bison for the Food Distribution Program on Indian Reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) and to provide a mechanism for the purchases from Native American producers and cooperative organizations, and (2) $1,700,000 shall be used for the construction and installation of refrigeration facilities''.

WELLSTONE AMENDMENTS NOS. 3919–3924

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3919

On page 48, strike lines 12 through 16 and insert the following:

''(7 U.S.C. 612c): *Provided,* That, of the funds made available under this heading, $1,500,000 shall be transferred to and merged with the appropriation for ''Food and Nutrition Service, Food Program Administration'' for studies and evaluations: *Provided further,* That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further,* That of the funds made available under this heading, up to $6,000,000 shall be for''.

AMENDMENT NO. 3920

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENT RATES.—

(1) IN GENERAL.—Section 13(b)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(B)) is amended—

(A) in clause (i), by striking ''$1.97'' and inserting ''$2.41'';

(B) in clause (ii), by striking ''$1.13'' and inserting ''$1.34''; and

(C) in clause (iii), by striking ''46 cents'' and inserting ''63 cents''.

(2) ADJUSTMENTS.—Section 13(b)(1)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)(C)) is amended by striking ''1997'' and inserting ''2001''.

(b) STARTUP AND EXPANSION COSTS.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by inserting after subsection (h) the following:

''(i) STARTUP AND EXPANSION COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of subsection (a).

''(B) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by this section.

''(2) FUNDING.—

''(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary for fiscal year 2001 and each fiscal year thereafter $1,500,000 to make payments under this subsection.

''(B) ENTITLEMENT.—The Secretary shall be entitled to receive the funds and shall accept the funds.

''(3) USE.—The Secretary shall use the funds to make payments on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to State educational agencies in a substantial number of States for distribution to service institutions to assist the service institutions with nonrecurring expenses incurred in—

''(A) initiating a summer food service program for children; or

''(B) expanding a summer food service program for children.

''(4) ADDITIONAL FUNDING.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under other provisions of this section and section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)).

''(5) ELIGIBILITY.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand summer food service programs for children conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to service institutions in the State to initiate or expand the programs.

''(6) PAYMENTS.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

''(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under this Act; or

''(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

''(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

''(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

''(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

''(7) UNUSED AMOUNTS.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary) to carry out this subsection.

''(8) APPLICATION.—The Secretary shall allow a State to apply on an annual basis for assistance under this subsection.

''(9) PRIORITY.—In allocating funds within a State under this subsection, each State agency and State shall give preference for assistance under this subsection to service institutions that demonstrate the greatest need for a summer food service program for children.

''(10) NO REDUCTION OF EXPENDITURES.—Expenditures of funds from State and local sources for the maintenance of the summer food service program for children shall not be diminished as a result of payments received under this subsection.''.

AMENDMENT NO. 3921

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . ANALYSES INVOLVING NET FARM INCOMES.—None of the funds appropriated by this Act shall be used to conduct analyses involving net farm incomes that do not—

(1) segregate the classifications of nonfamily farm entities (as defined by the Secretary of Agriculture); and

(2) separately categorize family farms with gross sales of $1,000,000 or more.

AMENDMENT NO. 3922

On page 9, line 6, strike ''$67,038,000'' and insert ''$63,088,000, of which not less than $12,195,000 shall be used for food assistance program studies and evaluations''.

On page 23, line 21, strike ''$27,269,000: *Provided,*'' and insert ''$31,219,000: *Provided,* That not less than $3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further,*''.

AMENDMENT NO. 3923

On page 47, strike ''$27,000,000'' on line 5 and all that follows through ''areas,'' on line 8 and insert ''$32,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account, of which not more than $5,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and''.

AMENDMENT NO. 3924

On page 36, line 9, strike ''$749,284,000'' and insert ''$754,284,000''.

On page 36, strike lines 15 through 17 and insert the following:

''$66,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of that Act (7 U.S.C. 2009d(d)(3)) (of which $13,000,000 shall be for rural business opportunity grants under section 306(a)(11)(A) of that Act (7 U.S.C. 1926(a)(11)(A))): *Provided,* That of the amounts made available under this heading, $5,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses, for which transfers the Director of the Office of Management and Budget, not later than 30 days after the date of enactment of this Act, shall submit to the Committee on Appropriations of the House of

Representatives and the Committee on Appropriations of the Senate a listing, by account, of the amount of the transfer made from each such account: *Provided further,* That of the total''.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3925

Mr. JEFFORDS (for himself, Mr. WELLSTONE, Mr. DORGAN, Ms. SNOWE, Mr. GORTON, Mr. JOHNSON, Mr. LEVIN, Mr. BRYAN, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of title VII, add the following:

SEC. . AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) SHORT TITLE.—This section may be cited as the ''Medicine Equity and Drug Safety Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting ''and section 804'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''SEC. 804. IMPORTATION OF COVERED PRODUCTS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

''(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

''(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

''(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

''(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

''(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

''(b) IMPORTATION.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

''(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

''(A) the name and amount of the active ingredient of the product and description of the dosage form;

''(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

''(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

''(D) the manufacturer's lot or control number of the product imported;

''(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

''(F) for a product that is—

''(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

''(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

''(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

''(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

''(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

''(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

''(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

''(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

''(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

''(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

''(d) STUDY AND REPORT.—

''(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

''(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

''(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

''(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

''(f) DEFINITIONS.—In this section:

''(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

''(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.''.

BAUCUS AMENDMENT NO. 3926

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra, as follows:

On page 161, between lines 14 and 15, insert the following new title:

TITLE —BEEF INDUSTRY COMPENSATION TRUST FUND

SEC. 01. SHORT TITLE.

This title may be cited as the ''Trade Injury Compensation Act of 2000''.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) United States goods and services compete in global markets and it is necessary for trade agreements to promote such competition.

(2) The current dispute resolution mechanism of the World Trade Organization is designed to resolve disputes in a manner that brings stability and predictability to world trade.

(3) When foreign countries refuse to comply with a panel or Appellate Body report of the World Trade Organization and violate any of the Uruguay Round Agreements, it has a deleterious effect on the United States economy.

(4) A WTO member can retaliate against a country that refuses to implement a panel or Appellate Body report by imposing additional duties of up to 100 percent on goods imported from the noncomplying country.

(5) The World Trade Organization Dispute Settlement Body found in favor of the United States regarding the European Union's ban on United States beef produced with hormones and authorized retaliation subsequent to the European Union's failure to implement that decision.

(6) The United States beef industry has suffered by the European Union's continued noncompliance with the World Trade Organization ruling and should be remedied through the establishment of a Beef Industry Compensation Trust Fund until compliance is achieved.

(7) In cases where additional duties are imposed such as the United States beef and the European Union dispute, the additional duties should be used to provide relief to the United States beef industry that has been insured by noncompliance.

SEC. 03. DEFINITIONS.

In this title:

(1) URUGUAY ROUND AGREEMENTS.— The term ''Uruguay Round Agreements'' has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7).

(2) WORLD TRADE ORGANIZATION.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(3) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(4) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(5) INJURED PRODUCER.—The term ''injured producer'' means a domestic producer of a product (including an agricultural product) with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(6) BEEF RETALIATION LIST.—The term ''beef retaliation list'' means the list of products of European Union countries with respect to which the United States Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States as a result of the European Union's ban on the importation of United States beef produced with hormones .

SEC. 04. BEEF INDUSTRY COMPENSATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Beef Industry Compensation Trust Fund'' (referred to in this title as the ''Fund'') consisting of such amounts as may be appropriated or credited to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN DUTIES.—

(1) IN GENERAL.—There are hereby appropriated and transferred to the Fund an amount equal to the amount received in the Treasury as a result of the imposition of additional duties imposed on the products on a United States beef retaliation list.

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) DISTRIBUTIONS FROM FUND.—Amounts in the Fund shall be available as provided in appropriations Acts, for making distributions in accordance with subsections (e) and (f).

(e) AVAILABILITY OF AMOUNTS FROM FUND.—From amounts available in the Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally recognized beef promotion and research board established for the education and market promotion of the United States beef industry for the following purposes:

(1) To provide assistance to United States beef producers to improve the quality of beef produced in the United States.

(2) To provide assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

(f) TERMINATION OF FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall cease the transfer of amounts equivalent to the duties on the beef retaliation list when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market and additional duties are no longer imposed on products listed on the beef retaliation list.

(2) DISTRIBUTION OF UNUSED FUNDS.—The Secretary of Agriculture shall distribute any unused funds in a manner that benefits the domestic beef industry.

(g) REPORT TO CONGRESS.—The Secretary of the Treasury shall, after consultation with the Secretaries of Agriculture, Commerce, and Labor, report to the Congress each year on the financial condition and the results of the operations of the Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

SEC. 05. PROHIBITION ON REDUCING SERVICES OR FUNDS.

No payment made to an injured producer under this title shall result in the reduction or denial of any service or assistance with respect to which the injured producer would otherwise be entitled.

COCHRAN (AND KOHL) AMENDMENT NO. 3927

Mr. COCHRAN (for himself and Mr. KOHL) proposed an amendment to amendment No. 3925 proposed by Mr. JEFFORDS to the bill, H.R. 4461, supra; as follows:

At the end of the amendment insert the following:

''(g) This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will: (1) pose no risk to the public's health and safety; and (2) result in a significant reduction in the cost of covered products to the American consumer.''

REED (AND LIEBERMAN) AMENDMENT NO. 3928

(Ordered to lie on the table.)

Mr. REED (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 117, line 12, before the period, insert the following: '', of which not less than $100,000 shall be available for the Connecticut and Rhode Island Sea Grant Programs for conducting a cooperative study of lobster shell disease in Long Island Sound, Rhode Island Sound, and Narragansett Bay''.

REED AMENDMENTS NOS. 3929–3931

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3929

On page 34, line 23, before the period at the end, insert the following: '': *Provided further*, That of the funds available for emergency watershed protection activities, $1,200,000 shall be available for the Natural Resources Conservation Service, in cooperation with the town of North Kingstown, Rhode Island, to develop alternative ground water sources to alleviate severe streamflow depletion in the Hunt River watershed, Rhode Island''.

AMENDMENT NO. 3930

On page 33, line 13, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

AMENDMENT NO. 3931

On page 33, line 13, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed surveys and planning activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

ABRAHAM AMENDMENT NO. 3932

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 15, line 3, after the semicolon insert the following: ''and for Michigan State University to study the economic impact of an extension of the Andean Trade Preference Act on Peruvian asparagus imports, $50,000;''.

ABRAHAM (AND SCHUMER) AMENDMENT NO. 3933

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by them to amendment No. 3457 previously submitted by Mr. LEVIN to the companion measure, S. 2536, to the bill, H.R. 4461, supra; as follows:

On page 2, lines 16 through 23, strike all after ''(b)'' and insert,

''QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance

provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.''

JOHNSON AMENDMENTS NOS. 3934–3936

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3934

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

AMENDMENT NO. 3935

On page 89, after line 29, add the following:

SEC. 1111. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.—(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

''(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

''(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter; or

''(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or''; and

(3) in subsection (h) (as so redesignated), by striking ''or (e)'' and inserting ''(e), or (f)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

AMENDMENT NO. 3936

On page 75, before line 17, insert the following:

SEC. 740. USE OF FUNDS TO GRADE CERTAIN IMPORTED AGRICULTURAL PRODUCTS.—The Secretary of Agriculture shall not use any funds made available to the Secretary under this Act, including funds generated from user fees, for the grading of beef, lamb, or mutton (including beef, lamb, and mutton products) imported into the United States.

AKAKA AMENDMENT NO. 3937

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

At the appropriate place add the following:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices. *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

HARKIN AMENDMENT NO. 3938

Mr. REID (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 25, line 11, before the period, insert the following: ''*: Provided further,* That none of the funds made available under this heading may be used by the Secretary of Agriculture to label, mark, stamp, or tag as ''inspected and passed'' meat, meat products, poultry, or poultry products, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) or the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), that do not meet microbiological performance standards established by the Secretary''.

AMIA JEWISH COMMUNITY CENTER ATTACK

CHAFEE AMENDMENTS NOS. 3939–3940

Mr. BURNS (for Mr. L. CHAFEE) proposed two amendments to the resolution (S. Res. 329) urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; as follows:

AMENDMENT NO. 3939

On page 3, line 7 and 8, strike ''its promise to the Argentine people'' and insert ''other commitments''.

AMENDMENT NO. 3940

In the fourth whereas clause, insert ''at that time'' after ''forces''.

In the seventh whereas clause, insert ''has issued an arrest warrant against a leader of the Islamic Jihad but'' after ''Argentina''.

After the eighth whereas clause, insert the following:

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases;

RELATIVE TO THE IRAQ'S VIOLATION OF INTERNATIONAL AGREEMENTS

SMITH OF NEW HAMPSHIRE AMENDMENTS NOS. 3941–3943

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed three amendments to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of the United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.

AMENDMENT NO. 3941

On page 3, between lines 3 and 4, insert the following:

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other international law;

On page 3, line 4, strike ''(A)'' and insert ''(B)''.

On page 3, line 8, strike ''(B)'' and insert ''(C)''.

On page 4, line 3, strike ''(C)'' and insert ''(D)''.

On page 4, line 8, strike ''(D)'' and insert ''(E)''.

On page 4, between lines 14 and 15, insert the following:

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

On page 4, line 15, strike ''(A)'' and insert ''(B)''.

On page 4, line 22, strike ''(B)'' and insert ''(C)''.

AMENDMENT NO. 3942

Insert immediately after the title the following:

Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;''.

AMENDMENT NO. 3943

Amend the title to read as follows: ''Expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.''.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

BOND (AND KERRY) AMENDMENT NO. 3944

Mr. BURNS (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Extension of SBIR program.
Sec. 4. Annual report.
Sec. 5. Third phase assistance.
Sec. 6. Policy directive modifications.
Sec. 7. Report on programs for annual performance plan.
Sec. 8. Output and outcome data.
Sec. 9. National Research Council report.
Sec. 10. Federal agency expenditures for the SBIR program.
Sec. 11. Federal and State Technology Partnership Program.
Sec. 12. Mentoring Networks.
Sec. 13. Simplified reporting requirements.
Sec. 14. Rural outreach program extension.

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of this Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.''.

SEC. 4. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

SEC. 5. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 6. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

''(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

''(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

''(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

''(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

''(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

''(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

''(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).''.

SEC. 7. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and''.

SEC. 8. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 7 of this Act, is amended by adding at the end the following new paragraph:

''(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 4 of this Act, is amended by inserting before the period at the end '', including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) DATABASE.—

''(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

''(ii) the Federal agency making the award; and

''(iii) the date and amount of the award;

''(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

''(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

''(A) contains for each second phase award made by a Federal agency—

''(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

''(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

''(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

''(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

''(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

''(i) the name, size, and location, and an identifying number assigned by the Administration;

''(ii) an abstract of the project; and

''(iii) the Federal agency to which the application was made;

''(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

''(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

''(i) update information in the database concerning that award at the termination of the award period; and

''(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

''(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

''(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.''.

SEC. 9. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 10. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

SEC. 11. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a

business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section and section 35—

''(1) the term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section;

''(2) the term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program;

''(3) the term 'FAST program' means the Federal and State Technology Partnership Program established under this section;

''(4) the term 'mentor' means an individual described in section 35(c)(2);

''(5) the term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c);

''(6) the term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section;

''(7) the term 'SBIR program' has the same meaning as in section 9(e)(4);

''(8) the term 'State' means any of the 50 States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

''(9) the term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(C) State science and technology councils; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

''(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

''(i) TERMINATION.—The authorization to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

''(F) the Institutional Development Award Program of the National Institutes of Health; and

''(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

''(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

''(i) a State that is eligible to participate in that program; or

''(ii) a State described in paragraph (3); or

''(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

''(i) a State that is eligible to participate in a technology development program; or

''(ii) a State described in paragraph (3).

''(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

SEC. 12. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 11(b)(2) of this Act, the following new section:

''SEC. 35. MENTORING NETWORKS.

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) third phase partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (d); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(d) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

SEC. 13. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following new subsection:

''(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.''.

SEC. 14. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking ''2001'' and inserting ''2005''.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking ''for fiscal year 1998, 1999, 2000, or 2001'' and inserting ''for each of the fiscal years 2000 through 2005,''.

TIMBISHA SHOSHONE HOMELAND ACT

INOUYE AMENDMENT NO. 3945

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes: as follows:

On page 22, line 20, strike ''(C)'' and insert ''(C)(i)''.

On page 23, between lines 2 and 3, insert the following:

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

On page 32, between lines 20 and 21, insert the following:

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3946

Mr. BURNS (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Mitigation planning; hazard resistant construction standards.
Sec. 205. State administration of hazard mitigation grant program.
Sec. 206. Study regarding cost reduction.
Sec. 207. Fire management assistance.
Sec. 208. Public notice, comment, and consultation requirements.
Sec. 209. Community disaster loans.
Sec. 210. Temporary housing assistance.
Sec. 211. Individual and family grant program.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Public safety officer benefits for certain Federal and State employees.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Conforming amendment.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local communities from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical infrastructure and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards to existing and new construction at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of the critical infrastructure of communities;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing construction.

(b) PURPOSE.—The purpose of this Act is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical infrastructure and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 203. PREDISASTER HAZARD MITIGATION.

''(a) IN GENERAL.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical infrastructure and facilities under the jurisdiction of the States or local governments.

''(b) APPROVAL BY DIRECTOR.—If the Director determines that a State or local government has identified all natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the Director, using amounts in the National Predisaster Mitigation Fund established under subsection (e) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (c).

''(c) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—Technical and financial assistance provided under subsection (b)—

''(1) shall be used by States and local governments principally to implement predisaster hazard mitigation measures described in proposals approved by the Director under this section; and

''(2) may be used—

''(A) to support effective public-private natural disaster hazard mitigation partnerships;

''(B) to ensure that new development and construction is resistant to natural disasters;

''(C) to improve the assessment of a community's vulnerability to natural hazards; or

''(D) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

''(d) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under subsection (a), the Director shall take into account—

''(1) the extent and nature of the hazards to be mitigated;

''(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

''(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance; and

''(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State as a condition of receipt of the annual emergency management performance grant awarded to the State by the Federal Emergency Management Agency.

''(e) NATIONAL PREDISASTER MITIGATION FUND.—

''(1) ESTABLISHMENT.—The Director may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

''(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

''(A) amounts appropriated to carry out this section, which shall remain available until expended; and

''(B) sums available from gifts, bequests, or donations of services or property received by the Director for the purpose of predisaster hazard mitigation.

''(3) EXPENDITURES FROM FUND.—Upon request by the Director, the Secretary of the Treasury shall transfer from the Fund to the Director such amounts as the Director determines are necessary to provide technical and financial assistance under this section.

''(4) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the

Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

''(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

''(i) on original issue at the issue price; or

''(ii) by purchase of outstanding obligations at the market price.

''(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

''(E) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(f) MAXIMUM TOTAL FEDERAL SHARE.—Subject to subsection (g), the amount of financial assistance provided from the Fund shall not exceed an amount equal to 75 percent of the total costs of all hazard mitigation proposals approved by the Director under this section.

''(g) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The Director shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

''(h) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.''.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102) is amended by adding at the end the following:

''SEC. 204. INTERAGENCY TASK FORCE.

''(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

''(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

''(c) MEMBERSHIP.—The membership of the task force shall include representatives of State and local government organizations and the American Red Cross.''.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

SEC. 201. INSURANCE.

(a) IN GENERAL.—Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(1) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In''; and

(2) by adding at the end the following:

''(B) REQUIRED INSURANCE OR SELF-INSURANCE.—Not later than 1 year after the date of enactment of this subparagraph, the President shall promulgate regulations under which States, communities, and other applicants subject to paragraph (1) shall be required to protect property through adequate levels of insurance or self-insurance if—

''(i) the appropriate State insurance commissioner makes the certification described in subparagraph (A); and

''(ii) the President determines that the property is not adequately protected against natural or other disasters.

''(C) REGULATIONS.—In promulgating any new regulation requiring public structures to be insured to be eligible for assistance, the President shall—

''(i) include in the regulation—

''(I) definitions relating to insurance that are expressed in known and generally accepted terms;

''(II) a definition of 'adequate insurance';

''(III) the specific criteria for a waiver of any insurance eligibility requirement under the regulation;

''(IV) a definition of 'self-insurance' that is sufficiently flexible to take into consideration alternative risk financing methods;

''(V) available market research used in determining the availability of insurance; and

''(VI) a cost-benefit analysis; and

''(ii) consider—

''(I) alternative risk-financing mechanisms, including risk sharing pools and self-insurance; and

''(II) the use of independent experts in insurance, disaster preparedness, risk management, and finance to assist in developing the proposed regulation.''.

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking ''section 803 of the Public Works and Economic Development Act of 1965'' each place it appears and inserting ''sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)''.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 322. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

''(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

''(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.''.

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under subsection (b) of that section, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under section 322(b) of that Act.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of publication in the Federal Register of the management cost rates established under section 322(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)).

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

''(a) CONTRIBUTIONS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The President may make contributions—

''(i) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility that is damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

''(ii) subject to paragraph (2), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

''(B) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

''(i) the costs of mobilizing and employing the National Guard for performance of eligible work;

''(ii) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging;

''(iii) base and overtime wages for employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster; and

''(iv) other expenses determined appropriated by the President.

''(2) CONDITIONS FOR ASSISTANCE FOR PRIVATE NONPROFIT FACILITIES.—The President may make contributions for a private nonprofit facility under paragraph (1)(B) only if—

''(A) the facility provides critical infrastructure in the event of a major disaster;

''(B) the person that owns or operates the facility—

''(i) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

''(ii) has been determined to be ineligible for such a loan; or

''(C) the person that owns or operates the facility has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

''(3) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

''(A) the Committee on Environment and Public Works of the Senate;

''(B) the Committee on Appropriations of the Senate;

''(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(D) the Committee on Appropriations of the House of Representatives.''.

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

''(b) FEDERAL SHARE.—

''(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section in the case of the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility—

''(A) that has previously been damaged, on more than 1 occasion, by the same type of event; and

''(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.''.

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

''(c) LARGE IN-LIEU CONTRIBUTIONS.—

''(1) FOR PUBLIC FACILITIES.—

''(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), funds made available to a State or local government under this paragraph may be used to repair, restore, or expand other eligible public facilities, to construct new facilities, or to fund hazard mitigation measures, that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

''(ii) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

''(I) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(II) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

''(2) FOR PRIVATE NONPROFIT FACILITIES.—

''(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the cost of repairing, restoring, reconstructing, or replacing the facility and of management costs, as estimated by the President.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), funds made available to a person under this paragraph may be used to repair, restore, or expand other eligible private nonprofit facilities owned or operated by the person, to construct new private nonprofit facilities owned or operated by the person, or to fund hazard mitigation measures, that the person determines to be necessary to meet a need for services and functions in the area affected by the major disaster.

''(ii) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

''(I) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

''(II) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).''.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

''(B) COST ESTIMATION PROCEDURES.—

''(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to determine the eligible cost under this subsection.

''(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

''(2) MODIFICATION OF ELIGIBLE COST.—

''(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

''(B) ACTUAL COST LESS THAN ESTIMATED COST.—

''(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

''(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

''(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

''(3) EXPERT PANEL.—

''(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

''(B) DUTIES.—The expert panel shall develop recommendations concerning—

''(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

''(ii) the ceiling and floor percentages referred to in paragraph (2).

''(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations to establish procedures and the ceiling and floor percentages referred to in paragraph (2).

''(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

''(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 2 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

(e) DEFINITION OF CRITICAL INFRASTRUCTURE.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

''(10) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given the term by the President, but includes, at a minimum, the provision of power, water (including water provided by a nongovernment entity), sewer, wastewater treatment, communications, and essential medical care.''.

SEC. 204. MITIGATION PLANNING; HAZARD RESISTANT CONSTRUCTION STANDARDS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 323. MITIGATION PLANNING.

''(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of a disaster loan or grant under this Act, a State, local, or tribal government shall develop and submit for approval to the Director of the Federal Emergency Management Agency a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

''(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

''(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

''(2) establish a strategy to implement those actions.

''(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

''(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

''(2) support development of local mitigation plans;

''(3) provide for technical assistance to local and tribal governments for mitigation planning; and

''(4) identify and prioritize mitigation actions that the State will support, as resources become available.

''(d) FUNDING.—

''(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

''(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 5 percent of the amount of such contributions available to the government as of a date determined by the government.

''(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

''(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

''(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

''(A) eligibility criteria for property acquisition and other types of mitigation measures;

''(B) requirements for cost effectiveness that are related to the eligibility criteria;

''(C) a system of priorities that is related to the eligibility criteria;

''(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete; and

''(E) hazard resistant construction standards, as may be required under section 324.

"SEC. 324. HAZARD RESISTANT CONSTRUCTION STANDARDS.

''(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

''(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

''(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

''(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking ''section 409'' and inserting ''section 323''.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

SEC. 205. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(c) PROGRAM ADMINISTRATION BY STATES.—

''(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority.

''(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

''(A) the demonstrated ability of the State to manage the grant program under this section;

''(B) having in effect an approved mitigation plan under section 323; and

''(C) a demonstrated commitment to mitigation activities.

''(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

''(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

''(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.''.

SEC. 206. STUDY REGARDING COST REDUCTION.

(a) STUDY.—The National Academy of Sciences shall conduct a study to estimate the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 207. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

''(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland with urban interface that threatens such destruction as would constitute a major disaster.

''(b) COORDINATION WITH STATE DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State departments of forestry.

''(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

''(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 208. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 204) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

''(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

''(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

''(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

''(B) could result in a significant reduction of assistance under the program.

''(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

''(b) CONSULTATION CONCERNING INTERIM POLICIES.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

''(1) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

''(2) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

''(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.

''(d) NO LEGAL RIGHT OF ACTION.—Nothing in this section confers a legal right of action on any party.''.

SEC. 209. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking ''(a) The President'' and inserting the following:

''(a) IN GENERAL.—The President'';

(2) by striking ''The amount'' and inserting the following:

''(b) AMOUNT.—The amount'';

(3) by striking ''Repayment'' and inserting the following:

''(c) REPAYMENT.—

''(1) CANCELLATION.—Repayment'';

(4) by striking ''(b) Any loans'' and inserting the following:

''(d) EFFECT ON OTHER ASSISTANCE.—Any loans'';

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking ''and shall'' and inserting ''shall''; and

(B) by inserting before the period at the end the following: '', and shall not exceed $5,000,000''; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

''(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.''.

SEC. 210. TEMPORARY HOUSING ASSISTANCE.

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking ''In lieu of'' and inserting the following:

''(1) IN GENERAL.—In lieu of''; and

(2) by adding at the end the following:

''(2) LIMITATION ON ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided to a household under this subsection shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(B) ADDITIONAL ASSISTANCE.—The President may provide additional assistance to a household that is unable to secure temporary housing through insurance proceeds or loans or other financial assistance from the Small Business Administration or another Federal agency.''.

SEC. 211. INDIVIDUAL AND FAMILY GRANT PROGRAM.

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The President, in consultation and coordination with a State, may make a grant directly, or through the State, to an individual or a family that is adversely affected by a major disaster to assist the individual or family in meeting disaster-related necessary expenses or serious needs of the individual or family, if the individual or family is unable to meet the expenses or needs through—

''(1) assistance under other provisions of this Act; or

''(2) other means.'';

(2) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATIVE EXPENSES.—If a State determines that a grant to an individual or a family under this section shall be made through the State, the State shall pay, without reimbursement from any funds made available under this Act, the cost of all administrative expenses associated with the management of the grant by the State.'';

(3) by striking subsection (e); and

(4) by redesignating subsection (f) as subsection (e).

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.''.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking ''the Northern'' and all that follows through ''Pacific Islands'' and inserting ''and the Commonwealth of the Northern Mariana Islands'';

(2) by striking paragraph (6) and inserting the following:

''(6) LOCAL GOVERNMENT.—The term 'local government' means—

''(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

''(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

''(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.''; and

(3) in paragraph (9), by inserting ''irrigation,'' after ''utility,''.

SEC. 303. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

''(7) 'public safety officer' means—

''(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

''(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

''(C) an employee of a State or local emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

''(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(ii) are determined by the head of the agency to be hazardous duties.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

''SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

''(a) STATUTE OF LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

''(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

''(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

''(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

''(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

''(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of the transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

''(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

''(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

''(1) the payment was authorized by an approved agreement specifying the costs;

''(2) the costs were reasonable; and

''(3) the purpose of the grant was accomplished.''.

SEC. 305. CONFORMING AMENDMENT.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

TORRICELLI AMENDMENT NO. 3947

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4461; supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

DASCHLE AMENDMENTS NOS. 3948–3951

(Ordered to lie on the table.)

Mr. DASCHLE submitted four amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3948

On page 89, after line 19, add the following:

SEC. 1111. RENEWABLE ENERGY RESERVE.—(a) DEFINITIONS.—In this section:

(1) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means an agricultural commodity that can be used in the production of renewable energy, including corn, soybeans, and sugar.

(2) RESERVE.—The term ''reserve'' means the renewable energy reserve of eligible commodities established under section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a renewable energy reserve of eligible commodities, or any combination of eligible commodities, totaling, for each eligible commodity reserved, not more than the quantity of the eligible commodity in metric tons that is used in the United States in 1 year, as determined by the Secretary.

(c) REPLENISHMENT OF RESERVE.—

(1) IN GENERAL.—The Secretary may acquire an eligible commodity of equivalent value to an eligible commodity in the reserve—

(A) subject to paragraph (2), through purchases—

(i) from producers; or

(ii) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

(B) by designation by the Secretary of stocks of the eligible commodity of the Commodity Credit Corporation.

(2) CONDITION ON PURCHASE.—The Secretary may purchase an eligible commodity for the reserve under paragraph (1)(A) only when the market price of the eligible commodity is less than 100 percent of the economic cost of production of that commodity.

(d) RELEASE OF ELIGIBLE COMMODITIES.—The Secretary may sell an eligible commodity from the reserve to a renewable energy producer if the Secretary determines that such a sale is necessary to maintain competitive renewable energy production.

(e) STORAGE.—

(1) IN GENERAL.—An eligible commodity in the reserve shall be stored on-farm.

(2) FIRST RIGHT OF ORIGINAL PRODUCER.—The Secretary first shall offer to the original producer of an eligible commodity the opportunity to store the quantity of the eligible commodity.

(3) EQUITABLE STORAGE SYSTEM.—If the original producer declines to store an eligible commodity under paragraph (2), the Secretary shall distribute the storage opportunity among other eligible producers, in accordance with an equitable storage system to be developed by the Secretary.

(4) RATES.—The rate for the storage of an eligible commodity under this subsection shall be at least equal to the local commercial rate for the storage of comparable commodities in effect on the date on which the storage begins.

(5) MAINTENANCE OF QUALITY.—A producer that stores an eligible commodity under this subsection shall maintain the quality of the eligible commodity in accordance with regulations promulgated under subsection (f)(1).

(f) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this section, including regulations that—

(1) specify requirements for maintenance of the quality of eligible commodities stored under subsection (e); and

(2) ensure, to the maximum extent practicable, that any eligible commodity released from the reserve is—

(A) used for its intended purpose; and

(B) not resold into 1 or more other markets.

AMENDMENT NO. 3949

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

''SEC. 1235B. GOOD FAITH RELIANCE.

''Notwithstanding any other provision of this subchapter, the Secretary may allow land that is enrolled in the conservation reserve under a contract entered into under this subchapter after January 1, 2000, and that is subsequently determined to be ineligible to be enrolled in the conservation reserve, to remain enrolled in, or be reenrolled into, the conservation reserve if, at the time at which the land was originally enrolled in the conservation reserve, the owner or operator of the land relied in good faith on a determination of the Secretary that the land was eligible to be enrolled in the conservation reserve.''.

AMENDMENT NO. 3950

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1235A (16 U.S.C. 3835a) the following:

''SEC. 1235B. GOOD FAITH RELIANCE.

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this subchapter, to the extent the Secretary considers it desirable in order to provide fair and equitable treatment, the Secretary may provide equitable relief to an owner or operator that has entered into a contract under this subchapter, and that is subsequently determined to have violated the contract, if the owner or operator in attempting to comply with the terms of the contact took actions in good faith in reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary may—

''(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the conservation reserve; or

''(D) to reenroll all or part of the land covered by the contract in the conservation reserve; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).''.

AMENDMENT NO. 3951

At the end of the bill, add the following:

TITLE V—FARMERS AND RANCHERS FAIR COMPETITION

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the ''Farmers and Ranchers Fair Competition Act of 2000''.

SEC. 5002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Congressional Joint Economic Committee data suggests that over the last 15 years, agribusiness profits have come almost exclusively out of producer income, rather than from increased retail prices. Given the lack of market power of producers, this data raises the question of whether the trend has been a natural market development or is instead a sign of market failure.

(2) Most economists agree that in the last 15 years the real market price for a market basket of food has increased by approximately 3 percent, while the farm value of that food has fallen by approximately 38 percent. Over that period, marketing costs have decreased by 15 percent, which should have narrowed rather than widened the gap.

(3) There is significant concern that increasingly vertically integrated multinational corporations, especially those that own broad biotechnology patents, may be able to exert unreasonable and excessive market power in the future by acquiring companies that own other broad biotechnology patents.

(4) The National Association of Attorneys General is very concerned with the high degree of economic concentration in the agricultural sector and the great potential for anticompetitive practices and behavior. They estimate the top 4 meat packing firms control over 80 percent of steer and heifer slaughter, over 55 percent of hog slaughter, and over 65 percent of sheep slaughter. Increased concentration in the dairy procurement and processing sector is also raising significant concerns.

(5) In the grain industry, United States Department of Agriculture reports that the top 4 firms controlled 56 percent of flour milling, 73 percent of wet corn milling, 71 percent of soybean milling, and 62 percent of cotton seed oil milling.

(6) Moreover, the figures in paragraphs (4) and (5) underestimate true levels of concentration and potential market power because they fail to reflect the web of unreported and difficult to trace joint ventures, strategic alliances, interlocking directorates, and other partial ownership arrangements that link many large corporations.

(7) Concentration of market power also has the effect of increasing the transfer of investment, capital, jobs, and necessary social services out of rural areas to business centers throughout the world. Many individuals representing a wide range of expertise have expressed concern with the potential implications of this trend for the greater public good.

(8) The recent increase in contracting for the production or sale of agricultural commodities, such as livestock and poultry, is a cause for concern because of the significant bargaining power the buyers of these products or services wield over individual farmers and ranchers.

(9) Transparent, freely accessible, and competitive markets are being supplanted by transfer prices set within vertically integrated firms and by the increasing use of private contracts.

(10) Agribusiness firms are showing record profits at the same time that farmers and ranchers are struggling to survive an ongoing price collapse and erratic price trends.

(11) The efforts of farmers and ranchers to improve their market position is hampered by—

(A) extreme disparities in bargaining power between agribusiness firms and the hundreds of thousands of individual farmers and ranchers that sell products to them;

(B) the rapid increase in the use of private contracts that disrupt price discovery and can unfairly disadvantage producers;

(C) the extreme market power of agribusiness firms and alleged anticompetitive practices in the industry;

(D) shrinking opportunities for market access by producers; and

(E) the direct and indirect impact these factors have on the continuing viability of thousands of rural communities across the country.

(b) PURPOSES.—The purposes of this title are to—

(1) enhance fair and open competition in rural America, thereby fostering innovation and economic growth;

(2) permit the Secretary to take actions to enhance the bargaining position of family farmers and ranchers, and to promote the viability of rural communities nationwide;

(3) protect family farms and ranches from—

(A) unfair, unjustly discriminatory, or deceptive practices or devices;

(B) false or misleading statements;

(C) retaliation related to statements lawfully provided; and

(D) other unfair trade practices employed by processors and other agribusinesses; and

(4) permit the Secretary to take actions to enhance the viability of rural communities nationwide.

SEC. 5003. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons engaged in the production, marketing, or processing of an agricultural commodity that meets the requirements of the Act of February 18, 1922, ''An Act to authorize association of producers of agricultural products'' (7 U.S.C. 291 et seq.; 42 Stat. 388) (commonly known as the ''Capper-Volstead Act'').

(3) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, except that no person shall be considered a broker if the person's sales of such commodities are not in excess of $1,000,000 per year.

(4) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another, except that no person shall be considered a commission merchant if the person's sales of such commodities are not in excess of $1,000,000 per year.

(5) DEALER.—The term ''dealer'' means—

(A) any person (except an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except—

(i) no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person shall be considered a dealer who buys, sells, or markets less than $1,000,000 per year of such commodities; and

(B) an agricultural cooperative which sells or markets agricultural commodities of its members' own production if such agricultural cooperative sells or markets more than $1,000,000 of its members' production per year of such commodities.

(6) PROCESSOR.—The term ''processor'' means—

(A) any person (except an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing in interstate or foreign commerce for human consumption except—

(i) no person shall be considered a processor with respect to the handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity of that person's own raising provided such sales or marketing of such agricultural commodities do not exceed $10,000,000 per year; and

(ii) no person who handles, prepares, or manufactures (including slaughtering) an agricultural commodity in an amount less than $1,000,000 per year shall be considered a processor; and

(B) an agricultural cooperative which processes agricultural commodities of its members' own production if such agricultural cooperative processes more than $1,000,000 of its members' production of such commodities per year.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 5004. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES.

(a) PROHIBITIONS.—It shall be unlawful in, or in connection with, any transaction in interstate or foreign commerce for any dealer, processor, commission merchant, or broker—

(1) to engage in or use any unfair, unreasonable, unjustly discriminatory, or deceptive practice or device in the marketing, receiving, purchasing, sale, or contracting for the production of any agricultural commodity;

(2) to make or give any undue or unreasonable preference or advantage to any particular person or locality or subject any particular person or locality to any undue or unreasonable disadvantage in connection with any transaction involving any agricultural commodity;

(3) to make any false or misleading statement in connection with any transaction involving any agricultural commodity that is purchased or received in interstate or foreign commerce, or involving any production contract, or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction or production contract;

(4) to retaliate against or disadvantage, or to conspire to retaliate against or disadvantage, any person because of statements or information lawfully provided by such person to any person (including to the Secretary or to a law enforcement agency) regarding alleged improper actions or violations of law by such dealer, processor, commission merchant, or broker (unless such statements or information are determined to be libelous or slanderous under applicable State law);

(5) to include as part of any new or renewed agreement or contract a right of first refusal, or to make any sale or transaction contingent upon the granting of a right of first refusal, until 180 days after the General Accounting Office study under section 5008 is complete; or

(6) to offer different prices contemporaneously for agricultural commodities of like grade and quality (except commodities regulated by the Perishable Agricultural Commodities Act (7 U.S.C. 181 et seq.)) unless—

(A) the commodity is purchased in a public market through a competitive bidding process or under similar conditions which provide opportunities for multiple competitors to seek to acquire the commodity;

(B) the premium or discount reflects the actual cost of acquiring a commodity prior to processing; or

(C) the Secretary has determined that such types of offers do not have a discriminatory impact against small volume producers.

(b) VIOLATIONS.—

(1) COMPLAINTS.—Whenever the Secretary has reason to believe that any dealer, processor, commission merchant, or broker has violated any provision of subsection (a), the Secretary shall cause a complaint in writing to be served on that person or persons, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker to attend and testify at a hearing to be held not sooner than 30 days after the service of such complaint.

(2) HEARING.—

(A) IN GENERAL.—The Secretary may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of such accounts, records, and memoranda, as the Secretary deems necessary, for the determination of the existence of any violation of this subsection.

(B) RIGHT TO HEARING.—A dealer, processor, commission merchant, or broker may request a hearing if the dealer, processor, commission merchant, or broker is subject to penalty for unfair conduct, under this subsection.

(C) RESPONDENTS RIGHTS.—During a hearing the dealer, processor, commission merchant, or broker shall be given, pursuant to regulations issued by the Secretary, the opportunity—

(i) to be informed of the evidence against such person;

(ii) to cross-examine witnesses; and

(iii) to present evidence.

(D) HEARING LIMITATION.—The issues of any hearing held or requested under this section shall be limited in scope to matters directly related to the purpose for which such hearing was held or requested.

(3) REPORT OF FINDING AND PENALTIES.—

(A) IN GENERAL.—If, after a hearing, the Secretary finds that the dealer, processor, commission merchant, or broker has violated any provisions of subsection (a), the Secretary shall make a report in writing which states the findings of fact and includes an order requiring the dealer, processor, commission merchant, or broker to cease and desist from continuing such violation.

(B) CIVIL PENALTY.—The Secretary may assess a civil penalty not to exceed $100,000 for each such violation of subsection (a).

(4) TEMPORARY INJUNCTION AND FINALITY AND APPEALABILITY OF AN ORDER.—

(A) TEMPORARY INJUNCTION.—At any time after a complaint is filed under paragraph (1), the court, on application of the Secretary, may issue a temporary injunction, restraining to the extent it deems proper, the dealer, processor, commission merchant, or broker and such person's officers, directors, agents, and employees from violating any of the provisions of subsection (a).

(B) APPEALABILITY OF AN ORDER.—An order issued pursuant to this subsection shall be final and conclusive unless within 30 days after service of the order, the dealer, processor, commission merchant, or broker petitions to appeal the order to the court of appeals for the circuit in which such person resides or has its principal place of business or the District of Columbia Circuit Court of Appeals.

(C) DELIVERY OF PETITION.—The clerk of the court shall immediately cause a copy of the petition filed under subparagraph (B) to be delivered to the Secretary and the Secretary shall thereupon file in the court the

record of the proceedings under this subsection.

(D) PENALTY FOR FAILURE TO OBEY AN ORDER.—Any dealer, processor, commission merchant, or broker which fails to obey any order of the Secretary issued under the provisions of this section after such order or such order as modified has been sustained by the court or has otherwise become final, shall be fined not less than $5,000 and not more than $100,000 for each offense. Each day during which such failure continues shall be deemed a separate offense.

(5) RECORDS.—

(A) IN GENERAL.—Every dealer, processor, commission merchant, and broker shall keep for a period of not less than 5 years such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) and fully and correctly disclose all transactions involved in the business of such person, including the true ownership of the business.

(B) FAILURE TO KEEP RECORDS OR ALLOW THE SECRETARY TO INSPECT RECORDS.—Failure to keep, or allow the Secretary to inspect records as required by this paragraph shall constitute an unfair practice in violation of subsection (a)(1).

(C) INSPECTION OF RECORDS.—The Secretary shall have the right to inspect such accounts, records, and memoranda (including marketing agreements, forward contracts, and formula pricing arrangements) of any dealer, processor, commission merchant, and broker as may be material to the investigation of any alleged violation of this section or for the purpose of investigating the business conduct or practices of an organization with respect to such dealer, processor, commission merchant or broker.

(c) COMPENSATION FOR INJURY.—

(1) ESTABLISHMENT OF THE FAMILY FARMER AND RANCHER CLAIMS COMMISSION.—

(A) IN GENERAL.—The Secretary shall appoint 3 individuals to a commission to be known as the ''Family Farmer and Rancher Claims Commission'' (in this subsection referred to as the ''Commission'') to review claims of family farmers and ranchers who have suffered financial damages as a result of any violation of this section as determined by the Secretary pursuant to subsection (b)(3).

(B) TERM OF SERVICE.—The member of the Commission shall serve 3-year terms which may be renewed. The initial members of the Commission may be appointed for a period of less than 3 years, as determined by the Secretary.

(2) REVIEW OF CLAIMS.—

(A) SUBMISSION OF CLAIMS.—Family farmers and ranchers damaged as a result of a violation of this section as determined by the Secretary, pursuant to subsection (c)(3) may preserve the right to claim financial damages under this section by filing a claim pursuant to regulations promulgated by the Secretary.

(B) DETERMINATION.—Based on a review of such claims, the Commission shall determine the amount of damages to be paid, if any, as a result of the violation.

(C) REVIEW.—The decisions of the Commission under this paragraph shall not be subject to judicial review except to determine that the amount of damages to be paid is consistent with the published regulations of the Secretary that establish the criteria for implementing this subsection.

(3) FUNDING.—

(A) IN GENERAL.—Funds collected from civil penalties pursuant to this section shall be transferred to a special fund in the Treasury, shall be made available to the Secretary without further appropriation, and shall remain available until expended to pay the expenses of the Commission and the claims described in this subsection.

(B) AUTHORIZATION OF APPROPRIATION.—In addition to the funds described in subparagraph (A), there are authorized to be appropriated such sums as may be necessary to carry out this section.

(4) NO PRECLUSION OF PRIVATE CLAIMS.—By filing an action under this subsection, a family farmer or rancher is not precluded from bringing a cause of action against a dealer, processor, commission, merchant, or broker in any court of appropriate jurisdiction.

(d) AUTHORITY OF THE SECRETARY.—Not later than 180 days after the date of enactment of this section, the Secretary and the Attorney General shall develop and implement a plan to enable, where appropriate, the Secretary to file civil actions, including temporary injunctions, to enforce orders issued by the Secretary under this title.

SEC. 5005. REPORTS OF THE SECRETARY ON POTENTIAL UNFAIR PRACTICES.

(a) FILING PREMERGER NOTICES WITH THE SECRETARY.—No dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules promulgated by the Secretary if—

(1) any voting securities or assets of the dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities or other agricultural related business with annual net sales or total assets of $10,000,000 or more are being acquired by a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business which has total assets or annual net sales of $100,000,000 or more; and

(2) any voting securities or assets of a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business with annual net sales or total assets of $100,000,000 or more are being acquired by any dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or agriculture related business with annual net sales or total assets of $10,000,000 or more and as a result of such acquisition, if the acquiring person would hold—

(A) 15 percent or more of the voting securities or assets of the acquired person; or

(B) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(b) REVIEW OF THE SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may conduct a review of any merger or acquisition described in subsection (a).

(2) EXCEPTION.—The Secretary shall conduct a review of any merger or acquisition described in subsection (a) upon a request from a member of Congress.

(c) ACCESS TO RECORDS.—The Secretary may request any information including any testimony, documentary material, or related information from a dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities, or other agricultural related business, pertaining to any merger or acquisition of any agriculture related business.

(d) PURPOSE OF REVIEW.—

(1) FINDINGS.—The review described in subsection (a) shall make findings whether the merger or acquisition could—

(A) be significantly detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition, pursuant to standards established by the Secretary; or

(B) lead to a violation of section 5004(a) of this Act.

(2) REMEDIES.—The review may include a determination of possible remedies regarding how the parties of the merger or acquisition may take steps to modify their operations to address the findings described in paragraph (1).

(e) REPORT OF REVIEW.—

(1) PRELIMINARY REPORT.—After conducting the review described in this section, the Secretary shall issue a preliminary report to the parties of the merger or acquisition and the Attorney General or the Federal Trade Commission, as appropriate, which shall include findings and any remedies described in subsection (d)(2).

(2) FINAL REPORT.—After affording the parties described in paragraph (1) an opportunity for a hearing regarding the findings and any proposed remedies in the preliminary report, the Secretary shall issue a final report to the President and Attorney General or the Federal Trade Commission, as appropriate, with respect to the merger or acquisition.

(f) IMPLEMENTATION OF THE REPORT.—Not later than 120 days after the issuance of a final report described in subsection (e), the parties of the merger or acquisition affected by such report shall make changes to their operations or structure to comply with the findings and implement any suggested remedy or any agreed upon alternative remedy and shall file a response demonstrating such compliance or implementation.

(g) CONFIDENTIALITY OF INFORMATION.—Information used by the Secretary to conduct the review pursuant to this section provided by a party of the merger or acquisition under review or by a government agency shall be treated by the Secretary as confidential information pursuant to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), except that the Secretary may share any information with the Attorney General, the Federal Trade Commission, and a party seeking a hearing pursuant to subsection (e)(2) with respect to information relating to such party. The report issued under subsection (e) shall be available to the public consistent with the confidentiality provisions of this subsection.

(h) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $300,000 for the failure of a person to comply with the requirements of subsections (a) and (f). Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of subsections (a) and (f), the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the additional civil penalty assessed under this paragraph.

SEC. 5006. PLAIN LANGUAGE AND DISCLOSURE REQUIREMENTS FOR CONTRACTS.

(a) IN GENERAL.—Any contract between a family farmer or rancher and a dealer, processor, commission merchant, broker, operator of a warehouse of agricultural commodities, or other agricultural related business shall—

(1) be written in a clear and coherent manner using words with common and everyday

meanings and shall be appropriately divided and captioned by various sections;

(2) disclose in a manner consistent with paragraph (1)—

(A) contract duration;

(B) contract termination;

(C) renegotiation standards;

(D) responsibility for environmental damage;

(E) factors to be used in determining performance payments;

(F) which parties shall be responsible for obtaining and complying with necessary local, State, and Federal government permits; and

(G) any other contract terms the Secretary determines is appropriate for disclosure; and

(3) not contain a confidentiality requirement barring a party of a contract from sharing terms of such contract (excluding trade secrets as applied in the Freedom of Information Act (5 U.S.C. 552 et seq.)) for the purposes of obtaining legal or financial advice or for the purpose of responding to a request from Federal or State agencies.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such hearing shall be limited to the issue of the amount of the civil penalty.

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1), a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the issue of the amount of the additional civil penalty assessed under this paragraph.

(c) IMPLEMENTATION.—The requirements imposed by this section shall be applicable to contracts entered into or renewed 60 days or subsequently after the date of enactment of this Act.

SEC. 5007. REPORT ON CORPORATE STRUCTURE.

(a) IN GENERAL.—A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary, a report which describes, with respect to both domestic and foreign activities; the strategic alliances; ownership in other agribusiness firms or agribusiness-related firms; joint ventures; subsidiaries; brand names; and interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary. This subsection shall not be construed to apply to contracts.

(b) PENALTIES.—

(1) IN GENERAL.—After affording the parties an opportunity for a hearing, the Secretary may assess a civil penalty not to exceed $100,000 for the failure of a person to comply with the requirements of this section. Such a hearing shall be limited to the issue of the amount of the civil penalty

(2) FAILURE TO FOLLOW AN ORDER.—If after being assessed a civil penalty in accordance with paragraph (1) a person continues to fail to meet the applicable requirements of this section, the Secretary may, after affording the parties an opportunity for a hearing, assess a further civil penalty not to exceed $100,000 for each day such person continues such violation. Such hearing shall be limited to the amount of the additional civil penalty assessed under this paragraph.

SEC. 5008. MANDATORY FUNDING FOR STAFF.

Out of the funds in the Treasury not otherwise appropriated, the Secretary of Treasury shall provide to the Secretary of Agriculture $7,000,000 in each of fiscal years 2002 through 2006, to hire, train, and provide for additional staff to carry out additional responsibilities under this title, including a Special Counsel on Fair Markets and Rural Opportunity, additional attorneys for the Office of General Counsel, investigators, economists, and support staff. Such sums shall be made available to the Secretary without further appropriation and shall be in addition to funds already made available to the Secretary for the purposes of this section.

SEC. 5009. GENERAL ACCOUNTING OFFICE STUDY.

The Comptroller General of the United States, in consultation with the Attorney General, the Secretary, the Federal Trade Commission, the National Association of Attorney's General, and others, shall—

(1) study competition in the domestic farm economy with a special focus on protecting family farms and ranches and rural communities and the potential for monopsonistic and oligopsonistic effects nationally and regionally; and

(2) provide a report to the appropriate committees of Congress not later than 1 year after the date of enactment of this Act on—

(A) the correlation between increases in the gap between retail consumer food prices and the prices paid to farmers and ranchers and any increases in concentration among processors, manufacturers, or other firms that buy from farmers and ranchers;

(B) the extent to which the use of formula pricing, marketing agreements, forward contracting, and production contracts tend to give processors, agribusinesses, and other buyers of agricultural commodities unreasonable market power over their producer/suppliers in the local markets;

(C) whether the granting of process patents relating to biotechnology research affecting agriculture during the past 20 years has tended to overly restrict related biotechnology research or has tended to overly limit competition in the biotechnology industries that affect agriculture in a manner that is contrary to the public interest, or could do either in the future;

(D) whether acquisitions of companies that own biotechnology patents and seed patents by multinational companies have the potential for reducing competition in the United States and unduly increasing the market power of such multinational companies;

(E) whether existing processors or agribusiness have disproportionate market power and if competition could be increased if such processors or agribusiness were required to divest assets to assure that they do not exert this disproportionate market power over local markets;

(F) the extent of increase in concentration in milk processing, procurement and handling, and the potential risks to the economic well-being of dairy farmers, and to the National School Lunch program, and other Federal nutrition programs of that increase in concentration;

(G) the impact of mergers, acquisitions, and joint ventures among dairy cooperatives on dairy farmers, including impacts on both members and nonmembers of the merging cooperatives;

(H) the impact of the significant increase in the use of stock as the primary means of effectuating mergers and acquisitions by large companies;

(I) the increase in the number and size of mergers or acquisitions in the United States and whether some of such mergers or acquisitions would have taken place if the merger or acquisition had to be consummated primarily with cash, other assets, or borrowing; and

(J) whether agricultural producers typically appear to derive any benefits (such as higher prices for their products or any other advantages) from right-of-first-refusal provisions contained in purchase contracts or other deals with agribusiness purchasers of such products.

SEC. 50010. AUTHORITY TO PROMULGATE REGULATIONS.

The Secretary of Agriculture shall have the authority to promulgate regulations to carry out the responsibilities of the Secretary under this title.

SANTORUM AMENDMENT NO. 3952

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

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

SEC. . Of the funds to be appropriated for the National Research Initiative, $2,000,000 is available for the National Robotics Engineering Consortium, in collaboration with other institutions renowned for nursery and landscape research, to address the development and economic evaluation of robotic and automated systems for the nursery industry.

ABRAHAM AMENDMENT NO. 3953

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 87, between lines 11 and 12, insert the following:

SEC. 7 . QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—The Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight, hail or other weather related disaster.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, July 25, 2000, at 10 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 26, 2000, at 2:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact Committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of

the Senate and the public that following the legislative hearing scheduled for Tuesday, July 25, 2000 at 2:30 p.m., the Subcommittee will convene the hearing to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River, which was previously scheduled for Wednesday, July 19, 2000 at 2:30 p.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1734, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; H.R. 3084, a bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; S. 2345, a bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes; S. 2638, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2848, a bill to provide for a land exchange to benefit the Pecos National Historic Park in New Mexico.

The hearing will take place on Thursday, July 27, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Katherine Ostrum and Ben Wurtmann be granted the privilege of the floor.

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

Mr. HATCH. Mr. President, I ask unanimous consent that fellows in my office, Dr. David Russell, Bruce Artim, and Meg Gerstenblith, be granted the privilege of the floor for the pendency of H.R. 4461, the Agriculture appropriations bill.

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

Mr. REID. Mr. President, I ask unanimous consent that Dan Alpert of Senator JEFF BINGAMAN's office be given floor privileges during the consideration of the Agriculture appropriations bill.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On July 18, 2000, the Senate amended and passed H.R. 4578, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4578) entitled ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $689,133,000, of which not to exceed $125,900,000 shall be for workforce and organizational support and $16,586,000 shall be for Land and Resource Information Systems, to remain available until expended, of which $3,898,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $34,328,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $689,133,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,679,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,360,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $148,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $10,600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $104,267,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $758,442,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $6,355,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

For an additional amount for salmon restoration and conservation efforts in the State of Maine, $5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon: Provided, That, of the amounts appropriated under this paragraph, $2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing, and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and $500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: Provided further, That the amounts appropriated under this paragraph shall not be subject to section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)): Provided further, That the National Fish and Wildlife Foundation shall give special consideration to proposals that include matching contributions (whether in currency, services, or property) made by private persons or organizations or by State or local government agencies, if such matching contributions are available: Provided further, That amounts made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: Provided further, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,803,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $46,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 shall be used for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama, and of which not more than $6,500,000 shall be used for acquisition management.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $26,925,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $16,500,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,500,000, to remain available until expended: Provided, That funds made available under this Act and Public Law 105–277 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,443,995,000, of which $200,000 shall be available for the conduct of a wilderness suitability study at Apostle Islands National Lakeshore, Wisconsin, and of which $9,227,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $63,249,000, of which $1,000,000 shall be for the Lewes Maritime Historic Park, of which not less than $730,000 shall be available for use by the Roosevelt Campobello International Park Commission, of which not less than $500,000 shall be used to develop a preservation plan for the Cane River National Heritage Area, Louisiana, of which $1,000,000 shall be available to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), of which $2,250,000 shall be used to construct and maintain the Four Corners Interpretive Center authorized by Public Law 106–143, and of which $250,000 shall be available to the National Center for Preservation Technology and Training for the development of a model for heritage education through distance learning.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $44,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which $7,177,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $204,450,000, of which not more than $511,000 shall be used for the preconstruction, engineering, and design of a heritage center for the Grand Portage National Monument in Minnesota, to remain available until expended: Provided, That $1,000,000 for the Great Falls Historic District, $650,000 for Lake Champlain National Historic Landmarks, and $365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That not less than $2,350,000 shall be used for construction at Ponca State Park, Nebraska, including $1,500,000 to be used for the design and construction of educational and informational displays for the Missouri Recreation Rivers Research and Education Center, Nebraska.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $87,140,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $40,000,000 is for the State assistance program including $1,000,000 to administer the State assistance program, and of which $12,000,000 may be for State grants for land acquisition in the State of Florida: Provided, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $846,596,000, of which $62,879,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $1,525,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $32,322,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which $147,773,000 shall be available until September 30, 2002 for

the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

For an additional amount for ''SURVEYS, INVESTIGATIONS, AND RESEARCH'', $1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $134,010,000, of which $86,257,000, shall be available for royalty management activities; and an amount not to exceed $107,410,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $107,410,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $107,410,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2002: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $100,801,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $201,438,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2001: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That from the funds provided herein, in addition to the amount granted to the State of Kentucky under Sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, an additional $1,000,000 shall be made available to the State of Kentucky to demonstrate reforestation techniques on abandoned coal mine sites.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,704,620,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed $93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $125,485,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $412,556,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed $54,694,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program; and of which not to exceed $108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during

fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $341,004,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $35,276,000, to remain available until expended; of which $25,225,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106–163; and of which $1,877,000 shall be available pursuant to Public Laws 99–264, 100–383, 100–580 and 103–402.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $488,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $68,471,000, of which: (1) $64,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,019,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $27,846,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $82,628,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands by direct expenditure or cooperative agreement, $10,000,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and the Act of July 27, 1990, as amended (16 U.S.C. 19jj et seq.), $5,403,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25

U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. (a) Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts shall only be provided to tribes the membership of which on June 1, 2000 is composed of at least 25 individuals who are Natives (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act).

(b) Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104–193, 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) is located, notwithstanding any resolution authorized under federal law to the contrary.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin unless a plan for such a refuge is consistent with a partnership agreement between the Fish and Wildlife Service and the Army Corps of Engineers entered into on April 16, 1999 and is submitted to the House and Senate Committees on Appropriations thirty (30) days prior to the establishment of the refuge.

SEC. 120. (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term ''Secretary'' means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

SEC. 121. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 122. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled ''American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act''.

SEC. 123. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 124. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 125. On the date of enactment, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service shall continue consultation with the U.S. Army Corps of Engineers to develop a comprehensive plan to eliminate Caspian Tern nesting at Rice Island in the Columbia River Estuary. The agencies shall develop a report on the significance of tern predation in limiting salmon recovery and their roles and recommendations for the Rice Island colony relocation by March 31, 2001. This report shall address all available options for successfully completing the Rice Island colony relocation.

SEC. 126. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 127. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking ''permit LP–GLBA005–93'' and inserting ''permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each''.

SEC. 128. Notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)(1)).

SEC. 129. (a) The first section of Public Law 92–501 (86 Stat. 904) is amended by inserting after the first sentence ''The park shall also include the land as generally depicted on the map entitled 'subdivision of a portion of U.S. Survey 407, Tract B, dated May 12, 2000' ''.

(b) Section 3 of Public Law 92–501 is amended to read as follows: ''There are authorized to be appropriated such sums as are necessary to carry out the terms of this Act.''.

SEC. 130. (a) All proceeds of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska within the area subject to withdrawal for Kuukpik Corporation's selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), shall be held in an escrow account administered under the terms of section 1411 of the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371), without regard to whether

a withdrawal for selection has been made, and paid to Arctic Slope Regional Corporation and the State of Alaska in the amount of their entitlement under law when determined, together with interest at the rate provided in the aforementioned section 1411, from the date of receipt of the proceeds by the United States to the date of payment. There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(b) This section shall be effective as of May 5, 1999.

SEC. 131. Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

SEC. 132. CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA. Section 132 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–165), is amended by striking paragraph (1) and inserting the following:

''(1) CONVEYANCE.—

''(A) IN GENERAL.—The Secretary shall convey to the county, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

''(B) PRICE.—The conveyance under paragraph (1) shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (commonly known as the 'Recreation and Public Purposes Act') (43 U.S.C. 869 et seq.).''.

SEC. 133. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE. (a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Secretary''), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as ''Dubuque''), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 120 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

SEC. 134. (a) FINDINGS.—The Senate makes the following findings—

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (Ramah Navajo Chapter v. Lujan, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling $76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of $82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund; and

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the nonpayment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the Judgment Fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $221,966,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $226,266,000, to remain available until expended, as authorized by law, of which not less than $750,000 shall be available to complete an updated study of the New York-New Jersey highlands under section 1244(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3547).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,231,824,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)), of which not less than an additional $500,000 shall be available for use for law enforcement purposes in the national forest that, during fiscal year 2000, had both the greatest number of methamphetamine dumps and the greatest number of methamphetamine laboratory law enforcement actions in the National Forest System, and of which not less than an additional $500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala National Forests: Provided, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of funds available for Wildlife and Fish Habitat Management, $400,000 shall be provided to the State of Alaska for cooperative monitoring activities, and of the funds provided for Forest Products, $700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, both in the form of an advance, direct lump sum payment.

For an additional amount for emergency expenses resulting from damage from windstorms, $7,249,000 to become available upon enactment of this Act, and to remain available until expended: Provided, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): Provided further, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

For an additional amount to cover necessary expenses for implementation of the Valles Caldera Preservation Act, $990,000, to remain available until expended, which shall be available to the Secretary for the management of the Valles Caldera National Preserve: Provided, That any remaining balances be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: Provided further, That the amount available in this Act to the Office of the Solicitor within the Department of the Interior shall not exceed $39,206,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $617,629,000, of which at least $6,947,000 shall be used for hazardous fuels reduction activities and expenses resulting from windstorm damage in the Superior National Forest in Minnesota, $3,000,000 of which shall not be available until September 30, 2001, to remain available until expended, and of which not less than $2,400,000 shall be made available for fuels reduction activities at Sequoia National Monument: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $5,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $150,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $448,312,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $5,000,000 of the funds provided herein for roads shall be for the purposes of section 502(e) of Public Law 105–83: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service ''Reconstruction and Construction'' account as well as any unobligated balances remaining in the ''National Forest System'' account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the ''Capital Improvement and Maintenance'' account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $76,320,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 shall be for the acquisition of lands on the Pisgah National Forest and not to exceed $1,000,000 shall be for Forest Inholdings: Provided, That notwithstanding any other provision of law, of the funds provided not less than $5,000,000 but not to exceed $10,000,000 shall be made available to Kake Tribal Corporation to implement the Kake Tribal Corporation Land Transfer Act upon its enactment into law: Provided further, That of the amounts appropriated and available, the Secretary of Agriculture shall transfer as a direct payment to the city of Craig at least $5,000,000 but not to exceed $10,000,000 in lieu of any claims or municipal entitlement to land within the outside boundaries of the Tongass National Forest pursuant to section 6(a) of Public Law 85–508, the Alaska Statehood Act, as amended: Provided further, That should the directive in the preceding proviso conflict with any provision of existing law the preceding proviso shall prevail and take precedence.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, FOREST SERVICE

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,500,000, to remain available until expended: Provided, That $750,000 shall be transferred to the State of Alaska Department of Fish and Game as a direct payment for administrative and policy coordination and an additional $250,000 shall be transferred to United Fishermen of Alaska as a direct payment.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as ''indirect expenditures''), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture shall pay $4,449 from available funds to Joyce Liverca as reimbursement for various expenses incurred as a Federal employee in connection with certain high priority duties performed for the Forest Service.

The Forest Service shall submit a report to the House and Senate Committees on Appropriations by March 1, 2001 indicating the anticipated timber offer level in fiscal year 2001 with the funds provided in this Act: Provided, That if the anticipated offer level is less than 3.6 billion board feet, the agency shall submit a reprogramming request to attain this offer level by the close of fiscal year 2001.

Of the funds available to the Forest Service, $150,000 shall be made available in the form of an advanced, direct lump sum payment to the Society of American Foresters to support conservation education purposes in collaboration with the Forest Service.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $67,000,000 shall not be available until October 1, 2001: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon $413,338,000, to remain available until expended, of which $12,000,000 for oil technology research shall be derived by transfer from funds appropriated in prior years under the heading ''Strategic Petroleum Reserve, SPR Petroleum Account'': Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the amounts previously appropriated under this heading, $7,000,000 are rescinded: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: Provided further, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $763,937,000, to remain available until expended, of which $2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account and $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: Provided, That $174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $140,000,000 for weatherization assistance grants and $34,000,000 for State energy conservation grants: Provided further, That notwithstanding any other provision of law, the Secretary of Energy may waive the matching requirement for weatherization assistance provided for by Public Law 106–113 in whole or in part for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary

limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-federal resources and that such waiver is limited to one fiscal year and that no state may be granted such waiver more than twice: Provided further, That Indian tribal grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $165,000,000, to remain available until expended, of which $3,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading ''Strategic Petroleum Reserves Petroleum Account'', and of which $1,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading ''NAVAL PETROLEUM AND OIL SHALE RESERVES'', and of which $4,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $74,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,184,421,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $426,756,000 for contract medical care shall remain available for obligation until September 30, 2002: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $243,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001, of which not to exceed $10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That amounts appropriated to the Indian Health Service shall not be used to pay for contract health services in excess of the established Medicare and Medicaid rate for similar services: Provided further, That Indian tribes and tribal organizations that operate health care programs under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act of 1975, Public Law 93–638, as amended, may access prime vendor rates for the cost of pharmaceutical products on the same basis and for the same purposes as the Indian Health Service may access such products: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $349,350,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That notwithstanding any provision of law governing Federal construction, $240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2001, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2001, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health

Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $387,755,000, of which not to exceed $47,088,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $57,600,000, to remain available until expended, of which $7,600,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of

works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $64,781,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $10,871,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,310,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $105,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,656,000, to remain available until expended, of which $11,656,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,907,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,189,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,500,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $34,439,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,400,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 310. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 311. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House

and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 312. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, and 106–113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 313. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 314. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 315. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 316. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 317. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 318. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 319. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 320. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 323. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 325. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to and used to fund personnel, training, or other administrative activities of the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 327. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 328. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume

sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 329. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 330. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2001 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 331. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 332. Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)) is amended by striking ''$750,000'' and inserting ''$10,000,000''.

SEC. 333. From the funds appropriated in Title V of Public Law 105–83 for the purposes of section 502(e) of that Act, the following amounts are hereby rescinded: $1,000,000 for snow removal and pavement preservation and $4,000,000 for pavement rehabilitation.

SEC. 334. In section 315(f) of Title III of Section 101(c) of Public Law 104–134 (16 U.S.C. 460l–6a note), as amended, strike ''September 30, 2001'' and insert ''September 30, 2002'', and strike ''September 30, 2004'' and insert ''September 30, 2005''.

SEC. 335. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 336. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with Section 347 of Title III of Section 101(e) of Division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 337. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 338. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 339. None of the funds made available in this or any other Act may be used by the Bureau of Land Management or the U.S. Forest Service to assess, appraise, determine, proceed to determine, or collect rents for right-of-way uses for federal lands except as such rents have been or may be determined in accordance with the linear fee schedule published on July 8, 1997 ([43 CFR 2803.1–2(c)(1)(i)]).

SEC. 340. Notwithstanding any other provision of law, for fiscal year 2001, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Sequoia National Monument.

SEC. 341. The Chief of the Forest Service, in consultation with the Administrator of the Small Business Administration, shall prepare a regulatory flexibility analysis, in accordance with chapter 6 of part I of title 5, United States Code, of the impact of the White River National Forest Plan on communities that are within the boundaries of the White River National Forest.

SEC. 342. None of the funds appropriated or otherwise made available by this Act may be used to finalize or implement the published roadless area conservation rule of the Forest Service published on May 10, 2000 (36 Fed. Reg. 30276, 30288), or any similar rule, in any inventoried roadless area in the White Mountain National Forest.

SEC. 343. From funds previously appropriated in Public Law 105–277, under the heading ''Department of Energy, Fossil Energy Research and Development'', the Secretary of Energy shall make available within 30 days after enactment of this Act $750,000 for the purpose of executing proposal #FT40770.

SEC. 344. (a) In addition to any amounts otherwise made available under this Act to carry out the Tribally Controlled College or University Assistance Act of 1978, $1,891,000 is appropriated to carry out such Act for fiscal year 2001.

(b) Notwithstanding any other provision of this Act, the amount of funds provided to a Federal agency that receives appropriations under this Act in an amount greater than $20,000,000 shall be reduced, on a pro rata basis, by an amount equal to the percentage necessary to achieve an aggregate reduction of $1,891,000 in funds provided to all such agencies under this Act. Each head of a Federal agency that is subject to a reduction under this subsection shall ensure that the reduction in funding to the agency resulting from this subsection is offset by a reduction in travel expenditures of the agency.

(c) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (b) of this section.

SEC. 345. From funds previously appropriated under the heading ''DEPARTMENT OF ENERGY, FOSSIL ENERGY RESEARCH AND DEVELOPMENT'', $4,000,000 is immediately available from unobligated balances for computational services at the National Energy Technology Laboratory.

SEC. 346. None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

SEC. 347. Of the funds appropriated in title I of this Act, the Secretary shall provide $300,000 in the form of a grant to the Alaska Pacific University's Institute of the North for the development of a curriculum on the Alaska National Interest Lands Conservation Act (ANILCA). At a minimum this ANILCA curriculum should contain components which explain the law, its legislative history, the subsequent amendments, and the principal case studies on issues that have risen during 20 years of implementation of the Act; examine challenges faced by conservation system managers in implementing the Act; and link ANILCA to other significant land and resource laws governing Alaska's lands and resources. In addition, within the funds provided, Alaska Pacific University's Institute of the North shall gather the oral histories of key Members of Congress in 1980 and before to demonstrate the intent of Congress in fashioning ANILCA, as well as members of President Carter's and Alaska Governor Hammond's Administrations, congressional staff and stakeholders who were involved in the creation of the Act.

SEC. 348. BACKCOUNTRY LANDING STRIP ACCESS. (a) IN GENERAL.—None of the funds made available by this Act shall be used to take any action to close permanently an aircraft landing strip described in subsection (b).

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known and has been or is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SEC. 349. PROHIBITION ON USE OF FUNDS FOR APPLICATION OF UNAPPROVED PESTICIDES IN CERTAIN AREAS THAT MAY BE USED BY CHILDREN. (a) DEFINITION OF PESTICIDE.—In this section, the term ''pesticide'' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the application of a pesticide that is not approved for use by the Environmental Protection Agency in any area owned or managed by the Department of the Interior that may be used by children, including any national park.

(c) COORDINATION.—The Secretary of the Interior shall coordinate with the Administrator of the Environmental Protection Agency to ensure that the methods of pest control used by the Department of the Interior do not lead to unacceptable exposure of children to pesticides.

TITLE IV—HAZARDOUS FUELS REDUCTION

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior, $120,300,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, $120,000,000 to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress: Provided further, That:

(1) In expending the funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal Government procurement and contracting laws, the Secretaries may hereafter conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships with State, local, and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts.

(2) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include—

(A) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(B) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(3) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to paragraph (2) but that are not included in paragraphs (2)(A) and (2)(B), along with an identification of reasons, not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(4) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: Proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2001''.

Mr. BURNS. Mr. President, seeing no one else seeking recognition, I assume we are ready to wrap up.

PUNISHING THE ATTACKERS OF THE AMIA JEWISH COMMUNITY CENTER IN ARGENTINA

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 644, S. Res. 329.

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

The legislative clerk read as follows:

A resolution (S. Res. 329) urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. L. CHAFEE. Mr. President, today the Senate is considering and will likely pass Senate Resolution 329, which urges the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. On June 28th, Senator HELMS joined me in introducing this resolution, which was reported out of the Foreign Relations Committee that same day.

Six years ago, a car bomb ripped through the AMIA Jewish Community Center in Buenos Aires, Argentina, killing 86 people and wounding 300 more. Two years before that, a similar attack had devastated the Israeli Embassy in Buenos Aires, killing 29 people and wounding over 200. These heinous terrorist attacks have reverberated loudly in Argentina, home to the largest Jewish community in Latin America. These cowardly acts also reminded us, as Americans, that terrorism can strike anywhere at any moment.

I applaud President Fernando de la Rua's stated resolve to bring to justice those responsible for these atrocious crimes. However, the Government of Argentina has not, to this date, succeeded in completing its prosecution of this important case. In addition, investigative findings in Buenos Aires have implicated local authorities—including security officials—as party responsible for the attacks.

Senate Resolution 329 is a reiteration of the U.S. condemnation of this terrorist act, as well as a call for justice in Argentina. This resolution not only urges Argentina to punish those responsible for the AMIA bombing, but it also calls on the U.S. Government and the Organization of American States to lend support to this prosecution.

Our commitment to assist our neighbors to the south must embody the very principles that have guided our Nation in implementing democratic

governance and the rule of law. In that regard, the United States must continue to speak out about the blatant massacre of innocent people, and the subsequent difficulty in bringing to justice those responsible for this crime.

I appreciate the cooperation of all of my colleagues in having this important resolution considered and passed by the Senate.

Mr. BURNS. Mr. President, I ask unanimous consent that an amendment at the desk to the resolution be agreed to.

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

The amendment (No. 3939) was agreed to, as follows:

(Purpose: To make a technical amendment)

On page 3, line 7 and 8, strike ''its promise to the Argentine people'' and insert ''other commitments''.

Mr. BURNS. Mr. President, I ask unanimous consent that an amendment to the preamble which is at the desk be agreed to.

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

The amendment (No. 3940) was agreed to, as follows:

(Purpose: Technical amendments to the preamble)

In the fourth whereas clause, insert ''at that time'' after ''forces''.

In the seventh whereas clause, insert ''has issued an arrest warrant against a leader of the Islamic Jihad but'' after ''Argentina''.

After the eighth whereas clause, insert the following:

''Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases;''.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 329), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

NADIA DABBAGH TO RETURN HOME

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 645, S. Res. 239.

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

The legislative clerk read as follows:

A resolution (S. Res. 239) expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. 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 any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Mohamad Hisham fled the United States with Nadia;

Whereas the Governments of Syria and the United States have granted child custody to Maureen Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh originally escaped to Saudi Arabia;

Whereas the Department of State believed that Nadia was residing in Syria until late 1998;

Whereas the Senate passed S. Res. 293 for Nadia Dabbagh on October 21, 1998, asking Syria to aid in the return of Nadia to her mother in the United States;

Whereas in 1999, Syria invited Maureen Dabbagh to Syria to meet with her daughter;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia and is residing with Mohamad Dabbagh;

Whereas although Nadia is in Saudi Arabia, neither she nor Mohamad Dabbagh are Saudi Arabian citizens;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the Department of State, the Federal Bureau of Investigation, and Interpol have been unsuccessful in their attempts to bring Nadia back to the United States;

Whereas Maureen Dabbagh has not seen her daughter in more than six years; and

Whereas it will take the continued effort and pressure on the part of the Saudi Arabian officials to bring this case to a successful conclusion: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Governments of the United States and Saudi Arabia immediately locate Nadia and deliver her safely to her mother.

CONDITIONS IN LAOS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 646, S. Res. 309.

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

The legislative clerk read as follows:

A resolution (S. Res. 309) expressing the sense of the Senate regarding conditions in Laos.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. 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. 309) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 309

Whereas Laos was devastated by civil war from 1955 to 1974;

Whereas the people of Laos have lived under the authoritarian, one-party government of the Lao People's Revolutionary Party since the overthrow of the existing Royal Lao government in 1975;

Whereas the communist government of the Lao People's Democratic Republic sharply curtails basic human rights, including freedom of speech, assembly, association, and religion;

Whereas political dissent is not allowed in Laos and those who express their political will are severely punished;

Whereas the Lao constitution protects freedom of religion but the Government of Laos in practice restricts this right;

Whereas Laos is not a signatory of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights;

Whereas Laos is a party to international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

Whereas the 1999 State Department Report on Human Rights Practices in Laos finds that ''societal discrimination against women and minorities persist'';

Whereas the State Department's report also finds that the Lao government ''discriminates in its treatment of prisoners'' and uses ''degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners'';

Whereas two American citizens, Houa Ly and Michael Vang, were last seen on the border between Laos and Thailand in April 1999 and may be in Laos; and

Whereas many Americans of Hmong and Lao descent are deeply troubled by the conditions in Laos: Now, therefore, be it

Resolved, That the Senate calls on the Government of the Lao People's Democratic Republic to—

(1) respect the basic human rights of all of its citizens, including freedom of speech, assembly, association, and religion;

(2) ratify the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(3) fulfill its obligations under the international human rights treaties to which it is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

(4) take demonstrable steps to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere in Southeast Asia are—

(A) accepted into Lao society on an equal par with other Lao citizens;

(B) allowed to practice freely their ethnic and religious traditions and to preserve their language and culture without threat of fear or intimidation; and

(C) afforded the same educational, economic, and professional opportunities as other residents of Laos;

(5) allow international humanitarian organizations, including the International Red Cross, to gain unrestricted access to areas in which Hmong and other ethnic minorities have been resettled;

(6) allow independent monitoring of prison conditions;

(7) release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs; and

(8) cooperate fully with the United States Government in the ongoing investigation into the whereabouts of Houa Ly and Michael Vang, two United States citizens who were last seen near the border between Laos and Thailand in April 1999.

EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 647, S. Con. Res. 57.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) concerning the emancipation of the Iranian Baha'i community.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with an amendment to the preamble to omit the part in black brackets and insert the part printed in italic, as follows:

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and [12] *11* others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment to the preamble be agreed to.

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

The amendment was agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 57) was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 57

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 11 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

Passed the Senate July 19, 2000.

ANNIVERSARY OF U.S. NONRECOGNITION POLICY OF SOVIET TAKEOVER IN BALTIC REGION

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 648, S. Con. Res. 122.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 122) recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. 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 any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 122) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 122

Whereas in June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics;

Whereas throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and refused to recognize Soviet sovereignty over these lands;

Whereas on July 15, 1940, President Franklin D. Roosevelt issued Executive Order No. 8484, which froze Baltic assets in the United States to prevent them from falling into Soviet hands;

Whereas on July 23, 1940, Acting Secretary of State Sumner Welles issued the first public statement of United States policy of nonrecognition of the Soviet takeover of the Baltic countries, condemning that act in the strongest terms;

Whereas the United States took steps to allow the diplomatic representatives of Estonia, Latvia, and Lithuania in Washington to continue to represent their nations throughout the Soviet occupation;

Whereas Congress on a bipartisan basis strongly and consistently supported the policy of nonrecognition of the Soviet takeover of the Baltic countries during the 50 years of occupation;

Whereas in 1959, Congress designated the third week in July as ''Captive Nations Week'', and authorized the President to issue a proclamation declaring June 14 as ''Baltic Freedom Day'';

Whereas in December 1975, the House of Representatives and the Senate adopted resolutions declaring that the Final Act of the Commission for Security and Cooperation in Europe, which accepted the inviolability or borders in Europe, did not alter the United States nonrecognition policy;

Whereas during the struggle of the Baltic countries for the restoration of their independence in 1990 and 1991, Congress passed a number of resolutions that underscored its continued support for the nonrecognition policy and for Baltic self-determination;

Whereas since then the Baltic states have successfully built democracy, ensured the rule of law, developed free market economies, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization;

Whereas the Russian Federation has extended formal recognition to Estonia, Latvia, and Lithuania as independent and sovereign states; and

Whereas the United States, the European Union, and the countries of Northern Europe have supported regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of the Baltic states and the contribution that policy made in supporting the aspirations of the people of Estonia, Latvia, and Lithuania to reassert their freedom and independence;

(2) commends Estonia, Latvia, and Lithuania for the reestablishment of their independence and the role they played in the disintegration of the former Soviet Union in 1990 and 1991;

(3) commends Estonia, Latvia, and Lithuania for their success in implementing political and economic reforms, which may further speed the process of their entry into European and Western institutions; and

(4) supports regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation and calls for further cooperation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development, and similar efforts that promote a peaceful, democratic, prosperous, and secure future for Europe, Russia and the Nordic-Baltic region.

CROSS-BORDER COOPERATION AND ENVIRONMENTAL SAFETY IN NORTHERN EUROPE ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 649, H.R. 4249.

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

The legislative clerk read as follows:

A bill (H.R. 4249) to foster cross-border cooperation and environmental cleanup in Northern Europe.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4249) was read the third time and passed.

RECOGNITION OF ANNIVERSARY OF FREE AND FAIR ELECTIONS IN BURMA

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to immediate consideration of Calendar No. 656, S. Con. Res. 113.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 113) expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with an amendment to insert the part printed in italic.

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas, despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are ''involved in the drug business or are paid to allow the drug business to be conducted by others'', conditions which pose a direct threat to United States national security interests; and

Whereas, despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma, *and seek multilateral support for those sanctions,* as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed to.

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

The committee amendment was agreed to.

Mr. BURNS. I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 113), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas, despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are ''involved in the drug business or are paid to allow the drug business to be conducted by others'', conditions which pose a direct threat to United States national security interests; and

Whereas, despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethnic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma, and seek multilateral support for those sanctions, as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Passed the Senate July 19, 2000.

SUPPORT FREE AND FAIR ELECTIONS IN HAITI

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 657, S. Con. Res. 126.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 126) expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BURNS. 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 concurrent resolution (S. Con. Res. 126) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 126

Whereas the legacy of fiat and abuse of the Duvalier dictatorship led the framers of the 1987 Haitian constitution to provide for clear separation of powers;

Whereas the 1987 Haitian constitution permanently vests all legislative authority in an independent National Assembly;

Whereas national and local elections were held in Haiti on May 21, 2000, which were intended to restore the independent legislature which was dismissed by Haiti's President, Rene Preval Garcia, in January 1999;

Whereas the Haitian people are to be congratulated for patiently and peacefully voting in large numbers on May 21, 2000, despite an unfavorable electoral environment;

Whereas the legitimacy of the May 21, 2000, elections has been compromised by organizational flaws, political murders, the involvement of the Haitian National Police in the arrest and intimidation of opposition figures, manipulation of the independent Provisional Electoral Council by the Government of Haiti and the ruling Fanmi Lavalas party, and the publication of fraudulent results;

Whereas the Provisional Electoral Council has been compromised by Fanmi Lavalas partisans operating within the Council and inappropriate pressure and threats made against members of the Council from the highest levels of the Haitian government to induce the Council to issue fraudulent results;

Whereas Leon Manus, President of the Provisional Electoral Council, was forced to flee Haiti in fear for his life and in a statement released June 21, 2000 noted that the opposition had made ''legitimate'' challenges to the credibility of the electoral process and that the Council ''was often plagued with traps and attacks'' and fought ''slanders and threats'' that came ''most often from state actors'' and received ''from the highest level of the government, unequivocal messages on the consequences that would follow if [he] refused to publish supposed final results'';

Whereas the Provisional Electoral Council is no longer viewed as credible or independent by a broad spectrum of political parties and civil society groups in Haiti;

Whereas Haitian organizations, including the Chamber of Commerce, political parties, the Association of Haitian Industrialists, the Roman Catholic Bishops Conference, and the Protestant Federation have strongly protested the publication of election results that do not correspond to the provisions of Haiti's electoral law and generally accepted norms and which have also been contested by the president of the Provisional Electoral Council;

Whereas the international community, including the United States, Canada, France, the United Nations, and the Organization of American States, has condemned attempts to manipulate the May 21, 2000, electoral process in Haiti; and

Whereas the absence of free and fair elections and the resultant failure to constitute a duly elected legislative body in Haiti constitutes a major setback for the Haitian people's aspirations for peace and democracy, could result in instability in Haiti, and directly jeopardizes United States anti-narcotics objectives in Haiti and the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the electoral fraud being perpetrated against the Haitian people and the continuing interruption of democratic institutions in Haiti;

(2) calls on the Government of Haiti forthwith to end its manipulation of the electoral process and take immediate steps to reverse the fraudulent results announced by the remaining members of the Provisional Electoral Council;

(3) calls on the Government of Haiti to immediately engage in a thorough and verifiable process involving the National Observation Council (CNO), all concerned Haitian political parties, as well as private sector and other civil society organizations, to review all reported irregularities and allegations of fraud and authenticate the true results of the election so that a legitimate, democratically-elected National Assembly and local councils can be seated;

(4) urges the Organization of American States (OAS) to consider joint actions by its members states to bring about a return to democracy in Haiti; and

(5) calls on the President of the United States to—

(A) terminate United States assistance to the discredited Provisional Electoral Council;

(B) review and modify as appropriate United States political, economic, and law enforcement relations with Haiti, if Haitian authorities persist in their current path; and

(C) work with other democracies in the Western Hemisphere and elsewhere toward a restoration of democracy in Haiti.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

IRAQ'S FAILURE TO RELEASE POWS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 658, S. Con. Res. 124.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 124) expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of the international agreements.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENTS NOS. 3941, 3942, AND 3943

Mr. BURNS. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. SMITH, proposes amendments numbered 3941, 3942 and 3943, en bloc.

The amendments are as follows:

AMENDMENT NO. 3941

On page 3, between lines 3 and 4, insert the following:

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other applicable international law;

On page 3, line 4, strike ''(A)'' and insert ''(B)''.

On page 3, line 8, strike ''(B)'' and insert ''(C)''.

On page 4, line 3, strike ''(C)'' and insert ''(D)''.

On page 4, line 8, strike ''(D)'' and insert ''(E)''.

On page 4, between lines 14 and 15, insert the following:

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

On page 4, line 15, strike ''(A)'' and insert ''(B)''.

On page 4, line 22, strike ''(B)'' and insert ''(C)''.

AMENDMENT NO. 3942

Insert immediately after the title the following:

''Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;''

AMENDMENT NO. 3943

Amend the title to read as follows: ''Expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.''.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments be agreed to, that the resolution be agreed to, as amended, the preamble be agreed to, as amended, the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and the statements relating to the resolution be printed in the RECORD.

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

The amendments (Nos. 3941, 3942 and 3943) were agreed to.

The concurrent resolution (S. Con. Res. 124), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title was amended.

The concurrent resolution, as amended, with its preamble, as amended, is as follows:

S. CON. RES. 124

Whereas the Government of Iraq has not provided the fullest possible accounting for United States Navy Commander Michael Scott Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm;

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

Whereas in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed

those files on to Iraq, the United Nations, and the Arab League;

Whereas numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

Whereas eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

Whereas official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

Whereas in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolutions 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

Whereas United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait;

Whereas United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

Whereas the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

Whereas immediately following the cease-fire in March 1991, Iraq repatriated 5,722 Kuwaiti prisoners of war under the aegis of the ICRC and freed 500 Kuwaitis held by rebels in southern Iraq;

Whereas Iraq has hindered and blocked efforts of the Tripartite Commission, the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

Whereas Iraq has denied the ICRC access to Iraqi prisons in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

Whereas Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress—

(A) demands that the Government of Iraq immediately provide the fullest possible accounting for United States Navy Commander Michael Scott Speicher in compliance with United Nations Security Council Resolution 686 and other applicable international law;

(B) acknowledges that there remain 605 prisoners of war unaccounted for in Iraq, although Kuwait was liberated from Iraq's brutal invasion and occupation on February 26, 1991;

(C) condemns and denounces the Iraqi Government's refusal to comply with international human rights instruments to which it is a party;

(D) urges Iraq immediately to disclose the names and whereabouts of those who are still alive among the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(E) insists that Iraq immediately allow humanitarian organizations such as the International Committee of the Red Cross to visit the living prisoners and to recover the remains of those who have died while in captivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) actively seek the fullest possible accounting for United States Navy Commander Michael Scott Speicher;

(B) actively and urgently work with the international community and the Government of Kuwait, in accordance with United Nations Security Council Resolutions 686 and 687, to secure the release of Kuwaiti prisoners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(C) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupation of Kuwait, and to rejoin the community of nations with a humane gesture of good will and decency.

Passed the Senate July 19, 2000.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 541, H.R. 2392.

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

The legislative clerk read as follows:

A bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, which had been reported from the Committee on Small Business, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Extension of SBIR program.
Sec. 4. Third phase assistance.
Sec. 5. Rights to data.
Sec. 6. Report on programs for annual performance plan.
Sec. 7. Collection, reporting, and maintenance of information.
Sec. 8. Federal agency expenditures for the SBIR program.
Sec. 9. Federal and State technology partnership program.
Sec. 10. Mentoring Networks.

SEC. 2. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (referred to in this section as ''SBIR'' or the ''SBIR program''), is highly successful in involving small business concerns in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small business concerns of this Nation available to Federal departments and agencies;

(3) the innovative goods and services developed by small business concerns that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, electronics, information technology, materials, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, the attraction of private investment, and the continued excellence of the high-technology industries of this Nation; and

(5) the continuation of the SBIR program will—

(A) provide expanded opportunities for one of the vital resources of the Nation, its small business concerns;

(B) foster invention, research, and technology;

(C) create jobs; and

(D) increase economic growth and the competitiveness of this Nation in international markets.

SEC. 3. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2010.''.

SEC. 4. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 5. RIGHTS TO DATA.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued under this subsection to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards, including—

''(A) the first phase (as described in subsection (e)(4)(A));

''(B) the second phase (as described in subsection (e)(4)(B)); and

''(C) the third phase (as described in subsection (e)(4)(C)).''.

SEC. 6. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(o)(8) of the Small Business Act (15 U.S.C. 638(o)(8)) is amended—

(1) by striking ''its STTR program'' and inserting ''the SBIR and STTR programs of the agency''; and

(2) by inserting before the semicolon '', and to the Administrator''.

SEC. 7. COLLECTION, REPORTING, AND MAINTENANCE OF INFORMATION.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) collect, and maintain in a common format, such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by inserting before the period at the end the following: '', including the information collected under subsections (g)(9) and (o)(9) and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) PUBLIC DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small

Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(1) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(2) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(A) an abstract of the project funded by the award;

''(B) the Federal agency making the award; and

''(C) the date and amount of the award;

''(3) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(4) information regarding mentors and Mentoring Networks, as required by section 35(e).''.

SEC. 8. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the comptroller of that Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency (as defined in subsection (e)(1)).

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

SEC. 9. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the Small Business Innovation Research Program (referred to in this section as ''SBIR'' or the ''SBIR program''), are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following:

''SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section;

''(2) the terms 'business advice and counseling', 'mentor', and 'Mentoring Network' have the same meanings as in section 35(b);

''(3) the term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section;

''(4) the term 'SBIR program' has the same meaning as in section 9(e)(4);

''(5) the term 'State' means any of the 50 States of the United States, the District of Columbia, and Puerto Rico; and

''(6) the term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program (referred to in this section as 'FAST'), the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns interested in participating in the SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether—

''(I) the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community; and

''(II) it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number and success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g)), to the extent that such committees exist in the States;

''(C) State science and technology councils, to the extent that such councils exist in the States; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(C) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 3 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committees on Small Business of the Senate and the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks (as defined in section 35)—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committees on Small Business of the Senate and the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring data base, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks (as defined in section 35).

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Office of the Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Office of the Inspector General of the Administration shall submit a report to the Committees on Small Business of the Senate and the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—Subject to an appropriations Act, there is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(e).

''(i) TERMINATION.—The authorization to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(d) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Technology of the Department of Commerce;

''(D) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(E) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(F) the Experimental Program to Stimulate Competitive Research of the National Air and Space Administration;

''(G) the Institutional Development Award Program of the National Institutes of Health; and

''(H) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program shall, in each fiscal year—

''(A) review for funding under that technology development program—

''(i) any proposal from an entity, organization, or individual located in a State that is eligible to participate in that program to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal; or

''(ii) any proposal for the first phase of the SBIR program from a small business concern located in a State that is eligible to participate in a technology development program if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints; and

''(B) consider proposals described in subparagraph (A) to be eligible for funding, as described in subparagraph (A), if the applicant is located in a State that is an eligible State.

''(3) DEFINITION OF 'ELIGIBLE STATE'.—In this subsection, the term 'eligible State' means a State in which the total value of contracts awarded to small business concerns under the SBIR program is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

SEC. 10. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting before section 36, as redesignated by this Act, the following:

''SEC. 35. MENTORING NETWORKS.

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) DEFINITIONS.—In this section—

''(1) the term 'business advice and counseling' means providing advice and assistance on matters described in subsection (d)(2)(B) to small business concerns to guide them through the SBIR and STTR program processes, from application to award and successful completion of each phase of the program;

''(2) the term 'mentor' means an individual described in subsection (d)(2); and

''(3) the term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (d).

''(c) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(d) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) phase III partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (e); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(e) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, the Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106–329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen SENSENBRENNER, MORELLA, and MARK UDALL.

On March 21, 2000, the Senate Committee marked up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House Committees on Small Business and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. For purposes of this statement, the bill passed by the House of Representatives is referred to as the ''House version'' and the bill reported by the Senate Committee on Small Business is referred to as the ''Senate version.''

Section 1. Short Title; Table of Contents. The compromise text uses the Senate short title: ''Small Business Innovation Research Program Reauthorization Act of 2000.'' The table of contents lists the sections in the compromise text.

Section 2. Findings. The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 3. Extension of the SBIR Program. The House version extends the SBIR program for seven years through September 30, 2007. The Senate version extends the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 4. Annual Report. The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 5. Third Phase Activities. The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 6. Policy Directive Modifications. The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version includes policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require that small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that a small businesses provide a ''succinct commercialization plan for each second phase award moving towards commercialization.'' The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes ''a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential'', and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) requires that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR program enter into follow-on, non-SBIR funding agreements with the small business concern for such research, development, or production. The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutorily required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designed to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102–564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report of the House Committee on Small Business (H. Rept. 102–554, Pt. I) provides that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather, by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasize the intent initially set forth in H. Rept. 102–554, Pt. 1, including the clarification that follow-on phase three procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 7. Report on Programs for Annual Performance Plan. This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 8. Output and Outcome Data. Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the Senate and House versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketable product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 9. National Research Council Reports. The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make recommendations on potential improvements to the program. The Senate version contains no similar provision. The study was designed to answer questions remaining from the House Committees' reviews of these programs and to make sure that a current evaluation of the program is available when the program next comes up for reauthorization.

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands on the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House versions' review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to choose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits to the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version, except that the bill now asks the NRC to make recommendations, should there be any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure that individuals from the small business community with expertise in the SBIR program are well represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with the consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small business involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 10. Federal Agency Expenditures for the SBIR Program. The Senate version requires each Federal agency with an SBIR program to provide the SBA with report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 11. Federal and State Technology Partnership Program. This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version in the compromise text are an extension of the maximum duration of awards from three years to five and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velazquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 12. Mentoring Networks. The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 11, is the same as the Senate text. The House version did not contain a similar provision.

Section 13. Simplified Reporting Requirements. This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA's SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 14. Rural Outreach Program Extension. This provision, which was not in either the House or the Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvements to the program, if any.

Mr. KERRY. Mr. President, today I ask my colleagues to join me in voting for H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000. The Small Business Innovation Research (SBIR) program is a great example of how government and business can work together to advance the cause of science, the diverse missions of the government, and a healthy economy. The results have been dramatic for small, high-technology companies participating in the program. Since 1983 when the program was started, some 16,000 small, high-technology firms have received more than 46,000 SBIR research awards through 1997, totaling $7.5 billion.

Technological advancement is a key element of economic growth. According to a Congressional Research Service Report, Small, High Tech Companies and Their Role in the Economy: Issues in the Reauthorization of the Small Business Innovation (SBIR) Program, ''technical progress is responsible for up to one-half the growth of the U.S. economy and is one of the principal driving forces for increases in our standard of living.''

Mr. President, this bill, and the accompanying managers' amendment, are the products of months and months of work between Democrats and Republicans, House and Senate, SBIR companies and SBIR advocates, the ten Federal agencies that participate in the SBIR program, and the Small Business Administration's Office of Technology and the Office of Advocacy.

I want to thank Senator BOND and Senator LEVIN, and the members of the House Committees on Small Business

and Science, and their staffs, for their hard work on this bill. Many of us had very different concerns regarding reauthorization of the SBIR program, and I greatly appreciate everyone's willingness to find common ground where possible and compromise.

We wrestled with tough questions. How long to reauthorize the program? I wanted to make it permanent; it has a long and successful track record. In fact, in 1998, the Senate Committee on Small Business voted to do just that, but that legislation never passed the House. This year the Committee agreed to reauthorize the program for ten years, giving the agencies and innovative small businesses a good measure of security to plan SBIR projects for the longer term. However, the House Science Committee felt strongly that it should only be reauthorized for seven years. In the end, as reflected in this bill, we compromised on eight, reauthorizing the bill through September 30, 2008.

How to improve the quality and collection of data without overburdening small businesses? GAO reports have found that the SBIR program works well, but that the records are sometimes incomplete, making it harder to evaluate the program and track awards. I fully support the goal of collecting the best information possible to evaluate the program, but I don't want small businesses owners to spend more time filling out paper work than absolutely necessary for that purpose. They are capable of developing cutting-edge research and meeting national R&D needs and should spend the majority of their efforts on that. As Ranking Member of the Small Business Committee and a Senator from the state whose small, hi-tech companies win the second largest amount of SBIR awards, I heard many, many complaints and concerns about the possibility of excessive and burdensome reporting requirements. I also heard complaints that the same level of reporting is not required of universities and big business that get Federal R&D dollars. There were real fears that Congress would require SBIR award winners to continue reporting to the SBA on SBIR research for years after a contract ended and that tracking commercialization out of context would be used against the program and against individual SBIR firms. Just knowing the ratio of awards to commercialization is not an indicator of success. By its very nature, R&D has a low probability of getting a product to market in relation to the investment in research. It is the ratio of commercialization in the SBIR program compared to that of big business, universities and the private sector that may be one indicator of the program's value to the government and to the nation. For example, one study shows that small businesses have 24 times as many innovations per R&D dollar as large businesses. In the end, we agreed to collect basic, but useful, information about sales and additional investment on Phase II awards. According to the Department of Defense that currently requires similar information, it generally takes less than 15 minutes to provide the information, and companies are only required to give the information during the life of the contract.

Probably the biggest question we dealt with was how to increase the participation in the SBIR program in states, and areas of states, that receive few or no awards. Though the number of awards given to a state has been proportionate to the number of proposals submitted, according to a GAO study, one-third of the states receive 85 percent of all SBIR awards. And the states that submit the most proposals generally have the right mix of small high-tech companies, an active venture capital community, and universities that understand the benefits of technology transfer, attract academic research funds and graduate a highly qualified workforce. While Massachusetts does extremely well in this program, for years I have recognized that the SBIR awards have been concentrated in less than half the states. The problem has been how to create a solution that helps small businesses in states that don't have the necessary infrastructure without changing the program's reliance on competition. Merit is the only way to maintain the integrity of the research because the highly competitive nature of SBIR awards (only one in seven or eight Phase I proposals is awarded) is one of the main reasons the program has been so popular and successful.

This bill takes two innovative approaches to increasing nationwide participation in the program. First, it establishes a peer volunteer mentoring network, which Senator LEVIN and I originally introduced as S. 1435 in 1999. Modeled after SBA's successful Service Corps of Retired Executives or SCORE program, this mentoring program would reimburse experienced SBIR companies that volunteer to assist one or more newcomers to the program. They can help in a variety of ways, whether it's writing proposals, understanding the Federal procurement process or a particular agency, tapping into venture capital, or commercializing their technologies. The bill also directs the SBA to create a database with the names and profiles of successful SBIR companies interested in mentoring struggling or prospective SBIR companies. This will be used by the states to link companies to mentors based on their needs.

Second, it creates the Federal and State Technology Partnership (FAST) program. This program is a competitive matching-grant program to encourage and help states cultivate high-tech small businesses and a build a support infrastructure in the state. I feel strongly, as does Senator LEVIN, and am very pleased, that all states, even the ones that currently win the most SBIR awards, are eligible to compete for a FAST matching grant so that they can help develop small, hi-tech companies in areas of their states that don't have SBIR activity. For example, in Massachusetts, most of our awards are in the Boston area. But with these grants, working with one of the economic development arms of our local government, we could coordinate and foster SBIR activity in the Western part of the state close to Amherst and Northampton. Those companies could create high-quality, high-wage jobs where the cost structure for companies is less expensive but where we have numerous universities and highly-skilled workers.

Given the strength of these initiatives, I do have some concerns about mentoring getting lost in the states' FAST initiatives. For the record, I ask that the SBA, the program managers of participating SBIR agencies, and FAST entities promote this cost-effective tool. Take advantage of the substantial pool of good-will and willingness to share experiences of those who have been successful in the SBIR program. Let SBIR companies know that they will be reimbursed for relevant out-of-pocket expenses if they choose to become a volunteer mentor. It gives them another stake in this program, and will strengthen the program on many levels. And, SBA and SBIR agencies should let prospective or struggling SBIR companies know that veteran SBIR companies are out there willing to help them understand the world of SBIR and federal procurement.

Mr. President, these research and development awards not only provide dollars to small hi-tech companies that create quality jobs, but they also help agencies meet their R&D needs. As one example, an Army SBIR award played a role in the development of the B–2 Bomber. Specifically, the research led to the development of a ''pilot alert'' system which warns the pilot if the plane is about to produce a trail of condensation that could be detected by enemy radar. Sales to date, to both the Air Force and commercial customers, exceed $27 million. And what about NASA? As the world watched the space shuttle Discovery in 1998, the feature elements of two of the shuttle's payloads were developed with SBIR funds.

In Woburn, Massachusetts, NZ-Applied Technologies used its SBIR award to help develop photonic components for optical telecommunications applications. The company is so successful that Corning recently bought it for $150 million. Further, the company was named as one of the top 50 fastest growing companies in New England and top 500 fastest growing companies in the country.

I want to thank my colleagues for their support of the SBIR program over the years. As always, I am pleased that we can work in a bipartisan fashion.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Small Business Innovation Research program (SBIR) reauthorization

bill (H.R. 2392) that will reauthorize the SBIR program for eight more years. An eight year reauthorization will allow participating agencies to continue to do long term planning for their research and development (R&D) needs. I'm especially pleased that this legislation includes my bill to establish a volunteer mentoring program.

The SBIR program, originally established in 1982 and reauthorized and expanded in 1992, expires this year. This highly competitive program has a well-deserved reputation for success and has enjoyed bipartisan support over the years. It improves upon what is already a successful program that gives small high technology companies access to federal research and development dollars and the federal government access to some of the world's best innovation. I am pleased the full Senate is considering this legislation today and I hope House consideration will swiftly follow so that contracting agencies can be assured funding will be available in this contract cycle.

I am a long time supporter of the SBIR program. The SBIR program creates jobs, increases our capacity for technological innovation and boosts our international competitiveness. According to a recent GAO study, about 50 percent of all SBIR research is commercialized or receives additional research funding. That's a pretty good success rate. It's also a great example of federal agencies working together with small businesses to develop technologies to solve specific problems and fill government procurement needs in a cost effective way.

The SBIR program is a highly successful program and we can make it even more successful by establishing an outreach and volunteer mentoring program to bring more high technology small businesses into the program and help them successfully compete for awards. Many states believe they can do better regarding the number of SBIR awards their small businesses win. Since the SBIR program is a highly competitive and merit-based program, I believe the best way to increase participation is through outreach and mentoring. The SBIR reauthorization bill before the Senate today creates programs to do both.

The Federal and States Technology Partnership Program (FAST) included in this bill establishes an outreach program through a technology economic development program that aims to build more support for science and technology research in states.

A natural complement to reaching out to new companies to tell them about the SBIR program is the establishment of a ''mentoring network'' to increase their odds for success in that program. Many SBIR company officials have benefitted from this R&D program, are committed to its success and have told me they want to give something back by way of mentoring small companies new to the SBIR program. Many attribute their SBIR contracts with federal agencies as the main reason they have been able to successfully commercialize their research, make a ''real'' product, and expand employment in their companies. Through my proposal, mentoring networks will be established to match volunteer mentors with new applicant high technology small businesses to help increase their chances for success in the SBIR program, and, ultimately, the commercialization of their research. A small business's failure to obtain a phase I or phase II SBIR award may have nothing to do with the capability of its technology but rather is often a result of a lack of understanding the government procurement process and procedures. Mentoring will address this concern by matching the new company with one that already knows the ropes of the SBIR program and federal procurement process.

This is a cost effective program. Modeled after the successful SCORE program, the mentoring networks' volunteer mentors would be reimbursed only for their out-of-pocket expenses. Their time, energy and know-how would be donated free-of-charge. Specifically, the bill provides for the establishment of mentoring networks that are eligible for matching grants within the FAST program in each state. The mentoring network (an association, organization, coalition or other entity) will provide business advice and counseling and assist small business concerns that have been identified as good candidates for the SBIR program. Volunteer mentors are people associated with small businesses that have successfully competed one or more SBIR funding agreement and have agreed to guide small business concerns through all stages of the SBIR program process.

The mentoring networks program also establishes an important publicly accessible national database housed at SBA to compile information on mentoring networks and volunteer mentors. This database will provide an important tool to increase small business' access to mentors. I urge SBA to devote its full attention to getting it up and running upon enactment of this legislation.

H.R. 2392 also expands the collection, reporting and maintenance of information for an SBA database regarding SBIR awards. It fixes a problem identified by GAO by requiring a uniform definition of ''extramural R&D budget,'' the formula used by each participating agency to determine the level of funds dedicated to the SBIR program. It establishes a five year competitive matching grant pilot program administered by the SBA for an organization or consortia to perform outreach and technology economic development within states, including establishing or operating a mentoring network to provide advice and counseling to SBIR applicants.

I urge my colleagues to support the reauthorization of this important high technology small business procurement program and the improvements to it that H.R. 2392 provides.

AMENDMENT NO. 3944

Mr. BURNS. 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 Montana [Mr. BURNS], for Mr. BOND, for himself, and Mr. KERRY, proposes an amendment numbered 3944.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BOND. Mr. President, the bill before us reauthorizes and improves upon one of the most successful small business programs we have in the Federal government—the Small Business Innovation Research (SBIR) program. The Small Business Committee has spent close to nine months deliberating and negotiating this important bill. My colleagues on the Committee, and in particular, Senators KERRY, BURNS, LEVIN, SNOWE and ENZI, have all been very cooperative and provided valuable assistance in preparing this important piece of legislation. The product that has resulted from the Committee's consideration is a bi-partisan bill that should provide small businesses with confidence in the Congress' strong support for this program.

Mr. President, this Managers' Amendment is the result of negotiations conducted among my Committee and the Small Business and Science Committees of the House of Representatives. The SBIR reauthorization bill that originally passed the House contained certain provisions that were not included in the bill reported by the Senate Committee on Small Business. These provisions had been interpreted by many in the small business community to place requirements on small businesses receiving Federal research and development funds that are not placed on other businesses or on universities that are also recipients of such dollars. My Committee negotiated with the representatives of the House Science Committee, which drafted these provisions, to come up with language that would provide information to Congress that is necessary for its oversight of this program, while ensuring that small businesses are not subject to government mandates that would affect their ability to perform high-quality research and development for the Federal government. The House Science Committee has been very cooperative to ensure that their provisions did not cause these unintended consequences.

This bill, with the Managers' amendment will ensure that this program, which has been proven successful over a long period of time, can continue to be so. Seventeen years ago, President Reagan signed into law the Small Business Innovation Development Act, which required Federal agencies with extramural research and development

budgets of $100 million or more to set aside not less than 2/10th of one percent of that amount for the first SBIR program. In 1992, the program was reauthorized and Congress dictated that the program grow to 2.5 percent of the extramural research and development budgets. Thousands of small firms have received research grants under the programs since 1982, and more than $1 billion was awarded to small businesses in Fiscal Year 1998 alone.

The original drafters of the SBIR program acknowledged that small businesses are the primary source of our nation's innovations. Accordingly, the SBIR program was created to stimulate technological development by leveraging the capabilities of these small firms. The goals of the program are threefold. First, the program assists the government with its research and development needs. Second, the program provides a catalyst to groundbreaking research and development. Third, the program strengthens our economy by promoting the commercialization of technologies developed through Federal research. The commercialization of these technologies by small firms increases the competitiveness of our country in the world economy and expands employment opportunities.

A good example of the benefits that the SBIR program provides to small businesses is the experience of Cutting Edge Optronics, a 49 employee firm in St. Charles, Missouri. Cutting Edge Optronics has received several phase one and phase two SBIR awards with NASA and the Air Force to develop high-output lasers with both military and commercial applications.

The SBIR program has made the difference between Cutting Edge Optronics growing its business and merely staying in business. The SBIR program has allowed Cutting Edge to engage in state-of-the-art research in a very competitive climate, which it otherwise would not have been able to do. Moreover, if the Air Force research develops successfully, Cutting Edge Optronics expects that the commercial applications of the technology will spur astronomical growth of the company.

Mr. President, small businesses are the greatest job creators in our economy. During the last seven years of economic growth, small businesses have accounted for the vast majority of all the net new jobs created. It is only rational that the Federal government distribute its research funds in a way that will contribute to this job growth by creating incentives to the private sector to market the technologies developed. As the example of Cutting Edge Optronics demonstrates, the SBIR program does just that.

There is abundant evidence that the SBIR program has been a success both in assisting the government with its research and development needs and in turning that research into new products and services. Numerous studies have been conducted over the last several years that bear this out. A 1989 General Accounting Office (GAO) study reported that scientists and engineers at Federal agencies indicated that the overall quality of the research performed under SBIR awards equaled, and in some cases, exceeded the quality of other agency research they monitored. As the program has grown in recent years, it does not appear this conclusion has changed. A 1995 GAO study concluded that the quality of SBIR research proposals has kept pace with the program's expansion.

Morever, the small businesses that have received SBIR awards, have had significant success in commercializing technology. This is especially important considering that these firms are engaging in cutting-edge research that will not always have a commercial application. A 1997 internal Department of Defense study found that the average phase-two SBIR award of $400,000 generated $760,000 in sales and attracted approximately $600,000 in additional non-SBIR funding. Additionally, the GAO has reported that the commercialization rate on SBIR projects is close to 40 percent. There is no question that this program's record of success easily justifies a long reauthorization.

While there is general agreement that the SBIR program is successful, there have also been some concerns that this legislation is intended to resolve. First, the GAO released a report in June 1998, indicating that different agencies are using different interpretations of the term ''extramural budget.'' The use of different interpretations may lead to inaccurate calculations of the amount of funds that should be allocated to each agency's SBIR program. To remedy this situation, the bill requires each SBIR program agency to provide the Small Business Administration (SBA) and Congress with a description of its methodology for calculating the amount of the extramural budget for that agency. It is our hope that by closely analyzing how the agencies are calculating their extramural budgets, we can be assured that each agency will adopt a uniform definition of extramural budget that is consistent with the statutory language and Congress' intent.

Second, the Committee on Small Business, which I chair, has received from the GAO disturbing information regarding the SBA's collection and maintenance of data on the SBIR program. Specifically, my Committee learned that the GAO, in preparing its two most recent reports on the SBIR program, spent substantial resources correcting and updating information in the SBA's SBIR database. When the Federal government is providing funds to third parties, whether in the private sector or to a state or local government entity, the most basic rule of program oversight is to monitor who has received those funds and what they have done with the funds. Accordingly, this legislation establishes a statutory duty on the SBIR program agencies to provide the SBA with data on each SBIR award winner in a timely manner. Moreover, it requires the SBA to maintain a comprehensive and public database of the small firms that receive SBIR awards and the activities supported by SBIR funds.

Finally, the GAO recently issued a report raising questions about the geographic concentration of SBIR awards. From fiscal year 1993 through 1996, companies in one-third of the states received 85 percent of the SBIR awards. Companies on the east and west coast received a vast majority of these awards, while companies in the South, Midwest and Rocky Mountain states generally received very few awards. For example, the GAO reported that in fiscal year 1997, companies in Massachusetts and California received 202 and 326 phase-two awards, respectively, out of approximately 1,400 awards nationally. Thus, they received almost 38 percent of the awards.

Mr. President, if the SBIR program is going to continue to be successful, it is incumbent on us to do more to reach out and provide opportunities to firms in the South, the Midwest and the Rocky Mountain states that can provide high-quality research and development and provide them with the information and assistance they need so that they may seize the opportunity to participate in the SBIR program. The SBIR program was never intended to serve a limited group of small businesses, and we must do all we can to increase the participation of as many small businesses as possible.

Therefore, this legislation establishes a comprehensive program to assist states in the development of high-technology businesses that could participate in the SBIR program. Specifically, the bill creates a matching-grant program for organizations at the state or local level attempting to enhance or develop technology research and development by small business concerns. This legislation acknowledges that states that do not aggressively support the development of high-technology firms are at a competitive disadvantage in establishing a business climate conducive to technology development. More importantly, however, building stronger support for high-technology firms will expand economic opportunities for our country generally and will increase our competitiveness in the world market.

The Small Business Innovation Research Program Reauthorization Act of 2000 is a necessary step to ensure that the Federal Government continues to utilize the vast capabilities of high-technology small businesses to meet its research and development goals. Moreover, it ensures that these research funds are leveraged to strengthen our Nation's economy and its position as the lead innovator in the world.

The bill in front of us, with the Managers' amendment, is a reasonable

compromise that will provide an effective structure for this program for the next eight years. Given the hard work that has gone into this compromise legislation, I trust that the House will act quickly on this bill, so that small businesses involved in the SBIR program will have confidence that the program will continue without interruption.

A bi-partisan statement has been drafted by the Senate Committee on Small Business and the Committees on Science and Small Business of the House of Representatives to explain provisions in the Managers' amendment that are not addressed in either the Senate or House Committee reports on H.R. 2392. I ask unanimous consent that, immediately following my remarks, this Explanatory Statement of H.R. 2392 be included in the RECORD.

Thank you Mr. President and I ask for immediate consideration of the bill and its approval.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be considered read the third time and passed, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3944) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 2392), as amended, was read the third time and passed.

TIMBISHA SHOSHONE HOMELAND ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 661, S. 2102.

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

The legislative clerk read as follows:

A bill (S. 2102) to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike out all after the enacting clause and insert the part printed in italic:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Timbisha Shoshone Homeland Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term ''tribal'' means of or pertaining to the Tribe.

(4) TRIBE.—The term ''Tribe'' means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term ''trust lands'' means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled ''Death Valley Junction, California'', numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled ''Centennial, California'', numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled ''Scotty's Junction, Nevada'', numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled ''Lida, Nevada, Community Parcel'', numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park

Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled ''Indian Rancheria Site, California'' numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled ''Lida Ranch'' numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS.—

(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA.—The area generally depicted on the map entitled ''Mesquite Use Area'' numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled ''Buffer Area'' numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled ''Timbisha Shoshone Natural and Cultural Preservation Area'' numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

AMENDMENT NO. 3945

Mr. BURNS. 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 Montana [Mr. BURNS], for Mr. INOUYE, proposes an amendment numbered 3945.

Mr. BURNS. 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 22, line 20, strike ''(C)'' and insert ''(C)(i)''.

On page 23, between lines 2 and 3, insert the following:

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

On page 32, between lines 20 and 21, insert the following:

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment 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 be printed in the RECORD.

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

The amendment (No. 3945) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2102), as amended, was read the third time and passed.

S. 2102

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 ''Timbisha Shoshone Homeland Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term ''tribal'' means of or pertaining to the Tribe.

(4) TRIBE.—The term ''Tribe'' means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term ''trust lands'' means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled ''Death Valley Junction, California'', numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled ''Centennial, California'', numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled ''Scotty's Junction, Nevada'', numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled ''Lida, Nevada, Community Parcel'', numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and

such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled ''Indian Rancheria Site, California'' numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled ''Lida Ranch'' numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS.—

(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA.—The area generally depicted on the map entitled ''Mesquite Use Area'' numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled ''Buffer Area'' numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled ''Timbisha Shoshone Natural and Cultural Preservation Area'' numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95–341 (commonly known as the ''American Indian Religious Freedom Act'') (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring

shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

Passed the Senate July 19, 2000.

REPORTS CONSOLIDATION ACT OF 2000

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 672, S. 2712.

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

The legislative clerk read as follows:

A bill (S. 2712) to amend chapter 35 of title 31, United States Code, to authorize consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2712) was read the third time and passed as follows:

S. 2712

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 ''Reports Consolidation Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize and encourage the consolidation of financial and performance management reports;

(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

(3) to improve the quality of agency financial and performance management information; and

(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

SEC. 3. CONSOLIDATED REPORTS.

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

''§ 3516. Reports consolidation

''(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

''(2) The following reports may be consolidated into the report referred to in paragraph (1):

''(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

''(B) The following agency-specific reports:

''(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

''(ii) The annual report of the Attorney General under section 522 of title 28.

''(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

''(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

''(ii) consults in advance of inclusion of that report with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

''(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

''(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

''(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

''(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3515 the following:

''3516. Reports consolidation.''.

SEC. 4. AMENDMENTS RELATING TO AUDITED FINANCIAL STATEMENTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a), by inserting ''Congress and the'' before ''Director''; and

(2) by striking subsections (e) through (h).

(b) ELIMINATION OF REPORT.—Section 3521(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''subsections (a) and (f)'' and inserting ''subsection (a)''; and

(B) by striking ''(1)''; and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS RELATING TO PROGRAM PERFORMANCE REPORTS.

(a) REPORT DUE DATE.—

(1) IN GENERAL.—Section 1116(a) of title 31, United States Code, is amended by striking ''No later than March 31, 2000, and no later than March 31 of each year thereafter,'' and inserting ''Not later than 150 days after the end of an agency's fiscal year,''.

(2) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding subsection (a) of section 1116 of title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(b) INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.—Section 1116(e) of title 31, United States Code, is amended to read as follows:

''(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

''(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).''.

PENALTIES FOR HARMING ANIMALS USED IN FEDERAL LAW ENFORCEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1791, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1791) to amend title 18, United States Code, to provide for penalties for harming animals used in Federal law enforcement.

There being no objection, the Senate proceeded to consider the bill.

Mr. KYL. Mr. President, I am proud to support H.R. 1791, the Federal Law Enforcement Animal Protection Act, a bill by Representative WELLER which would make it a federal crime to willfully and maliciously harm an animal used by a Federal agency for the principal purpose of investigating crimes, enforcing laws, or apprehending criminals.

I would first like to thank Senator HATCH for his help in discharging this important bill from Committee. I would also like to thank the advocacy groups and agencies, most notably, the Humane Society of the U.S., U.S. Police Canine Association, U.S. Customs Service, U.S. Border Patrol, and our very own Capital Police, for helping to publicize the need for legislation to protect federal law enforcement animals.

I was pleased when Representative WELLER called me and asked for my support of H.R. 1791. Under current law, a person who willfully injures a federal law enforcement animal can only be punished under the statute that makes it a crime to damage federal property.

Unfortunately, many of these animals have a monetary value of less than a $1,000, even though their training can cost up to $20,000, so the act of willfully harming them can only be prosecuted as a misdemeanor. H.R. 1791 will address this problem and punish willful and malicious harm done to these animals more severely than an act of damage to an inanimate object.

This bill is important for law enforcement. These animals play an integral role in protecting our borders, airports and our own capital grounds. In fiscal year 1999, U.S. Customs Canine Enforcement Teams were involved in over 11,000 narcotic or currency seizures. The street value of the narcotics uncovered by the canines exceeded several billion dollars. The dogs detected approximately 631,909 pounds of marijuana, 50,748 pounds of cocaine, 358 pounds of heroin, and $25.5 million in currency. H.R. 1791 would put federal law enforcement animals on equal ground with local law enforcement animals that are protected in 27 states, including my own state of Arizona.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1791) was read the third time and passed.

DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 551, H.R. 707.

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

The legislative clerk read as follows:

A bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs for disaster assistance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3946

Mr. BURNS. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. SMITH of New Hampshire, proposes an amendment numbered 3946.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. INHOFE. Mr. President, I am pleased to speak today in favor of passage of the Disaster Mitigation Act of 1999. As the chairman of the Senate Subcommittee with jurisdiction over FEMA, I have been working on this legislation for the last couple of years. Senator GRAHAM and I introduced this legislation last fall and have been working diligently on it ever since. We can both attest to this process being long and arduous, with many unforeseen pitfalls. However, the final result has been a piece of legislation that while changing the scope of disaster assistance, continues to assure that FEMA will have the resources and the capability to deliver disaster assistance when called upon.

As we all know, the Federal government, through FEMA, has been there to help people and their communities deal with the aftermath of disasters for over a generation. As chairman of it's oversight Subcommittee, I want to ensure that FEMA will continue to respond and help people in need for generations to come.

Unfortunately, this goal is becoming increasingly difficult since the costs of disaster recovery have spiraled out of control. For every major disaster Congress is forced to appropriate additional funds through Supplemental Emergency Spending Bills, another of which we will be discussing at some point later this year. This not only plays havoc with the budget and forces us to spend funds which would have gone to other pressing needs, but sets up unrealistic expectations of what the federal government can and should do after a disaster.

For instance, following the Oklahoma City tornadoes on May 3, 1999, there was an estimated $900 million in damage, with a large portion of that in federal disaster assistance. In the aftermath of hurricane Floyd in North Carolina, estimates of $1 billion or more in damage have been discussed. This problem is not just isolated to Oklahoma City or North Carolina. In the period between fiscal years 1994 and 1998, FEMA disaster assistance and relief costs grew from $8.7 billion to $19 billion. That marks a $10.3 billion increase in disaster assistance in just five years. To finance these expenditures, we have been forced to find over $12 billion in rescissions.

The Bill we are passing today will address this problem from two different directions. First, it authorizes a Predisaster Hazard Mitigation Program, which assists people in preparing for disaster before they happen. Second, it provides a number of cost-saving measures to help control the costs of disaster assistance.

In our bill, we are authorizing Project Impact, FEMA's natural disaster mitigation program. Project Impact authorizes the use of small grants to local communities to give them funds and technical assistance to mitigate against disasters before they occur; but this is not just a federal give-away program. Local communities are required to have a demonstrated public-private partnership before they can become a Project Impact community.

Too often, we think of disaster assistance only after a disaster has occurred. For the very first time, we are authorizing a program to think about preventing disaster-related damage prior to the disaster. We believe that by spending these small amounts in advance of a disaster, we will save the federal government money in the long-term. However, it is important to note that we are not authorizing this program in perpetuity. The program, as adopted, is set to expire in 2003. If Project Impact is successful, we will have the appropriate opportunity to review its work and make a determination on whether to continue the program.

This forward thinking approach is revolutionary in terms of the way the federal government responds to a disaster. We all know it is more cost effective to prevent damage than to respond after the fact. I should note that in my state of Oklahoma, which has recently been hit by severe flooding, one of the affected communities, my home town of Tulsa, was a Project Impact community. While the community suffered some damage, the effects could have been much more severe had the community not undertaken preventative mitigation measures.

In passing this bill, we are also allowing states to keep a larger percentage of their federal disaster funds for state mitigation projects. Under current law, states can only retain up to 15 percent of their post disaster assistance funds for state-wide mitigation programs. We are now increasing that percentage to 20 percent. Too often states have run into the program of too many mitigation projects, with too little resources.

For example, in Oklahoma, the state used its share of disaster funds to provide a tax rebate to the victims of the May 1999 tornadoes who, when rebuilding their homes, build a ''safe room'' into their home. Because of limited funding, this assistance is only available to those who were unfortunate enough to lose everything they owned. The ''safe room'' program in Oklahoma is a prime example of giving states more flexibility in determining their own mitigation priorities and giving them the financial assistance to follow through with their plans.

An additional problem we remedy with the increase is the lack of comprehensive state-wide mitigation plans. Under current law, states are required to submit mitigation plans to FEMA, at which time they are routinely approved. However, as a condition of receipt of increased funding, states are going to have to do a better job at bridging the gap between state and local mitigation plans by developing comprehensive mitigation plans so that in the aftermath of a disaster, states know what their most vulnerable areas are and can take appropriate preventative measures.

While we are attempting to re-define the way in which we respond to natural disaster, we must also look to curb the rising cost of post-disaster related assistance. The intent of the original Stafford Act was to provide federal assistance after States and local communities had exhausted all their existing resources. As I said earlier, we have lost sight of this intent.

To meet our cost saving goal, we are making significant changes to FEMA's Public Assistance (PA) Program. One of the most significant changes in the PA Program focuses on the use of insurance. FEMA is currently developing an insurance rule to require States and local government to maintain private or self-insurance in order to qualify for the PA Program. We applaud their efforts and are providing them with with some parameters we expect them to follow in developing any insurance rule.

While FEMA's progress in this area is commendable, it has come at the considerable opposition from States and local governments who fear the impact of any new insurance regulation. Instead of ignoring the concerns of the stakeholders, we have sought to work with them and bring their views to the table early in the regulatory process. As FEMA continues its work towards an insurance regulation, States and local governments are now assured that the final rule will encompass their concerns.

Second, we are providing FEMA with the ability to estimate the cost of repairing or rebuilding projects. Under current law, FEMA is required to stay in the field and monitor the rebuilding of public structures. By requiring FEMA to stay afield for years after the disaster, we run up the administrative cost of projects. Allowing them to estimate the cost of repairs and close out the project will bring immediate assistance to the State or local community and save the Federal government money.

In all, the Congressional Budget Office (CBO) projects our bill to save approximately $238 million over five years. I personally feel this is an underestimate. CBO, because of budget rules, is unable to take into account any savings that occur outside the initial five-year window. Yet, CBO says in its analysis that long-term savings are likely as a result of the predisaster mitigation measures included in the bill. CBO also says it cannot quantify the savings associated with the implementation of any future insurance rule. Yet, common sense tells us that if public buildings have some level of private insurance, federal spending under the Public Assistance Program will be reduced.

Mr. President, we have spent months working closely with other Senators, FEMA, the States, local communities, and other stakeholders to produce a bill that gives FEMA the increased ability to respond to disasters, while assuring States and local communities that the federal government will continue to meet its commitments. Our bill has the endorsement of the National League of Cities, the National Emergency Managers Association , and FEMA.

In closing, I want to thank Senators GRAHAM, SMITH, and BAUCUS for their help and the leadership they have taken on this important issue. I would also like to thank Senators VOINOVICH, GRASSLEY, DEWINE, and BOND for their support of this legislation. Without their help, input, and insight this legislation would be little more than an idea. I look forward to continuing to work with them as this bill moves to conference to make this legislation a reality.

Mr. SMITH of New Hampshire. Mr. President, I rise in support of the amendments to the Stafford Act in the form of H.R. 707. I would like to thank Senators INHOFE and GRAHAM and their staff for all their hard work in developing a good bipartisan bill. I am proud the committee I chair was able to report a bill to the floor with strong bipartisan support. I am also very pleased the version the Senate passed will save the taxpayer money both in the short and long term.

This bill makes great strides to enhance FEMA's ability to better serve the public in times of disaster. It will also help local communities to better prepare and mitigate potential problems prior to a disaster. The mitigation focus in this bill will ensure better protection of life and property as well as providing savings to the taxpayer.

The substitute H.R. 707 that has been agreed to by the Senate is identical language to that in S. 1691 as amended by the Committee on Environment and Public Works with the additional Technical and Managers' amendments that were filed. Those who wish to research the legislative history of H.R. 707, as passed by the Senate, should refer to the legislative history of S. 1691 and the report, number 106–295, filed by the Committee on Environment and Public Works on S. 1691.

Mr. GRAHAM. Mr. President, I rise to join my distinguished colleague from Oklahoma, Senator INHOFE, upon the passage of our legislation to reauthorize the Federal Emergency Management Agency (FEMA) and to create public and private incentives to reduce the cost of future disasters.

On June 1st, we will face the beginning of the 2000 Hurricane season, the National Weather Service has predicted that the United States will face at least three intense hurricanes during the next six months.

Coming just eight years after Hurricane Andrew damaged 128,000 homes, left approximately 160,000 people homeless, and caused nearly $30 billion in damage, this forecast reminds us of the inevitability and destructive power of Mother Nature. We must prepare for natural disasters now in order to minimize their devastating effects.

It is impossible to prevent violent weather. Our experiences since Hurricane Andrew—including the Northridge Earthquake, the Upper Midwest Floods, and Hurricanes Fran and Floyd—clearly demonstrate the overwhelming losses associated with major weather events.

However, Congress can reduce these losses by legislating a comprehensive, nationwide mitigation strategy. Senator INOFE and I have worked closely with our colleagues in the Senate, FEMA, the National Emergency Management Association, the National League of Cities, the American Red Cross, and numerous other groups to construct a comprehensive proposal that will make mitigation—not response and recovery—the primary focus of emergency management. In addition, I would like to recognize the efforts of Senator BOND, Chairman of FEMA's appropriations subcommittee, in working closely with us to pass this legislation.

This legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act by:

Authorizing programs for pre-disaster emergency preparedness;

Streamlining the administration of disaster relief;

Controlling the Federal costs of disaster assistance; and

Providing real incentives for the development of community-sponsored disaster mitigation projects.

Mr. President, history has demonstrated that no community in the United States is safe from disasters. From tropical weather along the Atlantic Coast to devastating floods in the Upper Midwest to earthquakes in the Pacific Rim, all Americans have suffered as a result of Mother Nature's fury.

She will strike again. But we can avoid some of the excessive human and financial costs of the past by applying both what we have learned about disaster preparedness and by implementing new technologies that are available to mitigate against loss.

Florida has been a leader in incorporating the principles and practice of hazard mitigation into the mainstream of community preparedness. We have developed and implemented mitigation projects using funding from the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program, FEMA's Project Impact, and many other public-private partnerships.

All Americans play a role in reducing the risks associated with natural and technological hazards. Engineers, hospital administrators, business leaders, regional planners, emergency managers and volunteers each contribute to community-wide mitigation efforts.

A successful mitigation project may be as basic as the Miami Wind Shutter program. The installation of shutters is a cost-effective mitigation measure that has proven effective in protecting buildings from hurricane force winds, and in the process, minimizing direct and indirect losses to vulnerable facilities. These shutters significantly increase strength and provide increased protection of life and property.

For example, Hurricane Andrew did $17 million worth of damage to three hospitals in Miami. These facilities included Baptist, Miami South, and Mercy Hospitals. Through the Hazard Mitigation Grant Program, these hospitals were retrofitted with wind shutters. Six years after Hurricane Georges brushed against South Florida, this mitigation project paid real dividends. Mercy Hospital estimated that the $2 million investment in their shutters protected their $230 million medical complex. In addition, the track of this storm motivated evacuees to leave more vulnerable areas of South Florida to seek shelter. The protective shutters allowed this hospital to be used as a safe haven for 200 pregnant mothers, prevented the need to evacuate critical patients, and helped the staff's families to secure shelter during the response effort.

In July of 1994, Tropical Storm Alberto's impact on the Florida Panhandle triggered more than $500 million in federal disaster assistance. State and local officials concluded that the most direct solution to the problem of repetitive flooding was to remove or demolish the structures at risk. A Community Development Block Grant of $27.5 million was used to assist local governments in acquiring 388 extremely vulnerable properties.

The success of this effort was evident when the same area experienced flooding again in the spring of 1998. Although both floods were of comparable severity, the damages from the second disaster were significantly lower in the communities that acquired the flood prone properties. In summary, this mitigation project reduced the communities' vulnerability to loss.

Today, we will reinforce the working partnership between the federal government, the states, local communities and the private sector. In mitigating the devastating effects of natural disasters, it is also imperative that we control the cost of disaster relief. Our legislation will help both of these efforts. I thank my colleagues for their support of this initiative.

Mr. EDWARDS. Mr. President, I rise today to express my support for the Disaster Mitigation and Cost Reduction Act, and more importantly—the Federal Emergency Management Agency.

When I was elected to the Senate more than a year ago, I didn't think I would be faced with such an enormous challenge my first year in office—helping my state rebuild from the one of the worst hurricanes in our history. On September 16, Hurricane Floyd pounded eastern North Carolina. Sixty-six counties, more than 70 percent of the state—were declared federal disaster areas. Fifty-seven people were killed, and more than 60,000 homes were affected.

I've come to the floor many times and praised the courage and the strength of eastern North Carolinians. Through this disaster, I have met some of the most spirited and strong people. And I have also met some of the most knowledgeable and caring federal workers—the men and women of the Federal Emergency Management Agency. Whether it was Director James Lee Witt, who visited my office many times to keep me up-to-date on the federal response, or any of the field representatives who explained the programs available to the victims, FEMA helped North Carolina begin the long recovery process. And today, ten months after the storm hit, FEMA is still helping us coordinate the federal and state recovery efforts. It's been said before—and I now know first-hand—that Director Witt turned FEMA from a disaster of an agency into a disaster response team.

The measure we pass today will help make simple changes to ensure this agency continues to offer first-rate response. Most importantly, the bill before us would increase the Hazard Mitigation Grant Program cap from 15 percent to 20 percent. We can't stop a hurricane, tornado or earthquake, but we can take concrete steps to mitigate damage. Increasing the amount States are allowed to spend on mitigation will give those governments the necessary resources to move those people out of harm's way. That means less future damage and less costly disasters.

H.R. 707 also authorizes Project Impact. New Hanover County, in my state, was one of the first seven pilot Project Impact communities. Project Impact is FEMA's predisaster mitigation program that works directly with communities across the country to help them become more disaster-resistant. In New Hanover County, residents are determined to build better, stronger and smarter in order to prevent damage from the inevitable late-summer hurricanes. The University of North Carolina at Wilmington is also involved in the effort to mitigate disasters. That's the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development. We should officially recognize these communities efforts and encourage the same work in other disaster prone areas.

Finally, in my State we know how the Federal government's disaster response programs work—and sometimes don't work—together. This bill takes steps to streamline the programs and to better coordinate between different agencies. Portions of this bill would make life a bit simpler for our outstanding emergency management agency in North Carolina. Whether it's streamlining management costs or making infrastructure repairs simpler, this bill makes much-needed improvements in the system.

Mr. President, there is no area of the country untouched by natural disasters. Whether it's my state battered by hurricanes; California plagued by earthquakes; the Midwest hit by floods; or the states in ''tornado alley;'' we all know the sudden devastation Mother Nature can bring. And we all know we can count on FEMA at a time when the states we represent are most vulnerable, when our people hurt the most. Now its time for Congress to support this bill and to ensure FEMA can continue the first-rate response we so depend on.

Mr. CRAPO. Mr. President, I rise to engage the distinguished Subcommittee Chairman in a colloquy.

Mr. INHOFE. I yield to the Senator.

Mr. CRAPO. I want to express my appreciation for the Senator's efforts, and those of the Committee Chairman, Senator SMITH, and Subcommittee Ranking Member Senator GRAHAM in working with Senator BAUCUS and me to reaffirm the eligibility of Private Non-Profit (PNP) irrigation companies for FEMA reimbursement of their facilities in the aftermath of disasters. As he knows, a pending FEMA policy would unfairly single out irrigators among PNPs as ineligible for FEMA assistance. Language in the legislation would ensure that PNP irrigators receive the same treatment as other PNPs in the event of a disaster.

This matter is of critical importance to PNP irrigation companies throughout the West. Generally taking on the responsibilities of water utilities elsewhere, irrigation companies provide a

valuable service to westerners, including the provision of drinking water, irrigation support, and other critical facilities. Without these services, life in the West could not exist as we know it today.

At this time, I would ask that we yield to the distinguished Ranking Member of the full Committee, Senator BAUCUS. Senator BAUCUS?

Mr. BAUCUS. I thank the Senator. I want to echo his comments about the importance of this provision. PNP irrigators provide a valuable service to communities in many western states and their continued fair treatment under FEMA policies is the right thing to do. I extend my thanks to Chairman INHOFE, Chairman SMITH, and Senator GRAHAM in working to address this matter, both in Committee and here today.

As this measure makes its way through the legislative process, I hope we can count on the Senator's continued assistance in protecting the interests of PNP irrigators. I thank the Senator.

Mr. INHOFE. I appreciate the Senator bringing this matter to the Committee's attention and working with us to come up with a clear policy on PNP irrigators. As he knows, during the mark-up in February, the Committee adopted the Crapo/Baucus/Bennett amendment to solve this situation. However, as we later learned, the amendment was insufficient in the eyes of FEMA to resolve this issue. I think that the language contained in the legislation unequivocally addresses the issue and there can be no ambiguity in the wishes of the Senate concerning FEMA's policy affecting private nonproit irrigators in the states. Therefore, I reiterate my commitment to enacting legislation that creates equity for PNP irrigators in the implementation of FEMA policies.

Mr. CRAPO. I thank the Senator. I yield back the floor.

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

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

The amendment (No. 3946) was agreed to.

The bill (H.R. 707), as amended, was passed.

ORDERS FOR THURSDAY, JULY 20, 2000

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 on Thursday, July 20. I further ask consent that on Thursday, 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 Agriculture appropriations bill under the previous order.

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

PROGRAM

Mr. BURNS. When the Senate convenes at 9:45 a.m., the Senate will immediately resume debate on the Harkin amendment No. 3938 to the agricultural appropriations bill. A vote could occur shortly thereafter in relation to the amendment.

Also, Senators are to be notified that the leadership expects to complete action on this appropriations bill in the early afternoon. Therefore, votes can be expected throughout the day on Thursday.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

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

There being no objection, the Senate, at 7:08 p.m., adjourned until Thursday, July 20, 2000, at 9:45 a.m.