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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The guest Chaplain, Dr. Karl Kenneth Stegall, First United Methodist Church, Montgomery, AL, offered the following prayer:

Let us bow in prayer:

Almighty God, Judge of all nations, we offer You today our heartfelt thanks for the good land which we have inherited. We praise You for all of the noble souls who in their own day and generation did give themselves to the call of liberty and freedom, counting their own lives not dear, but giving all devotion to establish a land in the fear of the Lord.

More especially today, we thank You for the Members of this United States Senate. Enlarge their vision, increase their wisdom, purify their motives. We would not ask You to bless what they do, but we would rather ask that they shall do what You can bless.

May they see that in all they do they are acting in Your stead for the well-being of all of the citizens of this great Nation. May they have a lively sense of serving under Your divine providence and a holy remembrance that where there is no vision, Your people perish.

Let them always remember that they serve a public trust far beyond personal gain or glory, and may they always acknowledge their dependence upon You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, 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 PRESIDING OFFICER (Mr. BROWNBACK). The acting majority leader is recognized.

Mr. STEVENS. Mr. President, it is my privilege to yield to the distinguished Senator from Alabama, so he might introduce for the RECORD, comments concerning our visiting Chaplain.

The PRESIDING OFFICER. The Senator from Alabama.

THE GUEST CHAPLAIN, DR. KARL KENNETH STEGALL

Mr. SESSIONS. Mr. President, it has been an honor to be with Dr. Karl Stegall this morning and to be blessed by his prayer. He is pastor of the First United Methodist Church of Montgomery, AL. First Methodist is one of the great Methodist churches in Alabama, and, in fact, of all of Methodism. It has had two of its pastors become United Methodist bishops. Indeed, Karl himself was endorsed by the 600 pastors and 600 laity of the Alabama-West Florida Conference for the Episcopality several years ago.

Karl grew up in rural Alabama, not too far from where I did. It is considered to be a poor county, and a poor area, but not poor in things that matter. He even came over to Camden once and won the beef competition with the FFA.

But he has not forgotten his heritage. He has served in his career at First United Methodist Andalusia, First Bonifay, Whitfield Memorial, and was district superintendent. For the last 18 years, he has been pastor of First Methodist.

It has been a heavenly match. That great gothic church, with its soaring ceiling and buttresses and superb choir, has blossomed under his leadership. Attendance has grown. Young people are everywhere. The church has expanded and grown in so many different ways to bless the community. He served as a leader on the Board of Global Ministries of the United Methodist Church and always fought aggressively to ensure that every dollar contributed, as I have heard him say, from the small, individual church men and women, was spent wisely and effectively.

He is loved by all, but he has courage and is willing to speak forcefully. He recently delivered a sermon when Alabama was considering whether or not to adopt a lottery. He questioned the wisdom of having the State encourage people to invest their money in random chances to be rich. That sermon was received very well, passed all over the State, and the State eventually rejected that choice.

His wife, Brenda, and he have been partners throughout their ministry, and they have two daughters. He is a beloved minister by his congregation, by his fellow ministers, and respected by all in the community.

He is a Christian clergyman of the finest kind. While he would have been successful in any profession, he chose to give his life to the greatest profession.

By his fine prayer today, we are blessed. By his life and ministry, the people of his church have been blessed. And by his presence today he serves as a recognition of the constant and superb service delivered by tens of thousands of ministers throughout this Nation who daily enrich the lives of their parishioners; who serve them in times of illness and sickness; who minister to them in times of emotional stress, divorce, and all kinds of family challenges; who celebrate with them marriages and births. Those thousands and thousands of ministers who do that daily are not run by the Federal Government. They are not paid by this Government, but they are there, serving their faith and their Lord.

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

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So we are, indeed, delighted to have with us today one of our finest Christian ministers in the State of Alabama, Dr. Karl Stegall.

I thank the Chair.

SCHEDULE

Mr. STEVENS. Mr. President, I wish to make this statement for the leader. Today, the Senate will immediately begin consideration of H. J. Res 109, the continuing resolution. Under the previous agreement, there will be up to 7 hours for debate with a vote scheduled to occur after the use of the time or after the yielding back of the time. After the adoption of the continuing resolution, the Senate will proceed to a cloture vote in regard to the H–1B visa bill. Therefore, Senators can expect at least two votes during this afternoon's session of the Senate.

As a reminder, tomorrow evening is the beginning of Rosh Hashanah. Therefore, the Senate will complete its business today and will not reconvene until Monday, October 2, in observance of this religious holiday.

RESERVATION OF LEADER TIME

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

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order the Senate now proceed to the consideration of H.J. Res. 109, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is advanced to third reading.

The joint resolution (H. J. Res. 109) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There will now be up to 7 hours for final debate, with 6 hours under the control of the Senator from West Virginia, Mr. BYRD, and 1 hour under the control of the Senator from Alaska, Mr. STEVENS.

The Senator from Alaska.

Mr. STEVENS. As an opening statement on this continuing resolution that is now before the Senate, I want to state that this is a simple 6-day continuing resolution. This bill will fund ongoing Federal programs at the same rate and under the same conditions as currently applied to each agency of our Federal Government.

The continuing resolution now pending before the Senate is in the same form as those passed in previous years to bridge Federal spending until the full year's appropriations acts are completed. This committee has made good progress this week in advancing work on the fiscal year 2001 bills. The energy and water bill was filed last night and should be taken up in the House later today. Work is nearly completed on the Interior appropriations bill, and the conference on the Transportation bill will meet later today. I want to assure all of our colleagues of our determination to complete the work of the Appropriations Committee within the next week, to meet the target adjournment date of Friday, October 6.

Hopefully, this will be the only CR needed for the remainder of the consideration of the appropriations bills for the fiscal year 2001.

A second continuing resolution may, however, be needed to ensure the President has the required period that the Constitution gives him to review the bills that are passed by the House and Senate as conference reports once they are presented to the President.

Mr. President, we are in a difficult situation this year because we are adjourning this evening and will not be here through the full period of September. We will miss 2 days of the time we would otherwise have to complete our work. Therefore, it is necessary that the Senate approve this continuing resolution.

I urge the Senate to do so and we will strive to complete our work within the next week.

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

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

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

Mr. STEVENS. Mr. President, in order that I do not lose the time allotted to me, 1 hour, I ask unanimous consent that the time of the quorum call not be charged against either side.

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

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

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

Mr. BYRD. Mr. President, what is the item before the Senate, the question?

The PRESIDING OFFICER. H.J. Res. 109. The Senator from West Virginia controls 6 hours and the Senator from Alaska 1 hour.

Mr. BYRD. I thank the Chair.

Has any time been charged against——

The PRESIDING OFFICER. The Senator from Alaska has used 3 minutes. There has been no time charged against the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, to begin with, I should say that I intend to support the short-term continuing resolution. I think it is very important that we do so. But I have reserved this time for the purpose of expressing concerns about what is happening to the Senate and, in particular, what is happening to the appropriations process. Several of my colleagues will join me as we move through the morning and the afternoon. I shall do so without, of course, pointing my finger of criticism at any Senator, naming any Senator. I merely want to talk about what is happening to our Senate, its rules, its processes. And I intend to abide by the rules concerning debate. I say that at the start.

Mr. President, section 7, article I, of the U.S. Constitution, states: ''All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.''

Let me quote again the last portion of section 7, article I: ''but the Senate may propose or concur with amendments as on other bills,'' meaning the Senate may propose or concur with amendments on any bill, whether it is a revenue bill or otherwise. When I say ''bills,'' I include, of course, resolutions.

Thus, Mr. President, the organic law of our Republic assures Senators—all Senators; Republicans and Democrats—the right to offer amendments, not only to bills for raising revenue, but also ''other bills.''

The requirement that revenue bills shall originate in the House of Representatives grew out of the Great Compromise, which was entered into on July 16, 1787. It was this Great Compromise that provided for equality of the States in the Upper House, with each State, large or small, having two votes. And, but for which, the Constitutional Convention would have ended in failure, and instead of a United States of America, which we have today, we would have had, in all likelihood, a ''Balkanized States of America'' from sea to shining sea—from the Atlantic to the Pacific—from the Canadian border to the Gulf of Mexico. The small States at the Constitutional Convention were adamant in their demands for equal status with the large States in the Upper House, regardless of size or population, so that the small State of Rhode Island, for example, had an equal vote in the Senate with the large State of New York which was larger and with a greater population. All States are equal in this body.

When the large States yielded to the small States in this regard, the way was open and paved for eventual success in the attainment of the Constitution which was then sent to the States for ratification. As a part of that compromise, the large States demanded that revenue bills originate in the House of Representatives.

Thus, the freedom to offer amendments in the Senate is assured by the Constitution of the United States. And what about the freedom to speak? What about the freedom to debate? Is that assured in the Senate? Yes. Section 6 of article I of the United States Constitution states:

And for any speech or debate in either House, they shall not be questioned in any other place.

So I cannot be questioned in any other place. James Madison, who was a Member of the other body could not be questioned in any other place. No Senator could be questioned in any other place. But what about the freedom to debate at length; in other words, what about a filibuster? Is there any limitation on debate in the Senate today? No, except when cloture is invoked, or when there are time limitations set by unanimous consent of all Senators.

Debate could be limited under rule 10 of the 1778 rules of the Continental Congress, by the adoption of the previous question. Likewise, when the Senate adopted its 1789 rules under the new Constitution, debate could be limited by invoking the previous question. However, in its first revision of the Senate rules in 1806, the Senate dropped the motion for the previous question. As a matter of fact, Aaron Burr, when he left the Vice Presidency in 1805, recommended that the previous question be dropped. Until 1917, when the first cloture rule was adopted, there was no limitation on debate in the Senate, unlike the House of Representatives, where the previous question can still be moved even today.

As we all know, of course, 60 votes are required in the Senate to invoke cloture and thus limit debate. The previous question not being included in the Senate rules, just what is the ''previous question''? Thomas Jefferson in his ''Manual'' explains it as follows: ''When any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter . . . if the nays prevail, the main question shall not then be put.''

Hence, the use of the motion to put the previous question is an effective way to end debate and vote immediately on the main question.

As the distinguished Presiding Officer knows—the Chair being occupied at the moment by the distinguished Senator from Kentucky, Mr. BUNNING—in the other body, the previous question can be used to end debate, if a majority of the Members there so desire. But that is not so in the Senate. It was so until 1806, but no more in the Senate.

Of the various legislative branches throughout the world today, only 60 are bicameral in nature, and of these 60 bicameral legislatures around the world, only the Upper Houses of the U.S. and Italy are not subordinated to the Lower House. Senators should understand what a privilege it is to serve in the U.S. Senate. The U.S. Senate is the premiere Upper Chamber in the world, two of the main reasons being that in the U.S. Senate there exists the right of unlimited debate and the right to offer amendments.

Another singular feature of the U.S. Senate is in the fact that it is the forum of the States. It is not just a forum; it is the forum of the States. The Senate, therefore, represents the ''Federal'' concept, while the House of Representatives, being based on population, represents the ''national'' concept in our constitutional system. In the very beginning, the Senate was seen as the bulwark of the State governments against despotic presidential power; it was the special defender of State sovereignty. It was meant to be and exists today as the special defender of State sovereignty. The Senate was also seen as a check against the ''radical'' tendencies which the House of Representatives might display.

I have been a Member of this body now for 42 years, and the longer I serve, the more convinced I am of the efficacy of the Senate rules as protectors of the Senate's right to unlimited debate and the Senate's right to amend. The Senate is not a second House of Representatives, nor is it an adjunct to the House of Representatives. It is a far different body from the House of Representatives. And it is a far different body by virtue of the Constitution and by virtue of Senate rules and precedents. The Constitution and the Senate rules have made the Senate a far different body from the House of Representatives.

Thomas Jefferson, in his Manual of Parliamentary Practice, emphasized the importance of adhering to the rules:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, ''It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of the Administration, and those who acted with a majority of the House of Commons, than a neglect of, or departure from, the rules of proceedings; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.'' So far, the maxim is certainly true—

Continued Mr. Onslow, speaking of the British House of Commons—

and is founded in good sense, as it is always in the power of the majority, by their number, to stop any improper measure proposed on the part of their opponents—

The minority—

the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and become the law of the House—

He was talking about the law of the House of Commons—

by a strict adherence to which the weaker party—

Meaning the minority—

can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Now there you have it from the mother country, from the House of Commons. So when we speak of rules, Mr. Onslow laid it out very clearly as to the supreme importance of the rules as protectors of a minority.

Jefferson went on to say:

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker—

Jefferson is talking about the Speaker of the House of Commons, and he is also referring to the Speaker in the House of Representatives.

—or capriciousness of the members.

Once more, this is Jefferson talking:

It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Nothing could be more true than Jefferson's observations which I have read in part.

Now, Mr. President, my own experience with the Senate rules compels me to appreciate the wisdom that Vice President Adlai Stevenson expressed in his farewell address to the Senate on March 3, 1897. I believe his observation is as fitting today as it was at the end of the 19th century. Let me say that again. I believe his observation is as fitting today, as we close the 20th century, as it was at the end of the 19th century. Here is what he said:

It must not be forgotten that the rules governing this body—

The Senate—

are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules, the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: ''They know not what they do.'' In this Chamber alone are preserved without restraint—

This is Adlai Stevenson talking here—

two essentials of wise legislation and of good government: the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

How true. I hope that Senators will read again these words that were spoken by our ancestors concerning the

importance of the rules and precedents, the importance of amendments, the right to amend, and the importance of the freedom to debate at length. I hope Senators will read this.

We all know that the Senate is unique in its sharing of power with the President in the making of treaties, and in its confirmation powers with respect to nominations, as well as in its judicial function as the sole trier of impeachments brought by the House of Representatives. The Senate is also unique in the quality that exists between and among states of unequal territorial size and population. But we must not forget that the right of extended, and even unlimited debate, together with the unfettered right to offer amendments, are the main cornerstones of the Senate's uniqueness. The right of extended debate is also a primary reason that the United States Senate is the most powerful Upper Chamber in the world today.

The occasional abuse of this right has a painful side effect, but it never has been—I am talking about the right to debate at length; I am talking about filibusters, if you please —never will be fatal to the overall public good in the long run.

The word ''filibuster'' has an unfortunate connotation. But there have been many useful filibusters during the existence of this Republic. I have engaged in some of them. There has not been a real, honest to goodness old-type filibuster in this Senate in years and years.

Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad. Filibusters have proved to be a necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be ''that remarkable body'' about which William Ewart Gladstone spoke—''the most remarkable of all the inventions of modern politics.''

Without the potential for filibusters, that power to check a Senate majority or an imperial presidency would be destroyed.

The right of unlimited debate is a power too sacred to be trifled with. Our English forebears knew it. They had been taught by sad experience the need for freedom of debate in their House of Commons. So they provided for freedom of debate in the English Bill of Rights in 1689. And our Bill of Rights, in many ways, has its roots deep in English parliamentary history. As Lyndon Baines Johnson said on March 9, 1949: ''. . . If I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. . . . I would send to those nations the right of unlimited debate in their legislative chambers. . . . If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.''

I served with Lyndon Johnson in this Senate when he was the majority leader. We had some real filibusters in those days. I sat in that chair up there 22 hours on one occasion—22 hours in one sitting—almost a day and a night. So Lyndon Johnson was one who could speak with authority based on experience in that regard.

Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

I am not here today to advocate filibusters. I am talking about the freedom of debate—unlimited debate, if necessary.

Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous states may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the states are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Take the Civil Rights Act of 1964, for example. From the day that Senator Mike Mansfield, then the majority leader, submitted the motion to proceed to the civil rights bill to the day that the final vote was cast on that bill, 103 calendar days had passed—103 days on one bill, the Civil Rights Act of 1964. That is almost as many days on one bill in 1964 as the Senate has been in session this whole year to date.

Mr. President, the Framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House of Representatives in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run.

The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. It is not just for the convenience of Senators that there be a forum in which free and unlimited debate can be had. More importantly, the liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. That forum is here in this Chamber.

The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check of all against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. Senators ought to reflect on these things. There is nothing like history and the experience of history that can teach the lessons that we can learn from the past. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive.

Mr. President, we have reviewed briefly these facts about the U.S. Senate: (1) That it is a legislative body in which the smaller states, like the State of West Virginia, like the State of Kentucky, like the State of Rhode Island, the State of Wyoming, the State of Montana, regardless of territory or the size of population, are equal to the larger states in the union, with each state having two votes; (2) that it is a forum of the states and, from the beginning, was representative of the sovereignty of the individual states within the federal system; (3) that aside from its uniqueness with respect to treaties, nominations, and impeachment trials, the Senate is unique among the Upper Chambers of the world in that it is a forum in which amendments can be offered to bills and resolutions passed by the Lower House, and in which its members have a right to unlimited debate. The Senate has, therefore, been referred to as the greatest deliberative body in the world. Because of its members' rights to amend and to debate without limitation as to time, Woodrow Wilson referred to the Senate as the greatest Upper Chamber that exists. Because of its unique powers, the record is replete throughout the history of this republic with instances in which the Senate has demonstrated the wisdom of the Framers in making it the main balance wheel in our Constitutional system of separation of powers and checks and balances. It is a chamber in which bad legislation has been relegated to the dust bin, good legislation has originated, and the people of the country have been informed of the facts concerning the great issues of the day. Woodrow Wilson, himself, stated that the informing function of the legislative branch was as important if not more so than its legislative function.

It has checked the impulsiveness, at times, of the other body, and it has also been a check against an overweening executive. In the course of the 212 years since its beginning in March 1789, the Senate has, by and large, fulfilled the expectations of its Framers and proved itself to be the brightest spark of genius that emanated from the anvil of debate and controversy at the Constitutional Convention in Philadelphia during that hot summer of 1787. However, over the last

few years, however, I have viewed with increasing concern that the Senate is no longer fulfilling, as it once did, its raison d'etre, or purpose for being.

More and more, the offering of amendments in the Senate is being discouraged and debate is being stifled. I can say that because I've been here. Quite often, when bills or resolutions are called up for debate, the cloture motion is immediately laid down in an effort to speed the action on the measure and preclude non germane amendments. Mike Mansfield, when he was leader, seldom did that. During the years that I was leader, I very seldom did that. The Republican leaders Baker and Dole seldom did that.

Following my tenure as majority leader, that has been done increasingly. I am not attempting to say that Mike Mansfield or I were great leaders at all; I am not attempting to do that. But I am saying that through Johnson's tenure, for the most part, through Mansfield's tenure, through my tenure as majority leader and through the tenures of Howard Baker and Bob Dole, the Senate adhered to its rules and precedents; seldom did it do otherwise.

Moreover, the parliamentary amendment tree is frequently filled as a way of precluding the minority from calling up amendments. I filled the parliamentary tree on a very few occasions. I, again, have to call attention to my own tenure as majority leader because through the tenures of Johnson and leaders before Johnson on both sides of the aisle, the rules of the Senate were virtually considered sacred.

The minority is also frequently pressured to keep the number of amendments to a minimum or else the particular bill will not even be called up—or, if it is pending, the bill will be taken down unless amendments are kept to a minimum. That is happening in this Senate.

Unlike the House of Representatives, there is no Rules Committee in the Senate that serves as a traffic cop over the legislation and that determines whether or not there will be any amendments and, if so, how many amendments will be allowed and who will call up such amendments. On occasion, the House Rules Committee will determine perhaps that one amendment will be called up by Mr. So-and-So. But not so with the Senate. We don't have a Rules Committee that serves as a traffic cop.

Could there be a desire on the part of the Senate majority leadership to make the Senate operate as a second House of Representatives? Of the 100 Senators who constitute this body today, 45, at my last count, came from the House of Representatives—45 out of 100. At no time in my almost 42 years in the Senate have I ever entertained the notion that the Senate ought to be run like the House of Representatives, where amendments and unlimited debate are often looked upon as alien to the legislative process. What is the hurry? What is the hurry? There is ample time for the offering of amendments and for debating them at length, if the Senate will only put its shoulder to the wheel and work.

We still have 7 days, just as there were in the beginning of creation. The calendar doesn't go that far back, but we still have 7 days a week. And we still have 24 hours a day, as was the case in Caesar's time. And the edict of God, as he drove Adam and Eve from the garden and laid down the law that by the sweat of his brow man would eat bread—that edict is still the case. We still have to eat bread and we still are supposed to earn our living through the sweat of our brow. Nothing has changed.

We have plenty of time. And we get paid. I am one who gets paid for my work in the Senate. I don't like Sunday sessions, but we have had a few over the years. I am against Sunday sessions. But I am not against working on Saturdays. During that civil rights debate, which I was talking about a while ago, there were six Saturdays in which the Senate was in session. It is not an unheard of thing.

It is far more important for the Senate to engage in thorough debate and for Senators to have the opportunity to call up amendments than it is for the Senate to have many of the Mondays and Fridays left unused insofar as real floor action is concerned.

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

Mr. BYRD. Yes, I will very shortly.

It is far more important for the Senate to engage in thorough debate, and for Senators to have the opportunity to call up amendments, than it is for the Senate to be out of session on Mondays and Fridays. It seems to me that we should be more busily engaged in doing the people's business.

Instead, it seems to me—and, of course, I am not infallible in my judgments—it seems to me that the Senate is more concerned about relieving Senators who are up for reelection—and I am one of them this year—relieving Senators who are up for reelection from the inconvenience of staying on the job and working early and late, than in fulfilling our responsibilities to our constituents. Some might conclude that it is more important for Senators to have Mondays and Fridays in which to raise money for a reelection campaign than it is for us to give to our constituents a full day's work for a full day's pay.

Now I am glad to yield to my friend.

Mr. REID. I say to my friend from West Virginia in the form of a question—the segue is better now than when I asked the first question because what I want to say to the Senator from West Virginia is, I haven't been here nearly as long as you have been here, but I have seen, in the 18 years I have been here, how things have changed. Why have they changed? Because of the unbelievable drive to raise money. Everybody has to raise money. On Mondays, on Tuesdays, on Wednesdays, on Thursdays, on Fridays, on Saturdays, and, I am sorry to say, on Sundays. I say to my friend from West Virginia, don't you think that is the biggest problem around here, the tremendous, overpowering demand for money because of television?

In the form of a dual question: Don't you think, if we did nothing else but eliminate corporate money, which the Congress in the early part of last century, or by the Senator's reasoning this century, early 19——

Mr. BYRD. Not by the Senator's reasoning, but because it is the 20th century still, until midnight December 31 this year. Regardless of what the media says, regardless of what the politicians say, this year is still in the 20th century.

Mr. REID. I say to my friend in the form of a question: In the early part of this century, Congress had the good sense to outlaw, in Federal elections, corporate money. Of course, the Supreme Court changed that a few years ago. I ask the Senator, wouldn't we be well served if we eliminated, among other things, corporate money in campaigns on the Federal level in any form or fashion?

Mr. BYRD. There is no question about that, if one looks at the facts carefully. Having been majority leader and having been minority leader, I can testify as to the pressures that are brought on the majority and minority leaders by Senators who have to get out and run across this country, holding out a tin cup as it were, saying: Give me, give me, give me money.

I have had to do that. In 1982, I had an incumbent in the other body from West Virginia who ran against me. I had to go all over this country. I had to go to California. I had to go to New York. I had to go to Alabama. I had to go to Texas. I was all over the country. But I didn't go during the Senate workdays, and in those days, the Senate worked. I had to go on Sundays, for the most part.

(Mr. ALLARD assumed the Chair.)

Mr. REID. One last question?

Mr. BYRD. Yes.

Mr. REID. Wouldn't the Senator acknowledge things are much worse today than they were in 1982?

Mr. BYRD. They are much worse, and they are growing worse and worse and worse every day and every election. It is a disgrace and it is demeaning. The most demeaning thing that I have had to do in my political career is to ask people for money.

When I was majority leader in the 100th Congress, former Senator David Boren of Oklahoma and I introduced legislation to reform the campaign financing system.

I am not one of the ''come lately boys'' in this regard. I, as majority leader then, and former Senator David Boren introduced that legislation. The other side of the aisle—I do not like to point to the other side of the aisle as so many Senators today, unfortunately,

like to do—but the other side of the aisle—namely, the Republicans in the Senate in that instance—voted consistently eight times against cloture motions that I offered to bring the debate to a close. There were four or five Republicans who did break from the otherwise solid bloc and voted with the Democrats on that occasion to break the filibuster against the campaign financing bill.

Go back to the RECORD. Read it. Senators might do well to go back to the RECORD and see who those Senators were who broke from the Republican bloc. A handful broke from the Republican bloc and voted to end the filibuster against that campaign financing bill. Eight times I offered cloture motions. No other majority leader has ever offered eight cloture motions on the same legislation in one Congress. And eight times I was defeated in my efforts to invoke cloture.

Chapter 22, Verse 28 of the Book of Proverbs—we are talking about Solomon's sayings now for the most part—admonishes us: ''Remove not the ancient landmark, which thy fathers have set.'' We seem to be doing just the opposite. The Founding Fathers' grant to us of the right to amend and the right to unlimited debate has been, I believe, shifted off course, to the point that these two well-advised attributes of power are being voided, and for what reason? Could it be that the Senate Republican leadership fails to appreciate and fully understand the Senate, fails to understand American Constitutionalism, and fails to understand the purposes which the constitutional framers had in mind when they created the Senate. Or might we suppose that the senatorial powers that be are simply determined to be a Committee of Rules unto themselves and are determined to try to remold the Senate into a second House of Representatives? The fact cannot be ignored that 45 of the 100 Members of today's Senate came here from the House of Representatives. A political observer might also be surprised to find that 59 of today's 100 Senators came to the Senate subsequent to my final stint as majority leader.

Noble are the words of Cicero when he tells us that ''It is the first and fundamental law of history that it neither dare to say anything that is false or fear to say anything that is true, nor give any just suspicion of favor or disaffection.''

I believe that no less a high standard must be invoked when considering the Senate of today and comparing it with the Senate of the past. Having spent more than half of my life in the Senate, I would consider myself derelict in my duty toward the Senate if I did not express my concerns over what I see happening to the Senate.

Who suffers, whose rights are denied, whose interests are untended when a Senate minority is denied the right to amend and when a Senate minority is denied the right and opportunity to fully debate the issues that confront the Nation? Is it the individual Senators themselves? Is it I? Do I suffer? No. It is their constituents, it is my constituents who are being denied these opportunities and these rights. It is not Senator so-and-so who, in the final analysis, is being denied the full freedom of speech on this Senate floor or who is being shut out from offering an amendment—it is Senator so-and-so's constituents, the people who sent him or her to the Senate.

If the Senate is intended to be a check against the impulsiveness and passions of the other body, is not the ability of the Senate to be such a check reduced in direct proportion to the denial to its Members of the opportunity to amend House measures?

In accordance with the Constitution, revenue bills must originate in the House of Representatives and, by custom, most appropriations bills likewise originate in the House, but under the guarantees of the Constitution, as those guarantees flowed from the Great Compromise of July 16, 1787, the Senate has the right to amend those revenue and appropriations bills.

But if the opportunity for Senators to amend is reduced, or even denied, as is sometimes being done, the Senate as an equal body to that of the House of Representatives is being put to a disadvantage. The House can open the door to legislation on an appropriations bill, but if the Senate, if the 100 Senators are denied the opportunity to offer amendments, or are limited in the number of amendments which Senators may offer, the Senate is thereby denied the opportunity to go through that door with amendments of its own, through the door that the other body has opened, and is denied the potential for the achievement of truly good legislation in the final result, and that opportunity is accordingly lessened and the likelihood of legislative errors in the final product is increased.

If the Senate is a forum of the States, in which the small States are equal to the large States, and if this ability of the small States to acquire equilibrium with the large States serves as an offset to the House of Representatives where the votes of the States are in proportion to population sizes, then when the Senate is denied the opportunity to work its will by the avoidance of votes on amendments, are the small States not the greater losers? My State, for one. The Senator from Alaska's State is one.

If the framers saw the Senate as a powerful check against an overreaching executive at the other end of Pennsylvania Avenue, when free and unlimited debate is bridled and the right of Senators to offer amendments is hindered or denied, is not the Senate's power to check an overreaching President accordingly whittled down, especially in instances where such a check is most needed?

I am gravely concerned that, if the practices of the recent past as they relate to enactment of massive, monstrous, omnibus appropriations bills are not reversed, Senators will be reduced to nothing more than legislative automatons. Senators will have given away their sole authority to debate and amend spending bills and other legislation. Much of that authority will have been handed over, by invitation of Congress itself, to the Chief Executive.

The distinguished chairman of the Appropriations Committee, and I, and other chairmen of appropriations subcommittees in this Senate are experiencing this right now.

Only yesterday, in a conference on the Interior Appropriation bill, I called attention to the fact that when I came to Congress 48 years ago, the Members of the House and Senate in that day would have stood in utter astonishment, to see in that conference, on an appropriations bill, the agents of the President of the United States sitting there arguing with Senators and House Members and advancing the wishes of a President.

There they sat in the House-Senate conference. And they tell the conferees what the President will or will not accept in the bill. If this is in the bill, he will veto it. If this is not in the bill, he will veto it, they say.

So, appropriators of the House and the Senate, get ready. You have company. There are other appropriators in this Government other than the elected Members of the House and Senate. There are administration ex officio members of the Appropriations conference—believe it or not—who sit like Banquo's ghost at the table when the appropriations are being administered out. What a sad—what a sad—thing to behold.

I said that in the meeting yesterday, as I have said it before in meetings. And I don't mean it to insult or to derogate the agents of the President. They are doing their job, and they are very capable people. I have to apologize to them when I say that. They are there through no fault of their own.

And why are they there? The fault lies here. Because we dither and dither almost a full year through. We put off action on appropriations bills until the very last, when we are up against the prospect of adjournment sine die, when our backs are to the wall, and then the President of the United States has the upper hand. His threats of veto make us scatter and run. The result is that all of these bills—or many of them—are crammed into one giant monstrous measure, and that measure comes back to this House without Senators having an opportunity to amend it because it is a conference report. It is not amendable —not amendable. So it is our fault. It really is. And it has been happening in these recent years. So much of that authority will have been handed over, by invitation of Congress itself, in essence, to the Executive.

For fiscal year 1999 an omnibus package was all wrapped together—Senators will remember this—an omnibus

package was all wrapped together and run off on copy machines—it totaled some 3,980 pages—and was presented to the House and Senate in the form of an unamendable conference report. Members were told to take it or leave it. If you do not take this agreement, we will have to stay here and start this process over. We will have to call Members back to Washington from the campaign trail, back to Washington from town meetings, and back to Washington from fundraisers. Senator, the gun is at your head, and it is loaded. You do not know what is in this package, Senator 3,980 pages put together by running the pages—3,980 pages—through copy machines.

Not a single Senator, not one knew what was in that conference report, the details of it. No one Senator under God's heaven knew, really, everything that he was voting on. You do not know what is in this package, we are essentially told, but you either vote for it or we will stay here and start all over again. And in the final analysis, we will come up with about the same package.

We know that these legislative provisions made up more than half of the total 3,980 pages. So what we did there, as we did in fiscal year 1997 and as we did again in fiscal year 2000 was put together several appropriations bills into an unamendable conference report, and Members were forced to vote on what was essentially a pig in a poke without knowing the details.

Do the people of this country know that? Do they know this? Do they know what is happening?

In 1932, in the midst of the Great Depression, a reporter from the Saturday Evening Post asked John Maynard Keynes, the great British economist, if he knew of anything that had ever occurred like that depression. Keynes answered: Yes, and it was called the Dark Ages, and it lasted 400 years.

Well, I can say, as one who lived through that depression in a coal mining town in southern West Virginia and was brought up in the home of a coal miner, I can say that we are now entering the ''Dark Ages'' of the United States Senate.

Now, when Keynes referred to the Dark Ages being equal to the depression or vice versa and I refer to the Dark Ages of the Senate, this is calamity howling on a cosmic scale perhaps, but on one point, the resemblence seems valid, that being, the people never fully understood and don't fully understand today the forces that brought these things into being.

If the people knew that we had a 3,980-page conference report in which we, their elected representatives, didn't know what was in it, they would rise up and say: What in the world is going on here? It is our money that Senators are spending. You are blindfolded and you have wax in your ears. You don't even know what is in that bill.

Is this the way we want the House and the Senate to operate? Is this what Senators had in mind when they ran for the United States Senate? If we continue this process, Senators will not be needed here at all. Oh, you can come to the Senate floor once in a while to make a speech or to introduce a bill or to vote on some matter, but at the end of the session, when the rubber hits the road and we get down to what is and what is not going to be enacted in all areas—appropriations, legislation, and tax measures—most Senators won't be needed. Most of us will not be in the room with the President's men. We won't be in the room.

I have seen times when the minority, Democrats in the House and Senate, were not in the room. Who was in the room? The Republican majority, the Speaker of the House and the majority leader of the Senate. They were in the room. Who else? Who was there to represent us Democrats? Who was there? The executive branch was there, its agents. We were left out. The Democratic Members of the House and Senate, not one, not one sat in that conference. I wasn't in it. I was the ranking member of the Senate Appropriations Committee.

So most of us will not be in the room when the decisions are made. The President's agents will be there. They will carry great weight on all matters because we have to get the President's signature. Having squandered the whole year in meaningless posturing and bickering back and forth, we will have no alternative, none, but to buckle under to a President's every demand. And when that hideous process is mercifully finished, we will then call you, Senator, and let you know that we are now ready to vote on a massive conference report, up or down, without any amendments in order. Take it or leave it, Senator. Take it or leave it, Senator DASCHLE. You are the minority leader. You will be left out. Take it or leave it; here is the conference report.

We are in danger of becoming an oligarchy disguised as a Republic. You may well spend all of your time campaigning or speechmaking or doing constituent services back home, you will have very little to say on legislation or appropriations or tax matters.

There is sufficient blame to go around for this total collapse of the appropriations process. Our side feels muzzled. The majority leader has a very difficult job. I know. I have been in his shoes. He has to do the best he can to meet the demands of all Senators.

Part of the solution has to be a greater willingness to work together on both sides of the aisle to ensure that ample opportunities are provided, early in the session, outside of the appropriations process to debate policy differences. We simply must force ourselves to work harder, beginning earlier in the session, to ensure that we do not continue to abuse the Constitution, abuse the Senate, and ultimately abuse the American people by following the procedure that has resulted in these omnibus packages in 3 of the last 4 years, and which, I fear, is about to be resorted to again this year.

I do see some rays of hope because we have awakened the leadership. I must say, after our squawking and screaming and kicking, the administration this year is insisting that Democrats sit at the table when the crumbs are being parceled out. They insisted because the minority leader has insisted on it and because other voices in the Senate have been complaining.

Cicero said: ''There is no fortress so strong that money cannot take it.'' The power of the purse is the most precious power that we have. It was given to the two Houses by the Constitution, the bedrock of our Government. It was put here—not down at the other end of Pennsylvania Avenue.

I have tried to do my part to help Senators understand our constitutional role. We are the people's elected representatives and they have entrusted us with their vote; those people out there who are watching through the cameras have entrusted us with their vote. That trust must not be treated lightly. This is especially true when it comes to matters that involve appropriations. We are spending their money.

Each of you who is watching through that electronic medium, we are spending your money.

We are stewards of the people's hard-earned tax dollars. They expect, and they ought to demand, that we spend those dollars wisely, and that we scrutinize what we fund and why we fund it.

The Senate is the upper House of a separate branch of Government, with institutional safeguards that protect the people's liberties.

Which party commands the White House at a given time should make no difference as to how we conduct our duties. We are here to work with, but also to act as a check on the occupant of the White House, regardless of who that occupant is. And we are here to reflect the people's will. We are not performing the watchdog function when we invite the White House—literally invite the White House—behind closed doors and play five-card draw with the people's tax dollars.

Mr. President, I fear for the future of this Senate. I think the people are very disenchanted with Congress and with politics in general. They are catching on to our partisan bickering and they don't like what they hear and see.

The people are hungry for leadership. They ask us for solutions to their problems. They expect us to protect their interests and to watch over their hard-earned tax dollars. They entrust us with their franchise and they ask that we ponder issues and debate issues and use their proxy wisely. They ask that we protect their freedoms by holding fast to our institutional and constitutional responsibilities.

Too often, we lose sight of the fact that partisan politics is not the purpose for which the people send us here. We square off like punch-drunk gladiators and preen and polish our media-slick messages in search of the holy grail of power or a headline. I am a politician; I can say that. We fail to educate the people and ourselves on issues of paramount and far-reaching importance for this generation and for the next generation. It is a shame and it is a waste because there is much talent in this Chamber, and there is much mischanneled energy. This Senate could be what the framers intended, but it would take a new commitment by each of us to our duties and to our oaths of office. And it would take a massive turning away from the petty little power wars so diligently waged each week and each month in these Halls.

Our extreme tunnel vision has been duly noted by the American people, I assure Senators. The American people are a tolerant lot, but their patience is beginning to fray.

And when their disappointment turns to dismay, and finally to disgust, we will have no one to blame but ourselves.

Mr. President, I have more to say, but I see other Senators. If they wish to speak on this subject, I will be glad to yield them time. Does the distinguished Senator from California wish to speak?

Mrs. BOXER. Mr. President, I would really appreciate the opportunity to comment on some of the Senator's points and then make a couple other points. As I understand it, the Senator controls the time; is that correct?

Mr. BYRD. I control the time from the beginning, 6 hours.

Mrs. BOXER. May I respectfully request about 20 minutes of that time?

Mr. BYRD. Mr. President, I gladly yield 20 minutes to the very distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator from West Virginia, who is, I have to say, the most respected Senator in this Chamber. When he speaks, I do think that both sides listen. I believe that his remarks today are not partisan at all. I think that he has been critical of both sides and he has been critical of the administration.

I want to pick up on some of Senator BYRD's remarks. I had the honor of serving on the Appropriations Committee for a period of time. Senator FEINSTEIN now holds that seat, and who knows, maybe some day I will be able to reclaim it. California is such a large State that I think there is a real understanding on my side of the aisle that one of us should be sitting on that committee.

In that situation you have a much greater chance to speak for your State, and to talk about the priorities of your State.

Right now my dear friend, Senator FEINSTEIN, is recuperating from a terrible fall and a terrible injury to her leg. I want to say to Senator FEINSTEIN—if you are watching, because I know you are in the hospital—we are thinking of you and we wish you well. I will do everything I can to speak for both of us when it comes to the issues that face our State.

But, in particular because of her injury, I think at the moment I am on that list. The Senator could add us on that list of the 23 ''have nots,'' although we are praying that Senator FEINSTEIN will be back next week in time to be there. But even if she is back, the fact is, when that private session is called to look at this big omnibus bill—the Senator from West Virginia has described it—very few will be in that room. I compliment the administration for insisting that the Democratic leadership be in that room.

I had the honor to serve in the House for 10 years of my life. It was a great experience for me. I know many others, including the Senator from West Virginia, had that privilege. But I ran for the Senate in a very risky political move—no one thought I would ever make it here—because I wanted the chance to do more. I wanted the chance to operate under the Senate rules and to offer any amendments that I wanted to at any time.

Now I find with this particular leadership that I am precluded from doing that. I am precluded from fighting for my State. When I hear that bills were going straight to the conference and bypassing the Senate and the ability of the Senator from Iowa to offer an amendment—even though he serves on that committee, there is still time even when you are on the committee. You wait until you get to the floor to offer the amendment. We all know that is the way it goes because sometimes you can't win in the committee but you have a chance to make your case on the floor with unlimited debate and an opportunity to show your charts and make your point.

I find myself here in a circumstance where I, in behalf of the people of California, basically have no say on these bills.

As Senator BYRD rightly points out, I think anyone in this Senate Chamber who says they know what is in a huge omnibus package with 3,000 pages, not to mention report language and colloquy, is simply dreaming because we know there is just so much we are capable of. When you do one appropriations bill at a time, you can concentrate on that and read that bill. You can be briefed on that bill. If you want to offer an amendment, you can do so. You can make your case for your State.

There is one issue on which the Senator from West Virginia and I do not agree. I respect his view so much. But I come on a different side. I think it is so important that we should be allowed to raise other important issues that we believe this Senate ought to vote on, even if it voted on it before. I say to my friend that some of these issues are so important. Now that we are in the middle of a Presidential election, they are being raised by both Governor Bush and Vice President GORE, and we ought to have another chance to vote on them.

Mr. HARKIN. Mr. President, if I might ask the Senator to yield on that point.

Mrs. BOXER. I would be happy to yield.

Mr. HARKIN. I agree with the Senator. I want to say a few more things on my own time about Senator BYRD's presentation this morning, but I also want to respond to the point that my friend from California is making about being able to offer amendments to the appropriations bills that come up.

I ask the Senator from California: I do not know if we agree on this, but I think if we had more of an opportunity to act as a Senate, to bring legislation out and to be able to consider bills that we might be interested in, that we wouldn't have to do them on appropriations bills. But because we are prevented from doing so, many times it is only the appropriations bills where we can offer them.

I ask the Senator from California if she would maybe—I see her nodding her head—agree with that decision; if we had that opportunity to act as a Senate and to bring authorizing bills out here to be able to offer those amendments, then we wouldn't have to do that on appropriations bills.

Mrs. BOXER. I agree with my friend. I sit on some authorizing committees, such as the Environment and Public Works Committee. There are so many good bills that we could bring forward, but the leadership does not want to do that. Frankly, I think it is because they would rather not run this place like the Senate. They want to run it like the House with strict controls where the Rules Committee decides what can happen.

Frankly, I have to think that there are some amendments on which they don't want to vote. I think we are then forced in the circumstance that my friend from West Virginia—my hero, if I might say, in this Senate—believes is inappropriate. But we are in a circumstance where we are committed, for example, to vote on a prescription drug benefit for Medicare. We are so committed to making sure that class sizes could be reduced by putting 100,000 new teachers in, and we don't get the education authorizing bill. We only get the appropriations bill.

It forces us—I agree with my friend—to be in the situation that is not good for the Senate. As my friend said, it is the ''Dark Ages of the Senate.'' Those are powerful words. This is a man who thinks about that. When he says we are in the ''Dark Ages,'' I think we have to listen. We are in the Dark Ages because we don't want to debate authorizing bills. We are forced to try to offer amendments on appropriations bills, which delays the situation, which

makes leadership say they are not going to bring the bill forward, and which makes them send them straight to conference to avoid the chance for amendments. The vicious circle continues.

I think I am not being a Senator. We never know how long we are going to be in this Chamber. In many ways, it is up to our electorate. In many ways, it is up to God to give us good health to be here and do this. It is up to our families to see how long they can take it. So we want to have a chance to legislate.

Mr. BYRD. Mr. President, if the distinguished Senator from California will yield.

Mrs. BOXER. I yield to my friend.

Mr. BYRD. I want to clarify one thing.

The distinguished Senator from California earlier, I think, indicated that she and I were in disagreement on this. We are not. In the Senate, there is no rule of germaneness except when cloture is invoked and except when rule XVI is invoked. But a rule XVI invocation can be waived only by a majority vote—not a two-thirds vote but by a majority. We have done that many times.

When a Senator has raised the question of germaneness, I have from time to time voted with that question to make that germane. She and I really are not in disagreement. She has well stated, and so has the distinguished Senator from Iowa, the reasons why so many Senators are forced to offer legislative amendments on appropriations bills. It is because the legislative measures are not brought up in the Senate. So they have to resort to the only vehicle that is in front of them, that being an appropriations bill.

Look at this calendar. This calendar is filled with bills, many of them which have never gone to the committee. Many of them have been put directly on the calendar through rule XIV, and they have never been before a committee. They went before a committee in the House, come from the House, and are put directly on the Senate calendar, or bills are offered by Senators, brought up, and through rule XIV are placed on the calendar.

I counted the number of items on this calendar the other day that have been placed directly on the calendar for one reason or the other, one being rule XIV. I counted the number. I don't remember what it was. There are quite a wide number of amendments that are on the calendar that have never seen or experienced any debate in a Senate committee. We have 71 pages making up this calendar. Senators who want to offer amendments have to understand, there is nothing but appropriations bills to which to offer amendments.

Mrs. BOXER. I am absolutely delighted we are on the same side on this point. The frustration level of Senators, as my friend Senator HARKIN pointed out in his very to-the-point-question, is that we have no other option but to turn to these priorities that our people are asking Members to take care of, and try to offer these amendments. Then we have a majority that doesn't want them.

I yield to my friend.

Mr. HARKIN. I thank the Senator for yielding.

I want to point out to the Senator from West Virginia, regarding the Elementary and Secondary Education Act reauthorization, this is the first time since it was enacted in 1965 we have not reauthorized it. Why? There is no reason we cannot debate the Elementary and Secondary Education Act before we adjourn.

I am certain reasonable minds on both sides would agree to time limits. No one wants to filibuster the bill. Offer the amendments. But the way things are today, if someone has ideas on what we want to do on education in this country, they are precluded from doing so. It is still stuck on the calendar, for the first time since 1965. S. 2, the No. 2 bill of this Congress, and it is still on the calendar. We haven't had a chance to act.

I say to my friend from California, the Senator from West Virginia referred to returning back to the Dark Ages. I was thinking about that when the Senator was speaking. Someone remarked to me that: All this talk about rules and procedure is gobbledygook. Who cares? That is inside ball game stuff around here, and it doesn't really matter on the outside.

I know it sounds like inside ball game stuff when we talk about rules and procedures, rule XVI and things such as this. The Senator mentioned the Dark Ages; I got to thinking about the Dark Ages. That is an appropriate allegory because the reason they were the Dark Ages is that we didn't have rules, we didn't have laws, it was uncivilized. In order for us to be civilized, we said there are certain rules by which we should live.

We have these rules in the Senate so that we don't live in the Dark Ages. They have a lot to do with people's lives outside of the beltway of this city. I think the Senator's mentioning of the Dark Ages is very appropriate. That is what we are returning to. We are returning to a rule-less kind of Senate where whoever is in charge calls the shots. That is what the Dark Ages was about: Whoever had the power ran everything. It was a lawless society. Through the years we developed our rules.

There is a reason the Senate is the way it is. Read the Senator's ''History of the Senate.'' There is a reason the Founding Fathers set up the Senate the way it is. It is to allow some of the smaller States and others to have their say and to have their equal representation so they aren't bound up by the rules of the House of Representatives.

Mr. BYRD. Would the distinguished Senator from California yield me time to respond to the distinguished Senator from Iowa?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. BYRD. I yield an additional 15 minutes overall to the Senator from California.

Mr. President, the Senator from Iowa said something here which is a truism—among other things—that there are many who look upon the rules and the precedence of the Senate as gobbledygook, as inside baseball.

Now I daresay those same narrow-minded, uninformed people, whoever they are, would say the very same about this Constitution of the United States or this Declaration of Independence, both of which are in this little book which I hold in my hand. They would say the same thing about the Constitution of the United States, and those rules of the Senate are there by virtue of this Constitution. I urge them to read the Constitution again.

I also urge them to read what Thomas Jefferson said, what Vice President Adlai Stevenson said, what Lyndon Johnson said, and what other great leaders who are now in the past said about the right to amend and the right to debate.

I will say what Adlai Stevenson said: They know not what they do.

I thank the Senator.

Mr. HARKIN. I thank the Senator from West Virginia.

Sometimes—I am not mentioning any names—sometimes we talk with colleagues about the rules. There is kind of a smirk: Oh, yes, we have business to do around here. And there is sort of—I detected it lately—there is sort of: ''Well, the rules are the rules, but if we have the votes, we don't care.''

That is a terrible attitude. As the Senator from West Virginia said, it really returns us to the Dark Ages when we were a lawless, ruleless society.

Mrs. BOXER. I ask my friend to stay on his feet because I want to continue this discussion.

When I was a child, I learned how a bill becomes a law. We always had that book in school, how a bill becomes a law. A bill starts out; someone authors it on one side, the Senate; someone authors it in the House. If it is a money bill, it has to go through the House first. And then each House, the House and the Senate, will act on the bill. If there are differences, it will go to conference. Those differences are worked out. If they are worked out—either body will vote on them—it goes to the President; he says yea or nay. If he issues a veto, two-thirds to override; if he signs it, it is a law. We learned this.

I say to my friend, it almost seems to me that what is happening is unconstitutional. I do not have a law degree. But we don't see these bills coming through the Senate for Senators to comment on. Sometimes we get a bill through here and it is not controversial. We will agree to a 2-, 3-, 5-minute time agreement. But at least we have a chance to look at it. That is our job. If

we don't look at it and it does some harm to our people, that is our fault.

But if bills never come here and if they are sent directly into a conference committee and bypass the Senate, this says something is very wrong, that we are not doing what we are supposed to do according to the Constitution. I honestly wonder whether there couldn't be some kind of lawsuit by some citizen out there who looks at this and says: The way the Senate is operating, I have no voice in this because my Senator is bypassed. As Senator BYRD shows in his chart, 23 States are not on appropriations. They don't even have a chance to utter a word in the committee.

I was wondering, not being a lawyer, as the Senator is a lawyer, whether there isn't some kind of lawsuit waiting to happen. This isn't the way a bill is to become a law.

I think this could be considered taxation without representation. For some of these cases, some colleagues could say to their people: I didn't know; I didn't have a chance; I could only vote no or aye at the end; I voted aye because there were so many good things in the omnibus bill; but there were 23 bad things, but I had to keep the Government going.

I think we are treading on some dangerous ground.

I am happy to yield if my friend has a comment.

Mr. BYRD. Is the Senator asking a question?

Mrs. BOXER. I would love to have my friend comment on this.

Mr. BYRD. I agree, in large measure, with everything the distinguished Senator is saying. I seriously doubt that a lawsuit—I seriously doubt if that would hold up. But anyhow, it is a good thought.

Mrs. BOXER. Yes. When I go home to meet my constituency, they, as taxpayers, will say to me: Senator, what did you think about page 1030 in that omnibus bill? Did you actually get a chance to vote on it? I will say: In the big sense, I guess you could say I had to vote. It was all in one package. But I had no choice. I wanted to keep the Government going.

When I raised that issue, it was not for the technical response, but I am just suggesting to my friend that it is in many ways taxation without representation. In any event, if it does not rise to that level, it is close to that level.

I wonder if my friend from Iowa has a comment, or my friend from West Virginia.

Mr. HARKIN. I was trying to say—I will yield in just a second more—I think what is happening is that the foundation on which this Senate has been based is beginning to crumble. It is not all gone yet. But I was thinking, the Senate is like a foundation. If you pull one brick out, OK; it still holds. You pull another brick out—the foundation is still strong.

What is happening, I believe, and I say this in all candor, the majority side, for the last several years, has been pulling some bricks out of the foundation. They pulled one out and no one complained. They pulled another one out and nothing happened. What concerns me is that one feeds on another. So if we take back the majority, do we then say we will take out another brick? And then another brick? And then it bounces to the other side? Pretty soon the foundation crumbles and nobody can point to that first brick and when it was pulled out.

That is what I see, a kind of insidious pulling out of the bricks of the foundation of the Senate. Yet since things do happen, at the end of the year there is this big omnibus that is put together and people say: There you go, no big deal. But I predict pretty soon the foundation is going to start crumbling if we don't stop pulling out the bricks.

Mrs. BOXER. I agree with my friend. It is pretty distressing to see this happen to the Senate.

Senator BYRD said the other day that many of us in this Chamber don't know how the Senate is supposed to work because when we got here, those bricks had started to be pulled out of that foundation. I long for the days when I can tell my grandchildren or great grandchildren that I had a chance to serve in the greatest deliberative body of the land, and that even on a matter that perhaps only one or two Senators cared about, we had the unfettered right to express ourselves on behalf of the people we represent.

As I stand here, I represent, with Senator FEINSTEIN, almost 34 million people. Imagine that, 34 million people. They have so many concerns, whether it is the cost of prescription drugs, that I know my friend from Iowa just made a brilliant speech on yesterday—and I hope he will continue that today—whether it is just the normal appropriations process under which they are able to meet their needs, the highways, the public buildings, all the things they need to keep going; making sure we have the water and the power to keep this incredible State going. We would be the eighth largest nation in the world. We count on the Senate to be able to address our needs.

I am so grateful to the Senator from West Virginia for making this point because I think the people need to pay attention. As my friend from Iowa has said, it may sound as if it is about rules and things that do not impact them. But it impacts them mightily because when I am muzzled by virtue of the fact we don't get a chance to offer amendments—not that my voice is going to always carry the day, but at least their voice will be heard.

Mr. BYRD. Mr. President, will the distinguished Senator from California yield briefly?

Mrs. BOXER. I am happy to yield.

Mr. BYRD. On what the distinguished Senator is saying, the difference between a lynching and a fair trial is process.

Mr. President, I have to be away from the Senate for about an hour and a half. I have to meet with my wife of 63 years, so I must leave the floor.

I ask unanimous consent that no time be charged against my time, time that is under my control, unless that time is being used on the subject that is before the Senate. In other words, if no Senator is on the floor to speak on this subject, and he or she wishes to speak on some other subject, that he can get time but that it not be charged against the time on this matter.

There are several Senators who wish to speak on this. But for the moment, I am going to take the liberty of yielding control of time—oh, the minority whip is here; he will take care of that matter. He will be in control of time. I make that request.

The PRESIDING OFFICER. As a Member of the Senate from the State of Colorado, I must object until I fully understand the implications of that request and have had a chance to check with leadership.

Objection is heard.

Mr. BYRD. OK. That is a reasonable request.

I hope in the meantime, the distinguished Senator from Nevada, who is the distinguished minority whip, will be on the floor. I hope he will, and he will see to it that Senators will be recognized on time that was in the order for my control, if they are going to be recognized, and they not be recognized on that time unless they are speaking on this subject.

Mr. REID. If the Senator will yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I spoke to the Senator from West Virginia yesterday. We have worked today to fill the time, talking about some of the things that would work better in this body about which the Senator has spoken already. Senator HARKIN is going to speak, and Senator BOXER. We have Senator KENNEDY coming here at noon. We have Senator MOYNIHAN coming at 12:30. Senator CONRAD is coming. We have a list of speakers and we will work very hard to fulfill the promise to the Senator from West Virginia.

The last thing I say to the Senator from West Virginia, we were here except we were working on the Interior conference.

Mrs. BOXER. Mr. President, do I have some time remaining on my time?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mrs. BOXER. What I would like to suggest to my assistant leader is, after I finish my 5 minutes, during which I would like to continue engaging in a little colloquy with my friend from Iowa, that he be recognized for 30 minutes. Is that acceptable to my friend?

Mr. REID. The problem is we have gotten a little out of whack here this morning. I appreciate the patience of my friend from Iowa.

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

Mrs. BOXER. Could I have 5 minutes then?

Mr. REID. What we will try to do is have Senator KENNEDY start a little later. He may be a little late anyway. Maybe you will not get your full half hour, but that will be known when the Senator from California gets finished. Then we go to Senator HARKIN, Senator KENNEDY, and Senator MOYNIHAN.

Mrs. BOXER. I ask unanimous consent, when I complete, Senator HARKIN have the floor up to 30 minutes, and if he has to be interrupted by Senator KENNEDY, he will end his remarks.

Mr. REID. I think what we will do is have the Senator recognized for 10 minutes and if he needs more time he can ask for it.

Mrs. BOXER. That will be my unanimous consent request.

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

Mrs. BOXER. In this remaining 5 minutes, I wanted to ask my friend from Iowa if he will stay on the floor because Senator KENNEDY, who is our leader on education issues, as we know, in terms of his position on ESEA, said it looks as though if we don't reauthorize the Elementary and Secondary Education Act when the funding expires, which is this year—which is this year—it will be the first time since the 1960s, since 1965, that this bill will not have been reauthorized.

What I want to ask my friend—I know he is going to take his time to talk about prescription drugs, and I am going to stay here for that. It seems to me, with both Presidential candidates out there talking about education, and with huge differences in the two positions; where you have George Bush supporting a voucher system to pull money out of the public schools into the private schools, and you have AL GORE saying he wants to do twice as much for education; in terms of budget authority, where you have Vice President GORE supporting putting 100,000 new teachers in the classroom and George Bush opposing it; where you have our Vice President supporting school construction, and these are all initiatives that emanated from this side of the aisle with opposition on the other side. A fair debate. Whether or not we want to continue in the tradition of President Eisenhower, a Republican President who said, yes, the Federal Government should step in when there is a void, and that is why he signed the National Defense Education Act saying way back in the fifties—the happy days when I was growing up—that if you do not have an educated workforce, you can have the most powerful military in the world and it will not matter. AL GORE wants to follow in that tradition, but we have the opposition saying the Federal Government should not have anything to do with it, block grant it, and who knows what will happen.

Does my friend agree with me—I know he agrees with me; I would like him to talk about this—why is it so crucial we bring this education bill to the floor—and do it soon—and we allow this Senate to work its will on the issues that all of America cares about, whatever side one is on. Does he not agree this is a stunning departure from tradition and history since 1965? We sit here and there is nobody on the other side. We have the time to talk when we could be acting on the ESEA.

Mr. HARKIN. I thank the Senator for pointing this out. It is true, it is the first time since 1965 we have not reauthorized the Elementary and Secondary Education Act. What the Federal Government has done since the adoption of that bill, since 1965, as the Senator knows, is we have filled in the gaps.

Obviously, education still remains a local and State obligation, as we want it to be, but we recognized there were certain gaps. For example, disadvantaged students: We came up with the title I program to provide needed funds to States to help educate disadvantaged children in disadvantaged areas. I do not think there is a Governor anywhere in this country who does not like title I, or educators. Since we set up title I, it has done great things for our kids. That is at stake here. Without reauthorization, we cannot give guidance and funds to title I.

The Individuals with Disabilities Education Act: for kids with disabilities, is another example of what will slip through the cracks in terms of bringing us into the new century and addressing the new problems in education.

Teacher training is a very vital component of the Elementary and Secondary Education Act to provide guidance and, yes, support for teacher training, for example, in new technologies, such as closing the digital divide. This is all part of that. This will all fall through the cracks.

Because of the intransigence of the Republican majority in the Senate—we will fund it; I am sure we will get the appropriations bill through; we will fund it—we will not address the new problems in education which we need to address. We will still be answering the problems of 8 years ago and 10 years ago rather than addressing new problems.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Iowa now controls the time.

Mr. HARKIN. Mr. President, I will be glad to continue the colloquy with the Senator. I yield to the Senator from California.

Mrs. BOXER. I will be brief. My friend makes such an important point. In this fast moving, global economy we are in, everyone admits education is the key. If all we can do is fund old programs—by the way, they are good; we are not going to walk away from them—but if we cannot address the new challenges—and my friend mentions specifically the digital divide. Senator MIKULSKI and I have been working on a very good bill. We let thousands and thousands of foreign workers in here when we still have a 4-percent unemployment rate—by the way, the best in generations, but we do have people who need jobs—we do not have a shortage of workers, as Senator MIKULSKI says, we have a shortage of skills.

My friend is so right to point out that when we do not authorize bills and we cannot look at the new solutions and the new challenges, we might as well be living in the last century.

I thank my friend for yielding me additional time. I look forward to his presentation on Medicare. I will sit here and listen to his wisdom on that and maybe he can answer a question or two as he goes about his presentation. I thank my friend.

Mr. HARKIN. Mr. President, I respond in kind by thanking the Senator from California for pointing out again what is at stake because we are not allowed to offer our amendments. The Senator from California has done a great service not only to the Senate, but to the country, in pointing out why so many people are disenfranchised in this country because they do not have a voice with which to speak here if we are blocked from offering our amendments. I thank the Senator from California for pointing that out.

I want to talk about another issue we are, again, blocked from addressing in the Senate, and that is the issue of prescription drugs for the elderly. Of all the issues out there that cry out for solutions and intervention, this has to be No. 1 on our plate. Anyone who has gone to their State and talked with the elderly who are on Social Security, who are on Medicare, has heard heartrending story after heartrending story about how much our seniors are paying out of pocket for prescription drugs.

Vice President GORE was in my home State of Iowa yesterday. There is a story that was running on the news programs and in the newspapers this morning about a 79-year-old woman. I do not know her. I have never met her, to the best of my knowledge. Winifred Skinner, 79 years old, from, I believe, the small town of Altoona—but I cannot be certain about that—who showed up at a meeting with Vice President GORE and talked about how she goes along the streets and the roadways picking up aluminum cans because she can get payment for them. I think it is a nickel a can, if I am not mistaken. She collects these to make some money to help pay for her prescription drugs.

This is a real person. It is not a phony person. This is a real person with real problems, and she needs some help. We have tried time and again to bring this legislation to the Senate floor to openly debate it. If other people have other ideas, let's debate them, have the votes, and let's see what the Senate's position will be, but we are precluded from doing so.

Now we have an ad campaign put on by the Republican candidate for President, Gov. George Bush. This TV ad

campaign is being waged across the country to deceive and frighten seniors about the Medicare prescription drug benefit proposed by Senate Democrats and Vice President AL GORE. I thought I would take a few minutes today, as I will do every day we are in session, to set the record straight.

First, we have to examine Bush's ''Immediate Helping Hand.'' That is what he calls it, ''Immediate Helping Hand.'' Quite simply, it is not immediate and, secondly, it does not help.

Is it immediate? No. The Bush proposal for prescription drugs for the elderly requires all 50 States to pass some enabling or modifying legislation. Only 16 States right now have any drug benefit for seniors. Many State legislatures do not meet but every 2 years, so we might have a 2-year lapse or 3-year or 4-year lapse in the Bush proposal.

How do we know this? Our most recent experience is with the CHIP program, the State Children's Health Insurance Program. We passed it in 1997. It took Governor Bush's home state of Texas over 2 years to implement the CHIP program.

In addition, the States have said they do not want this block grant program. This is what the National Governors' Association said, Republicans and Democrats, by the way:

> If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states. . . .''

But that is exactly what the Bush 4-year program does.

Again, keep in mind, the Bush proposal on prescription drugs is a two-phased program. In the first 4 years, he delegates it to the States. As I pointed out, States do not even want to do it.

Secondly, many legislatures do not meet for 2 years.

Thirdly, talk about a ''helping hand,'' who gets helped under the Bush program? If your income is more than $14,600 a year, you are out—$14,600 a year, and you are out.

What does that mean? It means many of the seniors will not qualify. The Bush plan will only cover 625,000 seniors, less than 5 percent of those who need help.

Again, under the Vice President's proposal—and what we are supporting—all you need is a Medicare card. If you have a Medicare card, you can voluntarily sign up for a drug benefit, your doctor prescribes the drugs. You go to the pharmacy and you get your drugs. That is the end of it. That is all you have to show.

If you are under the Bush program, you are going to have to take your income tax return down, plus probably other paperwork to show your assets, to show that you have income of less than $14,600.

Mrs. BOXER. Would my friend yield on this point for a question?

Mr. HARKIN. Yes.

Mrs. BOXER. Because I think this is a stunning point that you have made and are amplifying on today. Out of the 34 million senior citizens in this country who are covered under Medicare—not to mention the 5 million disabled; let's throw that out for a moment because they would qualify for the Gore plan; let's just focus on the 34 million—how many seniors are you saying, if everything went right in their States and they were able to get the enabling legislation—they went to the welfare office, they got the stamp of approval—if it all went right, how many seniors are you estimating would be covered under the Bush plan?

Mr. HARKIN. According to a recent study, if the experience of state pharmacy assistance programs is any guide, of the 34 million, about 625,000—less than 5 percent of those eligible—would sign up for a low-income drug plan.

Mrs. BOXER. Less than 700,000 people.

Mr. HARKIN. That is right.

Mrs. BOXER. Under the first 4 years of the Bush plan, out of the 34 million seniors, this new benefit would go to less than 700,000 people. And those people have to go through the welfare offices. If there is no other reason to oppose it, there it is. It is a sham. It does not do much for hardly anybody.

Mr. HARKIN. That is true.

I thank the Senator from California for amplifying on that. Because Governor Bush's program is not Medicare; it is welfare. What seniors want is they want Medicare, they do not want welfare.

Look at the States. To sign up for Medicare, seniors fill out long, complex applications in 26 States. They must meet an extensive asset and income test in 41 States. And they have to sign up in the welfare office in 34 States. Maybe that is why only 55 percent of eligible seniors sign up for Medicaid compared to 98 percent who sign up for Medicare.

That is what the Bush proposal would do: Send seniors to the local welfare office. Take your income tax returns down, take down other paperwork, fill it out, show them what your income and assets are, and then maybe—maybe—you will qualify.

As I have said repeatedly, the seniors of this country want Medicare, they do not want welfare. The Bush plan would put them on welfare. Then, after the 4 years—the first 4 years of the Bush block grant—then what does his proposal do? His proposal turns it over to the HMOs. So it gets even worse.

The long-term plan under Governor Bush is tied to privatizing Medicare, a move that would raise premiums and force seniors to join HMOs. Under the Bush drug plan, there would be radical changes in Medicare—radical changes. You would not recognize it today.

Premiums for regular Medicare would increase 25 to 47 percent in the first year alone. Why is that? Why do we say that? Because once you turn it over to the HMOs and the insurance companies—which is what the Bush plan does—after the first 4 years, it shifts to universal coverage, but turns it over to the insurance companies.

Obviously, the insurance companies are going to do what we call cherry pick. They are going to pick the healthiest seniors and give them a really good deal to join their insurance program. Who does that leave in Medicare? The oldest and the sickest. And to cover the Medicare costs, under legislation we have that exists, their premiums will go up 25 to 47 percent in the first year alone. That is shocking.

But we have to understand that what the Bush proposal is for Medicare is the fulfillment of Newt Gingrich's dream to let Medicare ''wither on the vine.'' Governor Bush supported that concept when Mr. Gingrich was Speaker of the House. Governor Bush's proposal fulfills Newt Gingrich's dream because by turning it over to the insurance companies, by privatizing Medicare, it would ''wither on the vine.''

Governor Bush would leave seniors who need drug coverage at the mercy of HMOs. Listen. Under the Bush proposal, who would decide what the premiums are going to be? HMOs. Who would decide copayments? HMOs. Who would decide any deductibles? HMOs. Who would even decide the drugs that you can get? It would be the HMOs—not your doctor, not your pharmacist.

Lastly, as someone who represents a rural State and who still lives in a town of 150 people, the Bush plan would leave rural Americans out in the cold. Thirty percent of our seniors live in areas with no HMOs.

In Iowa, we have no Medicare HMOs. Listen to this. Only eight Iowa seniors, who happen to live near Sioux Falls, SD, belong to a Medicare HMO with a prescription drug benefit. Yet in Iowa, we have the highest proportion of the elderly over the age of 80 anywhere in the Nation. And only eight—count them—elderly, who happen to live near Sioux Falls, SD, belong to a Medicare HMO that has a prescription drug benefit.

Also, HMOs are dropping like flies out of rural areas. Almost a million Medicare beneficiaries lost their HMO coverage this year alone, mostly in rural areas.

So, again, our seniors want Medicare. They do not want welfare. The Bush plan turns it over to the States for the first 4 years. Take your income tax returns down, show how poor you are, maybe you will get help.

The Bush plan for prescription drugs says, if you are rich, you are fine. If you are real poor, you are OK. But if you are in the middle class, you are going to pay for it both ways.

Lastly, we have to talk about priorities. The Bush priority is $1.6 trillion in tax breaks, almost 50 percent of which goes to the top 1 percent of the wealthiest people in this country. For prescription drugs for the elderly, he is proposing $158 billion over the next 10 years. There you go. Those are the priorities right there.

So every day we are in session, I will take the floor to point out the fallacies

in Governor Bush's proposal for prescription drugs for the elderly, how it will put elderly first on the welfare rolls—they will have to be eligible for welfare—and then take their income tax returns down; and how, secondly, it will turn it over to the private insurance companies, and it will destroy Medicare as we know it.

Mrs. BOXER. Will my friend yield?

Mr. HARKIN. I will say one more time, what the seniors of this country want is they want Medicare; they do not want welfare.

Mrs. BOXER. Will my friend yield for a question?

I think the chart that you have behind you is crucial for people to look at.

The PRESIDING OFFICER. The Senator from Iowa has used 15 minutes.

Mr. HARKIN. May I have 5 more minutes?

Mr. REID. I say to my friend from Iowa, of course you can have 5 more minutes. We have Senator LANDRIEU here to speak. And I would say, before yielding that time to my friend from Iowa, you have painted the picture so well that Senator BYRD started today. Because if we had the proper process around here, we would have been debating these issues a long time ago.

Mr. HARKIN. Exactly.

Mr. REID. So I yield 5 minutes to the Senator from Iowa. Following that, I yield 5 minutes to the Senator from Louisiana, Ms. LANDRIEU.

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

Mr. HARKIN. I yield to the Senator from California.

Mrs. BOXER. I thank my friends, and I thank the Senator from Louisiana for her patience. This is an important point that she made to me yesterday and to a number of my colleagues.

I think the chart that is behind the Senator from Iowa tells a story all America has to see. This tax cut is so enormous, with such enormous tax breaks for those at the top—for example, those over $350,000 will get back $50,000 a year compared to those at $30,000 who will get back a few hundred dollars—that it is impossible for Governor Bush to do anything real for the American people that the American people want.

I asked myself, why would it be that his prescription drug policy would only cover 5 percent of the seniors who need it. The easy answer: Even if he wanted to do more—and let's say he does; I will give him that break—he can't do more, because when you look at what he wants to do for the military and what he says he wants to do for education, and it goes on, it does not add up. So what happens to Governor Bush is that he has to take tiny little baby steps for things he thinks are important because he doesn't have the resources because he is committed to this enormous tax break, instead of doing what AL GORE has done, which is to say: Yes, we will give tax breaks, but we will give them to the middle class. We will do it for people who need to send their kids to college by helping them with their tuition. We will do it for people who need health care by making that deductible. We will do it for the people who are working hard every day, struggling and fighting to make ends meet.

The last point I will make to my friend is a comment by the president of the Health Insurance Association of America, who said:

> Private drug-insurance policies are doomed from the start.

That is the Bush plan.

> The idea sounds good but it cannot succeed in the real world. I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

This isn't TOM HARKIN talking or HARRY REID talking or MARY LANDRIEU or BARBARA BOXER or ZELL MILLER. This is the head of the Insurance Association of America.

I say to my friend, in closing the extra time he has, the chart behind him tells the story, and this quote tells the story. It is truly, unfortunately, a sham prescription drug plan.

Mr. HARKIN. I thank the Senator from California. She is absolutely right. Forty-three percent of these tax breaks go to the top 1 percent, who have an average income of over $915,000 a year. This is where Governor Bush's tax breaks go. Yet Winifred Skinner—age 69, in my home State of Iowa—has to go around the streets and the roads and pick up aluminum cans so she can pay for her prescription drugs. I think that says it all.

I thank the Senator from California. I thank the Senator for yielding me the time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I join my colleague from California and my colleague from Iowa in their remarks and thank our colleague from Iowa for spending the time to point out the important differences in the approaches as we get closer to this election. It is something the American people in our democracy will ultimately decide. I thank him.

I also point out to my colleague from California that not only would we not be able to afford the right kind of prescription drug plan for America because of the huge tax cut proposal that the Governor of Texas has proposed, we would not be able to give the military the added investments that it may or may not need. We may be debating that, but the generals appeared yesterday to describe how they needed some increase in investments in the military in certain ways and we need to modernize and streamline and save money where we can. But there are clearly some areas where we will not even be able to do that, if the proposed tax cut plan is in effect. We won't be able to provide the kind of Medicare coverage we need, and we will not be able to strengthen our military in the ways that we perhaps need to as we restructure and reshape.

Mr. President, our senior Senator from West Virginia has made a very important point. He has urged all of us in this Chamber to pay attention to a very important concept in our Constitution that is in the process of being violated. This affects Louisiana and States such as ours. Twenty-three are listed on this chart, as the Senator pointed out.

No one brings a deeper understanding of the constitutional prerogatives and responsibilities of this body than does Senator BYRD, our esteemed colleague from West Virginia. I also know that he is intimately familiar with the writings of John Jay in one of the most cherished pieces of prose regarding our democracy, the Federalist Papers. In Federalist No. 64, he writes:

> As all the States are equally represented in the Senate, and by men the most able and most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance.

Although I agree with this, I don't know if our Founding Fathers ever thought there would be a day where there were women in the Senate, but obviously this quote would apply so that men and women in the Senate would have equal opportunity to represent their States.

When we follow these rules, as we can see, our Founding Fathers intended this body to represent the great States of our Union equally. Sadly, after years of hearing of the importance of federalism, the Senate is proceeding down a course that makes a mockery of this ideal.

I represent one of the 20 States without a member on the Appropriations Committee in either Chamber. Currently there is no one from Louisiana on the Appropriations Committee in the House or in the Senate. The only protection a State such as mine—one of the earliest additions to the Union, I might add—has is the power and process of this Chamber. That power and that process is being jeopardized.

When the Senate leadership attempts to short-circuit that process, they trample on the rights of States and undermine our very constitutional structure.

This Senator will be asked to vote, I am certain, on an enormous bill that I could not possibly have read, that has never passed out of this body, and which I will have no opportunity to amend.

Let me say it again. The people in Louisiana, and these 23 States on this chart, will have no opportunity to amend this final bill that is going to be before us shortly. Our rules were written to give life to the intentions of our Founding Fathers that we have the opportunity to deliberate and amend any measure offered in this body. When we follow those rules, all States are truly equal—the most populous and prosperous, as well as the smallest and

most in need. That is what our Constitution contemplated, but that is not what we are living out today.

A measure very important to my State, as many of you know, is the Conservation and Reinvestment Act. I am concerned by virtue of the process we are following that this critical legislation, despite the support of 63 Senators, will not be debated on the Senate floor. That potential reality is unfair to Louisiana; it is unjust to the 4.5 million people who live in my State. It is certainly not what John Jay, one of our founders, had in mind 200 years ago.

I think it is important to warn my colleagues now that this Senator intends to defend her State's place in this body. I thank my friend from West Virginia. I salute him for his ongoing leadership in this cause, and I look forward to helping him return this body to its appropriate place in the constitutional order. So whether we are debating Medicare or our military or the environment and the Conservation and Reinvestment Act, I hope that the people of my State can truly be represented in that process. That is why they elected me and I plan to defend that right.

Mr. REID. Mr. President, Senator BYRD has asked that I allocate the time that is remaining under the original time given him under the unanimous consent agreement.

The Democratic leader will be out in a few minutes to take half an hour. When he completes his statement, Senator KENNEDY will follow for half an hour. When he completes his statement at about 1:30, Senator CONRAD will be here to speak for half an hour. Following that, Senator DORGAN will be here for half an hour. Following that, Senator JOHNSON will be here to speak for 10 minutes. Senator DURBIN will come at approximately 2:40 to speak for about a half hour. Senator KOHL will speak around 3 or 3:10. At that time, most of the time will be gone. Senator BYRD will have the remaining time.

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

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

The Democratic Leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the Senator from California and the Senator from Iowa for their extraordinary colloquy this afternoon on prescription drugs. There is so much confusion, unfortunately, on the issue, largely generated intentionally by the other side, hoping to confuse people, obfuscate the question, and confuse the issue. The Senators from California and Iowa have, with great clarity, redefined it and redescribed it. I hope my colleagues, if they did not have the chance to hear them, will read it in the RECORD tomorrow. It was really an extraordinary contribution. I am grateful to them.

Also, I am grateful to the distinguished senior Senator from West Virginia for allocating this time. I think it is very important that we have an opportunity to talk about how it is that we got here. I want to devote my comments to the question of how we got here, and I will talk about two things.

First, I want to talk about how we got here in the larger context of Senate rules and Senate procedure and the practice of the majority under the rules and Senate procedure. And then I want to talk a little bit about the schedule itself and how it is we got here, with only two days remaining in the fiscal year, and so much work still incomplete.

I think it is very important for us to understand that, procedurally, we have seen the disintegration of this institution in so many ways. I have come to the floor on other occasions to talk about this disintegration. I think this is important for newer Senators to understand. I see the extraordinarily able new Member from Georgia, a Senator who has just joined us, Mr. MILLER. I worry about the Senator ''Millers'' and about the Senator ''Fitzgeralds,'' our current Presiding Officer. I worry about those who may not have understood what the Senate institution looked like as an institution years ago.

The controversy that we are facing is not about procedural niceties. The right to debate and the right to amend are fundamental rights to every Senator as he or she joins us in this Chamber. Without those features, those abilities, we diminish substantially the nature of the office of Senator, the institution of the Senate, and indeed the reason why Senators come here in the first place.

Obviously, we are here to debate the great issues of the day. But how does one do it if we are relegated to press conferences or other forums that force us to talk about those matters off the floor? This Chamber has been called the most deliberative body in the world. Yet I worry about how little we have actually deliberated this year. And because we have not deliberated, the Senate as an institution has suffered.

Unfortunately, over the last few years, I believe the Senate has changed dramatically. We have been denied the opportunity to offer amendments, as we are right now on the pending legislation, the so-called H–1B bill. In the entire 106th Congress, we have had only a handful of opportunities where Senators were given their prerogative, given their fundamental right as a Senator, to do what they came here to do: to represent their constituents through active participant in the legislative process here on the floor of the United States Senate.

There has been an extraordinary abuse of cloture. Over one-fourth of all the cloture votes in history—over 25 percent—have been cast since 1995.

Twenty-five percent of all the cloture votes in history have been cast in the last four years. That is one figure I hope people will remember.

The other one which I think is critical is that we have had more cloture votes in 1999 than any other year in history. We broke a record there as well.

Under the majority leader's approach, we have also had the most first-day cloture filings ever. We have never had this many cloture filings on the first day.

This is a motion to invoke cloture. This is what it says. They are all the same. It is a stock statement.

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment—in this case the marriage tax penalty bill.

The key phrase is the one we have outlined in yellow: ''To bring to a close debate.''

I ask anybody who is even a casual observer of debate: How can you close debate before it has even started? But that is what we are doing. A bill is filed. Amendments are filed to the bill in order to close the parliamentary tree. That denies us the opportunity to offer amendments. Then cloture is filed so we can bring to a closure debate that hasn't even begun.

We have done that more in 1999—of course we don't know about 2000 yet—than in any other year in our history. Of all the cloture votes together, over all of these years, 25 percent of them were in just the last 4.

Under previous leaders, we filed cloture, of course. There were some great debates about many issues in the past that went on for days and weeks and even months. People would be here 24 hours a day. The debates would go on, and a majority leader would be compelled to file cloture to bring the debate to a close. Why? Because they had been debating it. That is what they were supposed to do. That is why cloture is supposed to be filed. Yet now we find ourselves voting on cloture before we have had even the first hour or the first 5 minutes of debate.

We are also rewriting the rules on amendments themselves. Recently, we outlawed nongermane sense-of-the-Senate amendments to appropriations bills. We can't do that anymore.

The number of amendments have also been grossly restricted. I have never seen, as I have this year, the overly restrictive way with which we have approached virtually every single bill.

Take the Elementary and Secondary Education Act, the bill we took up earlier this year. An average of 39 amendments have been offered to ESEA reauthorization bill over the last 25 years—39 amendments. Yet this year, only four Democratic amendments to the ESEA bill were permitted before the bill was pulled. That's right: historically, there were an average of 39

amendments to ESEA bills. This year, Democrats offered four amendments, and the bill was gone. We are told we don't have time to complete the bill. We are told the Democrats shouldn't even think about offering all of these amendments. We are told that bills should be passed with no amendments at all, or if we must offer amendments, they must meet the strict definition of ''relevant'' used by the parliamentarian.

The interesting thing is, nonrelevant amendments have been considered OK for the Republican Party in the past. I have a chart that shows some of the examples of non-relevant amendments offered when the Republicans were in the minority, and even in some cases when they were in the majority.

We had a juvenile justice bill that came up in 1999. The majority leader saw fit to offer a ''prayer at school memorial services'' amendment to a juvenile justice bill. That was OK.

We had a Commerce-Justice appropriations bill 2 years ago. It was OK to offer a sense-of-the-Senate resolution on Social Security at that time.

We had a supplemental appropriations bill. This was when the Republicans were in the minority, and the Senator from Delaware, now chairman of the Finance Committee, Senator ROTH, certainly didn't see anything wrong with offering a tax cut amendment to that bill. Evidently, that was OK, too.

Yet now Republicans are saying: Democrats don't have a right to offer nonrelevant amendments, nongermane amendments. We can, but you can't.

I don't understand that logic. I don't understand how in 1993 when they were in the minority the senior Senator from North Carolina saw fit to offer a patent for the Daughters of the Confederacy amendment to the community service bill.

I don't see how we could have a Lithuanian independence amendment to the Clean Air Act. I want clean air in Lithuania, but I have to tell you this had nothing to do with clean air in Lithuania. This wasn't relevant. This wasn't germane.

There is a double standard here. I hope people understand our frustration as they watch the action and hear the words.

We have also trivialized Senate-House conferences over the last several years. The scope of the conference rule was repealed. Now conference reports can include anything and everything—even measures that were never included in either House.

That is all part of what got us to the problem we are in now with appropriations. All of this, I might say, goes back to the concern the senior Senator from West Virginia shared as he talked about the procedures and the breakdown of the institution. When we repeal the scope of conference rule that said things had to be in either the House or Senate bill before they could be considered in conference, when we repealed that, we opened up, as our Senator from New Mexico likes to call it, a ''box of Pandoras''—a real box of Pandoras.

We now have sham conferences. It is almost like a huge U-Haul truck is pulled right up to the front door. We just lob everything in there and drive it on down to the White House. Nobody knows what is in that big box of Pandoras. It is put into that truck, hauled down to the White House, the President signs it, and it becomes law.

It is getting worse and worse. Now we find our Republican colleagues want to take what happened in a subcommittee, where maybe a handful of people know anything about it, bypass this Chamber entirely, go into a conference, load up that truck, and take it down to the White House. That is why we said no last week. That is why we said you can't marry these bills that have had no consideration on the Senate floor—sham conferences.

I know why we are doing this. In fact, our colleagues on the other side have been very candid about it, both privately and publicly. They have said: We don't want to have to vote on these tough issues. We have a lot of vulnerable incumbents. We are not going to allow these amendments if they are going to be problematic.

I am sorry if someone is inconvenienced. We have had to do that for years. Casting votes is what being a Senator is all about. If you oppose a measure, then table an amendment, offer a second degree, offer an alternative.

There has to be a way of doing it other than gagging this institution. Forcing cloture votes against imagined filibusters in order to cast blame just doesn't work.

There are those on the other side who have said we shouldn't have to spend more than a couple of days on any one of these bills. We should be able to get these things done within 24 to 48 hours. Why should they take so long? My answer is because this is the Senate. I will get into days in just a minute. We have the days.

We have ways with which to ensure we can have a good debate. We can work Mondays and Fridays. We can work after 6. We could do a lot of things to ensure that the days are there. Some of the very finest pieces of legislation ever to pass the Congress took more than a couple of days. Bills sometimes take longer. They are complicated.

The majority keeps asking for cooperation. But I think what they truly mean is capitulation.

All Senators should be free to debate an amendment. We shouldn't have to face these artificial relevancy requirements. Important bills should have their time on the floor. We ought to have good, rigorous debates. We ought to be able to offer amendments. Let's agree to disagree and let's vote and move on. We did that in 1994 with a piece of legislation from which we still benefit today.

Every crime statistic is down in America today, every single one. Do you know why that is? That is in part because we passed the COPS Program, the community police program. That is because we have provided resources to police officers in ways they didn't have earlier in the decade. Another reason is that we passed an awfully good crime bill in 1994, the last year Democrats were in the majority.

Do you know how long it took? We spent 2 weeks on that crime bill. We had 92 amendments which were proposed, 86 amendments adopted, over 20 rollcall votes. That is the way the Senate is supposed to work—a good, rigorous debate, and ultimately a product that enjoyed, in this case, broad bipartisan support. Why? Because it was a good piece of legislation. Why? Because everybody had their say. Why? Because it was probably an improved product over what it was when it was first introduced.

That ought to be the model. I don't think there was a cloture motion filed in that entire debate. We didn't fill any trees. We didn't say, we have to get this done in 2 days. We didn't say, we don't have time. We said, we are going to do it and we are going to do it right. And we did it right. And 6 years later, we still benefit.

We are prepared to work with our colleagues on the other side. We only hope they share the deeply held view about commitment to the institution, about commitment to the rights of each Senator, about an understanding of the responsibility for the legacy of this institution for future Senators and for all of this country as we consider the fragile nature of democracy itself.

I said there were two items. The first was procedural; the second is schedule. The majority later said last year:

> We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

They are sure acting as if they have it figured out. If they were motivated to be out, so their points went up, they have shown it by the schedule.

This is the schedule for the year. All those red days are days we are not in session. All the blue days are the days we are in session. Look at all those red days. Yet we are told: We don't have time. We don't have time to take up appropriations bills. We don't have time to take up amendments. We don't have time to take up a legislative agenda.

We don't have time? Maybe it is because there is a little more red than there ought to be. The number of days we are scheduled to be in session in the year 2000 is shown: 115. That is the number of days in session in the year 2000. Keep in mind, there are 365 days in the year, yet all we could find time for were 115 out of that 365. As it happens, this is the shortest session of the Senate in half a century—since 1956. In fact, this year's schedule is only two days longer that the infamous do-nothing Congress of 1948.

The number of days with no votes in the year 2000, out of that 115: 34. We will be in session for 115 days in session out of 365 days, but we have lopped off a third of those days. On 34 of the 115 days, we have had no votes at all.

But there is no time.

The number of days on Mondays with votes in the year is shown. Out of all the Mondays in this year, we have only had three where we have had votes—three Mondays.

On how many Fridays of this year 2000 did we have votes? Six. We did a little bit better on Fridays than Mondays. Three Mondays with votes; six Fridays with votes.

Mondays with votes in September? There it is: One.

No time for appropriations bills. No time for all of the issues Democrats wanted to take up. Yet on only 1 Monday in the month of September did we have votes.

On Fridays in September, we didn't do quite as well. I don't know how we explain no votes on Fridays in September when we have all this work, knowing we will bump up against the end of the fiscal year at the end of this month. Imagine not having votes on Mondays or Fridays, knowing we have 11 appropriations bills that are yet to be completed.

Appropriations bills completed to date? Only two. We are dealing here with numbers most people understand: 1's and 2's.

We have done a little calculating because now we are getting into more advanced arithmetic. I said we have been using 1's and 2's and 0's. We used our calculator to decide how long it would take at this rate to complete the work on the remaining 11 appropriations bills, and now we are into triple digits: 572 days to complete work on the 11 appropriations bills on this schedule.

Finally, there is one more calculation. I am sure people are trying to figure that out. If you take the 572 and project it out, I promise we will be finished by April 16 of the year 2002. That is when we finish our work on the appropriations bills using the schedule we have adopted in the year 2000: 4/16/02—April 16, 2002. So mark that in your calendars, folks. That is likely to be the year, the month, and the day that we finish our bills using the schedule we have employed this year.

Someone once said, 90 percent of success is just showing up. Maybe that is our problem. We aren't showing up. Maybe we ought to show up a little bit more. Maybe we ought to work on Mondays and Fridays. Maybe we ought to work a little bit longer after 6 o'clock. Ninety percent of success is just showing up. Maybe we can be a little more successful. When we show up, maybe we ought to remember why we are here. Maybe we ought to remember the prerogatives of every Senator. Maybe we ought to call back the golden days when Senators debated profoundly on the issues of the day.

Open this drawer: Lyndon Baines Johnson sat at this desk, Mike Mansfield sat at this desk, Joe Robinson sat at this desk, ROBERT C. BYRD sat at this desk. George Mitchell sat at this desk. I don't know how I would explain to my predecessors what has happened to the Senate this year. That is why the same ROBERT C. BYRD came to the floor this morning. Listen to ROBERT C. BYRD. Listen to George Mitchell. Go back in the RECORD and listen to Lyndon Baines Johnson, listen to Joe Robinson, and remember what Mike Mansfield said.

Let's call back the glory of this institution. Let's remember why we are here, and we can then all be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I express my appreciation for the Democratic leader's excellent statement and comment.

I was listening particularly to the wrap-up and recalling a number of the majority leaders with whom I had the good opportunity to serve bringing into real relief how at that time we did have the engagement of the issues and the resolution of questions of public policy.

That was the time-honored tradition of this body. It hails back to the time of the Constitutional Convention and our Founding Fathers and what they believed we ought to be about.

I hope his words will be taken to heart by our colleagues as welcoming into these final days of this session.

We are now in the final days of this session. This afternoon, we will mark the end of the current fiscal year by passing a bill—a continuing resolution—that acknowledges that Congress was unable to complete its work. So now we're going to put government funding on auto-pilot while our Republican friends figure out what to do.

We started this year—the first of the new millennium—with great hope. We were going to pass new laws to meet the urgent needs of families across America—to improve health care and education, and provide jobs for working families. The question is, did American taxpayers get their money's worth?

So far in this first year of the new millennium, we have enacted: 27 laws naming new federal buildings; 7 laws granting awards to individuals; 3 technical corrections to existing laws; 4 laws establishing small foreign assistance projects; 4 commemoratives, and 2 laws establishing new commissions.

We found time in our busy schedules to pass a sense of Congress resolution calling for democracy in a Latin American country. We relocated people from one South Pacific atoll to another. We encouraged the development of methane hydrate resources. We allowed the Interior Department to collect new fees for films made in our parks. We eliminated unfair practices in the boxing industry. We renamed the Washington Opera as the National Opera. We passed a new law providing assistance to neotropical migratory birds.

I have no doubt that each of these laws was necessary. But nowhere on the list did we pass the Elementary and Secondary Education Act to strengthen the nation's public schools. Nowhere on this list is the Patients' Bill of Rights. Nowhere do we find a Medicare prescription drug benefit for senior citizens. Nowhere is a long-overdue increase in the minimum wage. Nowhere does Congress strengthen our laws against hate crimes. Nowhere on the list are new gun laws to keep our schools and communities safe.

If ever a ''Do-Nothing'' label fit a Congress, it fits this ''Do-Nothing'' Republican Congress.

Our country as a whole is enjoying an unprecedented period of prosperity—the longest period of economic growth in our nation's history. But for millions of Americans, it is someone else's prosperity. Working 40 hours a week, 52 weeks a year, a person earning the minimum wage earns only $10,700 a year—$3,400 below the poverty line for a family of three.

Over the past three decades, the extraordinary benefits of our record prosperity have been flagrantly skewed in favor of the wealthiest members of society. We are pleased with the Census Bureau Report this week showing that the poverty rate dropped to its lowest level since 1979. Yet, poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million to almost 3 million by 1998, according to a June 2000 Conference Board report.

Today, the top one percent of households have more wealth than the entire bottom 95 percent combined.

Yet, despite this historic period of economic growth, minimum wage workers are not able to afford adequate housing. The National Low Income Housing Coalition recently found that the current minimum wage fails to provide the income necessary to afford a two bedroom apartment in any area of this country.

Often, workers are putting in longer hours on the job, and more family members are working. A study released by the Economic Policy Institute this month shows that in 1998, lower income families are working 379 more hours a year than they were in 1979.

The increase in working hours for African American and Hispanic families is even more dramatic. Middle-class African American families work an average of 9.4 hours more per week than their white counterparts. Hispanic families work five hours a week more than whites at every income level.

Parents are spending less and less time with their families—22 hours less a week than they did 30 years ago, according to a study last year by the Council of Economic Advisers. Serious health and safety problems result when employees are forced to work long hours. A recent front page article in the New York Times told the story of Brent Churchill, a power lineman, who died in an on-the-job accident after working two and a half days on a total of 5 hours of sleep.

There are signs that at least House Republicans are finally coming around to our way of thinking. They have offered the President a plan to raise the minimum wage. This positive development gives us real hope that we can raise the pay of the lowest paid workers before we adjourn. But we cannot misuse an increase in the minimum wage as an excuse to cut workers' overtime pay, as the GOP proposes. The overtime pay provisions of the Fair Labor Standards Act have been in place for over 60 years, and they protect the rights of 73 million Americans.

Republicans also want to use any minimum wage legislation as a vehicle to repeal protections from millions of Americans who work hard as inside salespeople, funeral directors, embalmers, and computer technicians. These changes would punish these workers for advances in technology that have made businesses more efficient. They would take away basic protections from precisely those occupations where long hours are most at issue.

The Republican proposal also freezes the guaranteed cash wage for waiters and waitresses, and other tip employees. These men and women are usually among the lowest paid workers and often struggle to make ends meet.

Finally, the tax breaks in the Republican proposal are not reasonable. They total $76 billion over ten years, compared to the $21 billion tax cut that was included in the last minimum wage law that was enacted in 1996.

Congress is quick to find time to vote to increase their own salaries. The increase now pending would mean a raise of over $4,000 a year. Yet, we have not found the time to pass an increase in the minimum wage to benefit hard-working, low-income Americans at the bottom of the economic ladder. Each day we fail to act, families across the country fall farther behind. The dollar increase we propose now should have gone into effect in January 1999. Since then, minimum wage workers have lost over $3,000 due to the inaction of Congress.

The American people overwhelmingly support raising the minimum wage. They agree that work should pay, and that the men and women who work hard to earn the minimum wage should be able to afford clothing for their children and food on their tables.

Minimum wage workers should not be forced to wait any longer for the fair increase they deserve. We have bipartisan support for this increase and we are not going to go away or back down. No one who works for a living should have to live in poverty.

Mr. President, these charts depict parents working harder. This charts the hours worked by families with children in the bottom 40 percent of income. It is a comparison of the percent of increase in hours worked from 1979 to 1998. This 13.8 percent represents an average increase of 379 hours of work a year, compared to hours worked in 1979. It is just slightly less for white full-time workers. What we are finding out for Hispanics is it is 5 hours more a week than for white workers, and for African Americans it is 9 hours more. For white workers you have a 337 hour increase, and you almost double that for African American workers.

Let's see what that has meant in terms of where they rate in America in terms of the distribution of income. The bottom fifth of families have declined by 15 percent, even though they are working close to 400 hours a year longer than they were working 20 years ago. They have fallen behind, about a 15 percent decline in their living. For the middle fifth it is about a 12 percent advantage, and the top fifth, a 73 percent advantage.

If you took a chart—I will explain this on the next presentation—and divide the total workforce in fifths, from 1948 to 1975, you would find them virtually all identical. All of America moved together during those years. In the immediate period after World War II, all America moved together.

As a result of hard work and ingenuity, individuals who were successful experienced enhanced prosperity, which is fine. But all Americans who were prepared to work moved along together. Now we are seeing this extraordinary skewing at lower incomes of people working harder and harder and falling further and further behind.

This is another chart which indicates the purchasing value of the minimum wage is gradually declining. The poverty line is increasing which results in more and more American workers working harder and longer and falling into poverty, with all the implications for themselves and their families.

This next chart is extraordinary. It shows the expansion of productivity. We have heard we cannot increase the minimum wage because we have lost our edge in productivity. One can see from this chart the explosion in productivity. The blue line is a decline in real wages.

Historically, wages used to keep pace with the increase in productivity because that affects the actual cost to the employer. If the employees are going to be more productive, they ought to participate in the benefits of increasing profits and increasing productivity. But that is not happening, and it is not happening among the low-income workers.

This next chart shows the purchasing power again. In 1968, it was $7.66; it is now $5.15. Without an increase, it will fall to $4.90, the lowest in the history of the purchasing power of the minimum wage. At a time of the greatest economic prosperity of any country in the world, the income of those individuals who are working 40 hours a week, 52 weeks of the year is the lowest it has been in the history of the purchasing power of the minimum wage. That is absolutely crazy.

We have been denied an opportunity to vote on this issue. Why don't we vote on it and see how the Members feel about it? Why don't we just go ahead and take the vote? But, no, we are denied that opportunity. It is unacceptable that we are leaving here without doing so. That is one part of the unfinished business our leader, Senator DASCHLE, talked about.

The Glenn Commission Report on Math and Science Teaching released yesterday is a clear call to action to do more to put qualified math and science teachers in the Nation's classrooms.

As the commission emphasized, we need greater investments in math and science at every level. This commission is made up of distinguished educators, public officials, school administrators, school boards, local personnel, State national directors, and chaired by our good friend and colleague, Senator John Glenn, who spent such a great deal of time in service in the Senate focusing on and giving life to the issues of math and science training. He provided great leadership. We are very much in his debt for that effort. Now for the last 2 years, he has chaired a very outstanding commission, and they made their recommendations yesterday.

As the commission emphasized, we need greater investments in math and science at every level—federal, state, and local—to significantly increase the number of math and science teachers and improve the quality of their preparation.

We have made some significant progress in recent years, but we cannot afford to be complacent. In our increasingly high-tech economy, high school graduates need strong math and analytical skills in order to be competitive in the workplace. In addition, schools face record-high enrollments that will continue to rise, and they also face serious teacher shortages.

Recruiting, training, and retaining high-quality teachers, particularly math and science teachers, deserve higher priority on our education agenda in Congress. We should do all we can to see that schools have the Federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

The commission's timely report gives us new bipartisan momentum to address these fundamental issues more effectively.

The report calls for a $3.1 billion investment a year by the federal government for recruiting, mentoring, and training teachers—with most of it for professional development activities. The question is, how fast can Congress respond? Can we act this year, or will we lose another year?

I propose that in the fiscal year 2001 appropriations, we make a down payment on the Glenn Commission recommendation investing $1 billion in teacher quality programs, including Title II of the Higher Education Act, and the Eisenhower Professional Development Program, which makes math and science a priority.

Math and science appropriations is about $335 million. It is in place. It has

the confidence of educators. It is focused on math and science. We can take the initiative to enhance that program, following the Glenn recommendations. We can do that as our appropriators are meeting with the administration in these last 2 weeks.

Title II of HEA is vastly underfunded this year at $98 million and the Eisenhower Program is vastly underfunded at $335 million.

By committing $1 billion now, for the coming year, we will be making a needed down payment toward meeting the Nation's teaching needs.

No classroom is any better than the teacher in it. The Glenn Commission report is our chance in Congress to tackle this head on and do what is so obviously needed to improve teacher quality across the country.

It cries out for action, and this is a priority. We should respond to it, and we can do something now. We have to provide the resources for investing in this area, I believe.

Finally, in the debate over prescription drugs, one of the most important reasons for Congress to act and act promptly has often been overlooked. The best source of comprehensive, affordable health insurance coverage for senior citizens is through employer retirement plans. In fact, the combination of Medicare and so-called employer wrap-around coverage is the gold standard for health insurance coverage for the elderly.

But private retirement coverage is in free fall, with ominous implications for all retirees. In the three year period from 1994 to 1997, the proportion of firms offering retiree health coverage dropped by 25 percent. In 1998, and 1999, another 18 percent dropped coverage.

We know one-third of the elderly have no prescription drug coverage. None. Another third have employer-based coverage.

From 1994 to 1997, it dropped 25 percent. From 1997 to 1999, it dropped another 18 percent. All the indicators are going through the bottom. We are seeing dramatic reductions in coverage. We are seeing that prescription drugs are increasingly less relevant in terms of HMOs because the HMOs have been putting in a cap of $1,000 and sometimes $500 in the last 3 years, capping the amount they will actually provide for the senior citizens. And many of them are moving out of parts of the country.

The Medigap program is prohibitively expensive. The only people who are guaranteed prescription drugs with any degree of certainty and predictability are the poorest of Americans under the Medicaid program.

We can do better. We must do better. We can do better even as we are in the last 2 weeks of this session.

A 1999 survey of large employers by the consulting firm of Hewitt Associates found that 30 percent of these firms said they would consider dropping coverage over the next 3 to 5 years. So we have a 25-percent reduction from 1994 to 1997; an 18-percent reduction from 1997 to 1999; and now the prediction of another 30 percent who are going to lose it over the period of the next 3 years.

We know what is happening. The time to act is now.

According to a new study for the Kaiser Family Foundation, a central reason for this decline is the escalating cost of prescription drugs and Medicare's failure to provide coverage. As the study found:

> Prescription drug costs are driving retiree health costs to an unprecedented extent. . . . The drug benefit has represented 40–60 percent of retiree's health costs after accounting for Medicare. Based on current cost trends, Hewitt projects drug benefits to represent as much as 80 percent of total 65+ retiree health costs in 2003.

The study estimates that President Clinton's plan could save employees as much as $15 billion annually when it is fully phased in. They conclude:

> The financial savings could . . . slow the erosion of retiree health care by lowering the costs for prescription drug benefits, which have been increasing for employers at double-digit rates and are a major source of concern.

A critical reason for this Congress to act to provide Medicare prescription drug coverage for the elderly is the worsening situation facing retirees. But the Republican majority won't act. They won't allow a vote. Just 3 days ago, they declared that Medicare prescription drug coverage is dead for this year. Their own proposals are not what senior citizens want and need.

The differences between the two parties are clear on this issue. Vice President GORE and Governor Bush have proposed two very different responses to this problem. The Gore plan provides a solid benefit under the existing Medicare program. Under the leadership of Senator GRAHAM and Senator ROBB, the Senate has already voted on a bipartisan plan that would achieve the objectives of the Gore proposal. With the support of only a few more Republicans, a real prescription benefit can pass this year, so that all our senior citizens can get the prompt help they need.

Shown on this chart are the Gore and Bush plans. You have the comparisons. The Gore plan would be implemented in 1 year. The Bush plan is 4 years, with revenue-sharing with the States or block grants to the States. We would have to appropriate the money. Then, if there is, according to Governor Bush, a significant reform of the Medicare system, within that significant reform of the Medicare system—I don't know whether he means just the privatization or not—a prescription drug program could be included. You have that versus starting in a year from now.

Secondly, with regard to the guaranteed benefits—this is a crucial difference—what does this ''Yes'' shown on the chart mean on guaranteed benefits? It means this: When a senior goes into a health delivery system needing a prescription drug, the doctor prescribes what prescription drug that senior needs, and the rest is arranged through the Medicare system in terms of the payment. But the doctor decides.

As shown over here on the chart, under the Bush proposal it is going to be the HMO. They are going to be the ones making the decision. We can't even get the HMO reform here in the Senate. Now they are suggesting that we have a whole new system of benefits that are going to go through that system, where the HMOs and bean counters, who too often put profits ahead of patients, are going to make that decision.

Under the Gore plan, there will be good coverage. It is going to be comprehensive coverage. But under the Bush plan, we don't know what the coverage is going to be because it will be decided by the HMOs. This means it will be built out of the Medicare system. And this will be some other program that may be built upon HMOs or the private sector, which have been remarkably unsuccessful in many parts of this country.

More than 930,000 people have lost Medicare HMO coverage this year alone. Rather than be expanded, the drug program has been in decline. Senior citizens need help now. AL GORE's plan provides prescription drugs under Medicare for every senior citizen in 2002. Under the Bush proposal, there will be 25 million seniors who will be excluded because they are not eligible under the parameters of the Bush proposal. This makes absolutely no sense.

Experience shows that the Bush proposal would take years to put in operation. Only 14 States have the kind of insurance plans for senior citizens in operation today. This would be all under the Bush proposal. All 50 States must pass new laws or modify legislation. Only 16 States currently have any drug insurance program. The CHIP program—the Children's Health Insurance Program—was passed in August of 1997, was available in October of 1997; and under Texas law, it took them until November 1999 to take advantage of it. It took 2 years to take advantage of it. And the money was already there. The Governors have already indicated they do not want the responsibility to develop, even with the funding, a whole new administration to be able to implement the program. So this is really a nonstarter for seniors.

It makes no sense to depend on HMOs to provide this crucial benefit. The Bush plan does not provide the stable, reliable, guaranteed coverage that should be a part of Medicare's promise to the elderly.

But there is one guarantee under the Bush plan. The benefits are guaranteed to be inadequate. The Bush program allocates almost $100 billion less to prescription drug coverage than the Gore plan. The reason for this lesser amount is obvious. The Bush approach wastes most of the surplus on new tax breaks for the wealthy, and too little is left to help senior citizens.

The nonpartisan Congressional Budget Office has estimated that under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate and costs so high that less than half of the senior citizens who need the help the most—those who have no prescription drug coverage at all—will ever participate. A prescription drug benefit that leaves out half of the senior citizens who need protection the most is not a serious plan to help senior citizens.

There is still time for Congress to enact a genuine prescription drug benefit under Medicare. The administration has presented a strong proposal. Let's work together to enact it this year. It is not too late. The American people are waiting for our answer.

These are some of the issues I would hope we could still address. We ought to be able to pass the minimum wage. It is not complicated. It is not difficult. We know what is at play here.

We ought to be able to finally get prescription drug legislation. We voted on this in the Senate. A majority of the Members of the Senate actually supported a prescription drug program that would be worked through Medicare. We ought to be able to pass that in the Senate. As I mentioned, a majority of the Members already do support it. We ought to be able to get a downpayment on that legislation.

We ought to be able to deal with some of the education challenges. That is important. We ought to be able to get the Patients' Bill of Rights passed, as well as the hate crimes issues, and try to do something on the gun show loophole, and some other matters. These are public policy matters that I think the American people want us to address. They do not want us to be out here now, as we have spent the better part of this week, in quorum calls. They want action, and they want action now. We, on this side of the aisle, are prepared to provide it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today as a senior member of the Budget Committee to talk about what I see as a breakdown in the budget process in the Senate. I think every member of the Budget Committee and every Member of the Senate ought to be concerned about what has happened the last several years but even more dramatically this year, in what can only be called a virtual meltdown of the budget process.

Those who are watching may say, well, what do we care what the budget process is. We care about the budget outcome. And that is exactly right. The most important thing is the budget outcome. But many times how you start has a lot to do with how you end up, and I am afraid we have now developed a disastrous operating procedure around here.

We start out with a fiction of a budget; we end up with no accountability, no control, and chaos at the end. That is where we are today. This is chaos. Every Member of the Senate knows that is true.

We have a circumstance now where bills are passed in committee, never come to the floor of the Senate, go to a conference committee, the Democrats are locked out of the conference committee, and Senators are denied their right to offer amendments to improve legislation. That is not the way the process is supposed to work. Together we have to mend it. If we don't, we are going to have a circumstance where someday, when the Democrats are going to be back in control, we can operate this way. And if you are in the minority and you are locked out and prevented from offering amendments, your ability to represent your constituents is badly diminished.

This is not just a Democrat issue or Republican issue. This is a question of how we function in this body. It is in all of our interests to have a process where Senators' fundamental rights are protected so they can carry out their fundamental responsibilities.

When I say we are in chaos, the story in the Washington Post yesterday, front-page story, tells us that is true. Here is the story: ''Spending Floodgates Open on Hill.'' Congress is moving to approve the biggest spending increase since Republicans took control in 1995. The binge is setting off alarms among fiscal conservatives and threatens to absorb a chunk of the future surplus.

''It is just a free for all,'' said Senator MCCAIN. ''They are all equal opportunity pork-barrelers . . . This is the worst ever.''

I agree with Senator MCCAIN. This is the worst ever. We have a process that is broken. The budget resolution is being paid no attention. That was predictable because the budget resolution made no earthly sense. It wasn't real. It was a fiction. As a result, we have no control, no accountability for what follows. Everybody is on their own. Every one of these committees is on their own. They are out there dividing them up, throwing it in. We are going to have—I predict today—a stack of paper on our desks, and we are going to be told: Take it or leave it; vote for it or the Government will shut down.

That is where we are headed. It is very clear to anybody who is watching. That should not be the way we conduct the people's business.

What is especially troubling about all this is that we have made enormous progress over the last several years, enormous progress in getting our fiscal house in order. We should not put at risk that progress. We should not put at risk the prosperity that has followed getting our fiscal house in order.

I want to look at the last three administrations and their record on deficits. I think it is instructive as we go into this election season. I think it is instructive as we consider what is occurring in the Senate and the House of Representatives right now.

If we go back 20 years ago, 1981, President Reagan came in. He had the old trickle-down economics. It was a disaster in terms of deficits; the deficits skyrocketed. We went from a deficit of about $80 billion to over $200 billion and tripled the national debt during his years. Fiscally, it was a chaotic time. President Bush came in; the deficit was $153 billion. By the time he left, it was $290 billion—more than double.

That is the record. It is in the books. I know it makes tough reading for some of our friends on the other side, but that is their record on the fiscal health of this country. The fact is, they had a policy of deficits and debt, and those deficits and debt threatened the fundamental economic security of the country.

In 1993, we had a new administration. This is their record—not a question; these are the facts. I remember President Reagan used to say facts are stubborn things. He was absolutely right about that. Facts are stubborn things.

In 1993, the deficit was $255 billion. We passed a 5-year plan to reduce the budget deficit and to get it under control. Our friends on the other side said that if we passed that plan, it would crater the economy. That is what they said at the time. They said it wouldn't reduce the deficit. They said it would increase it. They said it wouldn't reduce interest rates; that it would increase them. They said it wouldn't reduce inflation; that it would increase inflation.

We can go back now and check the record. They were wrong on each and every count—not just a little bit wrong, completely wrong. Look at the record.

Every year of that 5-year plan, the deficit went down and went down dramatically, until we got to the fifth year of the plan and we were headed toward surplus. That is the record. We can look back and see who is right and who is wrong. It is just as clear as it can be.

The question is, Are we going to put all of this at risk? The President announced just the other day that we are going to have a $230 billion budget surplus, a $230 billion budget surplus for fiscal year 2000. Just 8 years ago, we had a $290 billion budget deficit.

The results from this fiscal policy have been very clear. Before I get to the results, let me show how it happened. How did we get into this position? We got into this position by, in 1992, passing a plan that cut spending and, yes, raised taxes on the wealthiest 1 percent—raised income taxes on the wealthiest 1 percent. The revenue line went up; the spending line came down. We balanced the budget. We created surpluses, and the economic results have been dramatic and extraordinarily positive.

We now have the longest economic expansion in our Nation's history. This was recorded on February 1, 2000, in the Washington Post, the headline, ''Expansion is Now Nation's Longest,'' 107

months of economic growth, the longest economic expansion in our Nation's history.

It is not just a record of economic expansion. It is the other positive results we obtained as well by getting our fiscal house in order: the lowest unemployment rate in 42 years; and on inflation, the lowest sustained level since 1965. We have the lowest level of sustained inflation in 35 years because we got our fiscal house in order. The welfare caseload has been cut in half; the percentage on welfare in the country is the lowest since 1967. This is the record. It is very clear. Those of us who supported welfare reform, those of us who supported the budget plan to get our fiscal house in order, those decisions have paid off for the country, and we should not put it all at risk.

Federal spending as a percentage of our national income is the lowest it has been since 1966.

Federal spending is the lowest as a percentage of our national income since 1966. These are the kinds of positive results we have developed as a result of a budget plan that added up, that made sense, that got our fiscal house in order.

Some say, gee, income taxes are the highest they have been in a generation. Not true. The reason we have expanded revenue—yes, we raised rates on the wealthiest 1 percent. That is undeniable. That is correct. That was part of the plan that got our fiscal house in order. But it is also true that we passed sweeping tax cuts, child care credit, expansion of the earned-income tax that dramatically reduced the income taxes of tens of millions of Americans.

On March 26 of this year, the Washington Post, on page 1, ran a story under this headline: ''Federal Tax Level Falls For Most; Studies Show Burden Now Less Than 10 percent'' on a significant part of the American public.

Most Americans, this year, will have to fork over less than 10 percent of their income to the Federal Government when they file Federal income taxes. The fact is, for many segments of our society, income taxes, combined with payroll taxes, have gone down. That is because of the expansion of the earned-income tax, and that is because of the child credit. In fact, if you compare the tax burden for working families—according to the Tax Foundation, this is for a family earning $68,000 in 1999—from 1975—this is both income taxes and payroll taxes—their tax burden declined from 10.4 percent to 8.9 percent.

That is not KENT CONRAD's numbers; those are the numbers from the Tax Foundation.

The Washington Post, in that same story, pointed out:

> For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in 4 decades, according to a series of studies by liberal and conservative tax experts, the Clinton administration, and two arms of the Republican controlled Congress.

This is the record and these are the facts with respect to what has happened to the income tax burden. Because we have gotten our fiscal house in order, we have seen a substantial reduction in the publicly held debt. We are in a position, if we make no other changes in law, to pay off the publicly held debt of the United States by the year 2009. We all understand there are proposals for additional spending and for tax cuts that will move that back.

The fact is, if we made no changes in current law, we could pay off the publicly held debt in the country by the year 2009. In fact, we are right here on this scale. We have already started paying down the debt. In the last 3 years, we have paid down, I think, over $300 billion of publicly held debt. That is a dramatic transformation, a huge improvement.

Let me just be clear. I give most of the credit to our side of the aisle which, in 1993, passed a 5-year budget plan that did most of the heavy lifting. We didn't have a single vote from the other side of the aisle. But it is also true that in 1997 we finished the job with a bipartisan effort. I say to my colleagues on the other side of the aisle, that was good that we were able to come together in 1997 and do something together to finish the job.

Now the question is: Do we stay on this course or do we go off in some other direction and go back to what I consider the bad old days of debt, deficits, and decline? I hope not. I hope we avoid going back in the deficit ditch.

Let's look ahead. Here is what we are told now. Over the next 10 years, the projections are—remember, they are projections, and projections can change—telling us we can count on $4.6 trillion of surplus. That is extraordinary, the turnaround that has been accomplished. First of all, remember that those are projections. They have improved by a trillion dollars in the last 6 months. They could go the other way in the next 6 months. Let's remember, they are projections.

Two, let's remember the $2.4 trillion—more than half of it—is from Social Security. I think both sides have agreed that we are not going to raid Social Security—at least we agreed rhetorically we are not going to raid Social Security. Another almost $400 billion is Medicare. So you add those two together, and that is $2.8 trillion of the $4.6 trillion, Medicare and Social Security, and that leaves about $1.8 trillion of non-Social Security, non-Medicare surplus.

When I look at the budget plan of Governor Bush, it doesn't add up. It just doesn't add up. This is what concerns me about derailing the progress we have made and going back into the deficit ditch. Let me go through the math. I don't think it can be challenged.

We have the projected surplus of $4.6 trillion. The Social Security surplus is $2.4 trillion. The Medicare surplus is $400 billion. That leaves a remaining non-Social Security, non-Medicare surplus of $1.8 trillion over the next 10 years that has been projected. The Bush tax cut is—his large main proposal costs $1.3 trillion. The other tax cuts that he has endorsed in the campaign are another $300 billion. The interest cost of those tax cuts is another $300 billion. So he has completely wiped out the non-Social Security, non-Medicare surplus. It is gone, poof.

Then he has an additional problem that is very big. He has recommended Social Security privatization. The transition cost of that proposal—or proposals like that one—is about $1 trillion. Where does that come from? Where does that $1 trillion come from? Is he going to take it out of the Social Security surplus? If he does, he has violated the pledge everybody has made here not to raid the Social Security surplus because that money is needed to meet the promises that have been made to existing Social Security recipients. If he takes that $1 trillion out of there, that undermines Social Security solvency because it is a transfer of money to allow people to set up private accounts.

Now, in addition to that, he has used every penny of the non-Social Security, non-Medicare surplus for tax cuts. Where is the additional money for defense? He made a big point in this campaign that we are not at the level of readiness we should have. Where is he going to get any money to deal with that when all of his money—non-Social Security and non-Medicare surplus—goes for tax cuts? Where is he going to get the additional money for education he has called for in this campaign? It doesn't add up.

What worries me very much is that we are going to go right back into the deficit ditch we just crawled out of. What a mistake that would be; what a tragedy for this country it would be to go back to deficits and debt and ultimate economic decline. I hope very much our colleagues will avoid that mistake.

Let me just say that it isn't just the Bush plan that threatens that, in my judgment. I am also worried about those who have massive new spending ideas because this fiscal responsibility, this course that we have embarked on to get our fiscal house in order, can be threatened in several different ways. One way is this Bush plan which, to me, is a financial disaster for the country if we ever adopt it. I hope very much that we do not. That would put us right back in the deficit ditch. But another way to threaten it is out-of-control spending. When you don't have a budget process that has any discipline to it, doesn't have any reality to it, you allow this kind of spending frenzy that is now going on in the committees to emerge. There is no accountability, no plan, and there is fundamentally no discipline.

I hope some colleagues are listening. We did a little calculation about what is out there going through the committees.

The $60 billion 1-year effect they are talking about in the Washington Post is dwarfed by the 10-year effect because we are talking about a 10-year effect of $450 billion by decisions that are being made in some closed room somewhere where one-half of Congress is being excluded. That is not the way to do business.

I hope very much that people on both sides who do not want to see us return to the bad old days of deficits and debt will get together in these final hours and agree that there has to be a better way of doing our business. I know it is not going to change this year, but I hope very much that next year we get back to a budget process that has some integrity to it and some discipline to it because if we fail, I fear very much that we are going to go right back to the bad old days of deficits and debt. That would be a profound mistake for the country.

As one considers how far we have come and the dramatic improvements that we have made, they weren't easy. I know about the votes in 1993 to put in place a 5-year budget plan to get our fiscal house back in order. People lost their political careers as a result. That is not the biggest sacrifice to make. I know that. But the fact is, it was hard. It passed by a single vote in this Chamber. It passed by a single vote over in the House.

We have had such incredible prosperity in part because of the result of those decisions that created the framework so that the American people's hard work, ingenuity, and creativity could lead this economic resurgence. But we see other people who are hard-working and creative living in a failed system. We see it in Russia. We see it in other parts of the world. The fact is that we have a system that works because the monetary and fiscal policy of the United States over the last 8 years has been a good one, has been a sound one, and has been an effective one. But it can all be lost. It can be jeopardized. We can go right back very easily to deficits and debt. All we have to do is pass massive tax cuts that do not add up and pass massive new spending plans in concert with those tax cuts, and we will be right back to deficits, debt, and ultimate economic decline.

This is a matter of choices. It is a matter of choices for those of us who serve in Congress. It is a matter of choices for the American people as they go to the polls. I trust the wisdom of the American people. I trust the wisdom of my colleagues in Congress. I think when people have both sides of the story, they make pretty good judgments. Part of our responsibility is to make certain that people get both sides of the story.

I think I have made the point that Governor Bush has most of his priority placed on tax cuts. That really jeopardizes the fiscal discipline that we have achieved. As I look at what he has proposed, and the $2.2 trillion, which is the surplus without Social Security, and you look at his plan and the additional tax cuts and the interest lost as a result of those tax cuts, you can see not only that he is using up the entire non-Social Security, non-Medicare surplus, he is using up almost entirely the surplus not counting Social Security. That is not a balanced plan. That is a plan that has enormous risk to it.

On top of that, his tax cuts aren't fair. He gives 53 percent of the benefit to the top 35 percent of the American people. That is the analysis by the Citizens for Tax Justice. The lowest 60 percent of the income earners in America get 11 percent of the benefits.

Again, that is not just KENT CONRAD talking; that is not just Citizens for Tax Justice talking.

Senator JOHN MCCAIN in his campaign pointed out that 38 percent of Governor Bush's tax cut goes to the wealthiest 1 percent. That is Senator JOHN MCCAIN's analysis of Governor George Bush's tax plan.

What is the fairness in that? Thirty-eight percent of the benefit goes to the wealthiest 1 percent?

The Governor is fond of saying that the surpluses are not the Government's money; it is the people's money. He has that exactly right. This money is the people's money. Absolutely. The question is, what should be done with the people's money? His idea is to give 38 percent of that to the wealthiest 1 percent. What kind of a plan is that? Wouldn't it be better to take the people's money and pay off the people's debt?

That is what I believe ought to be the top priority. Let's dump this debt. Let's get rid of it once and for all, especially before the baby boomers start to retire. We have a window of opportunity that is going to last about another 12 years. This is the time to dump the debt.

I offered a budget plan to my colleagues that would use 72 percent of these surpluses for debt elimination, 12 percent for tax relief, 12 percent for high priority domestic needs such as defense and education and health care. That, to me, is a set of priorities for the American people. This plan of Governor Bush does not add up.

JOHN MCCAIN said it well in his campaign. He said: ''More importantly, there is a fundamental difference here,'' talking about the difference between himself and George Bush. ''I believe we must save Social Security. We must pay down the debt. We have to make an investment in Medicare. For us to put all of the surplus into tax cuts I think is not a conservative effort. I think it is a mistake.''

That was JOHN MCCAIN. JOHN MCCAIN had it right. There is nothing conservative about this plan that has been put forward by Mr. Bush. It is a radical plan.

On the notion that the Bush budget doesn't add up, again, it is not just my analysis. This appeared in the Wall Street Journal.

Both candidates agree they could afford to set aside Social Security revenues which account for about $2.4 trillion of the projected surplus. That leaves roughly $2.2 trillion.

Of course, they have not subtracted out the Medicare money. They go on to say: ''Mr. Bush has a larger problem. His proposals most likely wouldn't fit even under CBO's $2.2 trillion surplus'' of non-Social Security money.

They are right. It doesn't fit within the funds. That leaves an enormous vulnerability. I hope before we leave that all of us will think very seriously about what the priorities are.

When I compare GORE and Bush on the question of budgets, GORE is proposing a plan that pays off public debt by 2012. He has $3 trillion of the surplus dedicated to dumping the debt; George Bush about half as much.

These are pretty straightforward facts. The fundamental question is, what is our priority? I believe the top priority ought to be to dump this debt, to pay off this debt. In fact, the plan I have offered would devote even more of the projected surplus that Mr. GORE does to eliminating debt.

Every economist who has come before the Budget Committee and the Finance Committee has said the highest and best use of these projected surpluses is to eliminate the national debt and do it now while we have a window of opportunity before the baby boomers start to retire. I believe that. I agree with that.

I hope we establish budget plans that have that fundamental principle and put that priority where it should be—on eliminating this debt while we can, because when the baby boomers start to retire, the numbers are going to turn against us in a very, very aggressive way. This is our opportunity. I hope we take it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the discussion today on the floor of the Senate about process and procedure and where we find ourselves near the end of this session. I will speak to the comments made earlier today by my colleague from West Virginia, Senator BYRD, and perhaps speak a bit about the comments made by my colleague, Senator CONRAD, especially about fiscal policy.

First, let me talk about process. As I do so, let me acknowledge that it cannot be an easy job to try to schedule and arrange and deal with the House and the Senate, and pass all the legislation, authorization and appropriations bills, that are necessary. A lot of people over many years have had the responsibility of doing that and many people aspire to that responsibility. One of the circumstances of control is that those who win the most seats in the Senate and the House then become chairmen and leaders, majority leaders, chairmen of committees; and the responsibility of having those jobs, of course, means bearing the burden of having to schedule and trying to arrange to make certain that Congress

works the way it ought to work and passes the legislation on time and in regular order.

It is not an easy job. My colleague, Senator BYRD, who spoke earlier today, served as a distinguished majority leader in this Congress. He also served as chairman of the Appropriations Committee. He has had the responsibility to try to find a way to get this Senate to move and get it to move on time and discharge its duties on time. Many others have done so, as well, including the distinguished Senator, Mr. Mitchell, most recently, as well as Senator Dole, and so many others over many years, going back to Lyndon Johnson, and decades and decades before that.

In this Congress, the 106th Congress, things have changed some. What has changed, it seems to me, is we have missed most of the deadlines. There doesn't seem to be a cogent plan by which we will meet the deadlines or meet our responsibilities. I want to show some charts that describe what has happened this year. The red on this calendar shows the number of days the Senate was not in session. As shown, a fair part of January, February, and March, a fair part of a number of months of this year, were days in which we had no session in the Senate.

There is some reason for some of that. We have work periods, when Senators go back to their States and meet with their constituents. That is understandable. That has always been the case. However, there needs to be some balance with respect to the number of days we are working here and the amount of time that is available to pass legislation that must be passed.

This is the situation as we near the first of October: The Senate has been in session only 115 days this year; only 115 days have we been in session. Of those 115 days, 34 of those days included no votes at all. In most cases, not much was done, perhaps only morning business for most of the day. Of the 115 days in session, there were no votes on 34 of those days. In fact, there were only three Mondays during this entire year in which there were any votes. For practical purposes, we don't have a Monday in the Senate. On the issue of Fridays, there were only six Fridays in this year in which there were votes.

What can be concluded from this is we have a Senate that really isn't in session much on Mondays or Fridays. Then the question is, what is left? Tuesdays, Wednesdays and Thursdays—except for weeks when the Senate isn't in session at all. That is what results in 115 days in session, 34 of which there weren't any votes.

Now we come to the end of this fiscal year with a lot of legislation yet to be completed. Only 2 of the 13 appropriations bills have been signed by President Clinton. That means 11 of them are as of yet incomplete. In September, we have only had votes on one Monday. This is the period of time in which we are trying to finish everything. We have had no votes on Fridays in September. It is difficult to get all of this work done, appropriations bills and other measures that need to get passed, if we are not in session.

I mentioned before we have 2 appropriations bills that are complete; 11 of them are, as of yet, incomplete. October 1 is the date by which the President is to have signed all of the appropriations bills. It is the first day of the new fiscal year. What we have is a circumstance where most of the work that needs to be done by that moment is not completed.

I serve on the Appropriations Committee. I serve with a very distinguished chairman of that committee, Senator STEVENS. I am not coming to the floor to be critical of Senator STEVENS. I think he does an extraordinary job. I am serving on the agriculture appropriations subcommittee. The chairman of that subcommittee is Senator COCHRAN from Mississippi. I am not here to be critical of Senator COCHRAN. I think he is an extraordinary Senator. I think it is a privilege to work with Senator STEVENS and Senator COCHRAN. I think they do an extraordinary job. They are Republicans; I am a Democrat. I think they are good Senators.

I am not here to say they haven't done their work. I am saying this process, the fashion in which the House and the Senate have worked this year, has just not worked at all. It has become tangled in a morass of difficulty that has prevented Members from doing what we need to do.

We have discovered someone put bills together that in some cases have not been considered by the Senate; in other cases they have not been the subject of a conference, and marry up various pieces of legislation, bring them to the floor and say: Well, let's just have one vote on this omnibus bill that has two or three different appropriations bills in it.

That might sound efficient if you haven't done your work and you reach the end of the fiscal year, but efficiency is not what protecting the interests of all Senators or the interests of all Americans is about. The process by which we are able to debate public issues in this Senate, and by which we are able to get the best of what everyone has to offer, the best of the ideas, and the competition from debate, is a process in which we bring a piece of legislation to the floor, an appropriations bill to the floor, and say, all right, you come from different areas of the country; you come with different philosophies; you come representing different constituencies; now have at this.

This is what we have tried to do in the committee. If Members have better ideas, let's hear them. If Members have the votes to convince the majority of the Senate to support their idea, let's see. Just bring these ideas to the floor of the Senate. Have votes on them. In that manner, we develop public policy. Wide open debate is the essence of democracy. That is the way democracy works.

An old friend of mine back home used to love politics. He used to say: They don't weigh votes; they count votes.

That is the way the Senate should work: Have the debate, have the vote, count it up, and the winner wins. That becomes the process of making public policy.

We have a long and distinguished history in this body. I have learned a lot listening to Senator BYRD over the many years, talking about the history of the Senate. His history goes back to the Roman Senate and beyond. One cannot help but serve here and understand there is a tradition, a tradition that we must respect as we conduct our business on behalf of the American people. We are not here by ourselves. We are not standing just in our shoes. We are here because our constituents have said: Represent us in this democracy; go to the Senate and give it the best you have, adding your voice to the votes that come from the hills and valleys of this country, and participate in the making of public policy.

The process we are seeing now all too often prevents that from happening. I am on a subcommittee of the Appropriations Committee that I am reading about every day in the newspapers. I am a conferee, in fact. But there has been no conference.

Two days ago, I got a call from somebody saying it is going to be brought to the floor of the House and the Senate tomorrow. I said, ''What is?'' They said, ''A conference report.'' I said, ''I am a conferee and there has not been a conference. How can there be a conference report?''

But that is what is happening around here all too often. I think we need to get back on track and decide there is a process we should respect, a process that represents regular order and a process that protects the rights of all Senators to participate in the making of public policy.

What is the agenda here? Why are we so passionate about this, talking about this process? Because the process allows everyone in this Chamber to come here and witness for the public policy they want, to try to keep this country ahead.

Let me go through a list of them briefly. Some of my colleagues have done so. My colleague from North Dakota, Senator CONRAD, just talked about fiscal policy. The process, if followed the way tradition would have us follow it, would allow us, in a year such as this, to grab ahold of this fiscal policy issue and evaluate what do we do. This is a new time. We now have expected surpluses in our future. What a remarkable change from the understanding that every year we were going to have a deficit and it was going to continue to grow, to mushroom out of control. All of a sudden that is gone. We have a new reality. We have fiscal policy surpluses.

I have told audiences from time to time the two enduring truths about political existence in the last 40 years or so in our public lives, the two enduring truths that overshadowed or at least represented a foundation for all of the decisions were: No. 1, we had a cold war with the Soviet Union, and, No. 2, we had budget deficits that just kept growing. Those were the two enduring truths that had an impact on everything else we did.

Think of this: Those two truths are now gone. There is no Soviet Union. The cold war is over. And there is no budget deficit. What a remarkable change in a short period.

So my colleague came to the floor a few moments ago and talked about fiscal policy given these new truths, the fact we may have budget surpluses in the years ahead. The question then is, What do we do with them? So we need to have a debate about that. Some come to the floor of the Senate and say: We know what to do with expected surpluses. Even before the surpluses exist, let's get rid of these surpluses by providing very large tax cuts and let's make sure the largest tax cuts go to those who have the largest incomes in this country. So they come to the floor with $1 trillion, or $1.3 trillion, in tax cuts over the next 10 years. This is before we even have the surpluses. Economists who can't remember their home telephone numbers tell us they know what is going to happen 3, 5, 7 and 10 years from now.

I come down on the side on which my colleague comes down; that is, we ought to be mighty conservative and cautious about this. For the first step, maybe we ought to pay down some of the Federal debt. If you run up the debt during tough times, what greater gift could you give to America's children than to reduce the Federal debt during good times? That is step No. 1.

Step No. 2, sure, if there is room, let's provide some tax cuts in a way that invests in opportunities for America's families, working families. Would it not be a nice thing for those people who are reaching up and struggling to afford to be able to send their kids to college to say: The cost of sending your kids to college you can deduct on your income tax; you can deduct the cost of tuition. What a good investment that would be, and what a nice way to have a tax cut in a way that incentivizes families to send their child to school: Reduce the debt, provide some tax cuts in ways that say to working families, we are going to try to help you.

Then make some other investments. It is not a circumstance that everything that goes out of here is spent. Some of it is invested. Our future, 10 years, 20, 40, 60 years from now, is going to depend on what we invest in that future today. I mentioned education, but there are more issues than just education.

The question of fiscal policy—what do we do, and how do we do it—is a very important question. The way we get to that and have the votes on it and have an expression of what we want to do, what the American people want to do, is have all the ideas here and vote on them. That is awfully inconvenient for some because we have to cast all these votes and some people want to just vote on the things they want and prevent the things other people want. It is inconvenient. That is democracy. Sure, it is inconvenient to give the other person their opportunity to bring their ideas to the floor of the Senate, but that is democracy. Democracy is not always convenient. It is not always efficient. It is so far above any other form of government known to mankind we can hardly describe the difference, but it may be inconvenient.

The issue that has been raised today about process is to say that inconvenience is actually designed into this system, to make sure we do not move rapidly, we do not move with haste, to ensure we do not move riding on a wave of passion that will require us or persuade us to do things we will later regret. That is the way the Senate was developed. Nobody ever suggested the way the Senate was going to react to things, or the way the Senate was going to discuss public policy, was going to be efficient. In fact, those framers, Madison, Mason, Franklin, and so many others—Thomas Jefferson, who contributed from abroad when he was serving this country—did not want a system that created a Senate that was efficient so, in an afternoon, you could grab a big public policy and decide you would each get 10 minutes, have a little vote on a couple of amendments, and that was it because we needed it to be convenient for us.

No, they created a far different system. This body has been known from time to time as the body in which the great debates of democracy take place. But I fear that is changing because some, I think, do not understand the value of debate. Debate is never a waste of time. Debate is always a contributor to knowledge. Debate, from the best to the least of those who come to public service, contributes in some way to the whole of democracy.

I have been to the floor of the Senate many times talking about another issue on the agenda. I just talked about fiscal policy. There are other things I want to get done. One area where my colleague and I may disagree from time to time—some say you should not be repetitious in trying to push your agenda. In some cases I think repetition is necessary. For example, minimum wage. We have a lot of families out there who are working at the bottom of the economic ladder. In fact, a report came out 2 days ago that said we have 3 million people working 40 hours a week who are living in poverty in this country. There are 3 million workers working 40 hours a week, full time, living in poverty. Do you know why? Because they are working right at the bottom of the economic ladder.

Who is out there in the hallways, clogging the hallways of the U.S. Capitol, saying: Do you know what my business is on Thursday here in the U.S. Capitol? I am here on behalf of the low-income folks. I am here on behalf of the voiceless, those not too involved in politics because they are struggling just to work, to make the minimum wage, trying to get home and feed their kids. The hallways are not flooded with people representing those folks. These hallways are crowded with people representing the privileged, people representing the largest corporations in America, people representing those who have done very well in this country, at the upper income scales. They have great representation.

Good for them. Everybody deserves that in a democracy. But my point is, when it comes time to debate public policy on a range of issues and it comes time to discuss the minimum wage, who stands for those families? The people who work the night shift, the people who work the night shift in the hospital for minimum wages, who are moving the bed pans around and changing the beds and helping people up and out and walking around—who is here speaking for them? The people who are working in the convenience stores at 2 a.m. for a minimum wage, who are trying to raise a family and do not have the skills to get a better job and are trapped in one of these cycles of poverty—who is here speaking for them?

The hallways are not crowded, in this Capitol Building, with people paid to represent those at the bottom of the economic ladder. I think from time to time it is important, even if rebuffed once, twice, or six times in a year, to say increasing the minimum wage for those who are struggling at the bottom of the economic ladder is important; if we do not get it the first time, we have a vote the second time; if we don't get it the second time, we have a vote the third time.

Yes, that is inconvenient, too, but it seems to me the rules of this system also allow for those who are passionately interested in pushing for those who do not have much voice in this political system.

Patients' Bill of Rights is another issue that gets caught in this process. Speaking of process, the Patients' Bill of Rights is the most remarkable piece of legislation. If I can for a moment describe the Patients' Bill of Rights as an issue and describe it through the experiences of people who have been gripped in the vice of a system that does not work for them, a woman who is hiking in the Shenandoah Mountains falls off a 40- or 50-foot cliff, breaks multiple bones, and falls into a coma. She is taken to a hospital in an ambulance, lying on a gurney in a coma with very severe injuries. She miraculously recovers, only to find that her HMO and managed care organization sends her a bill saying: We are not going to cover your emergency room treatment because you did not get prior approval for emergency room treatment.

This is a woman hauled into the emergency room in a coma suffering

serious injuries from a massive fall and told: You did not get prior approval for emergency room treatment.

Or little Ethan Bedrick; Ethan Bedrick is a young boy. This is a picture of young Ethan. He was told he had a 50-percent chance of walking by age 5. He was born with pretty severe disabilities from cerebral palsy. He had a 50-percent chance of walking by age 5. He needed rehabilitative therapy, and his managed care organization said having a 50-percent chance of walking by age 5 is ''insignificant'' and, therefore, we deny coverage for the therapy.

Think of that. It is insignificant for a young boy to have a 50-percent chance of being able to walk and, therefore, the managed care organization says: We deny coverage.

Is there a Patients' Bill of Rights that ought to provide rights to Ethan Bedrick, provide rights to the woman who falls off a cliff and is hauled into a hospital unconscious? Or, if I may take one more moment to describe the woman who testified at a hearing Senator HARRY REID and I had in the State of Nevada, a mother who stood up and told us that her son was dead, 16 years old; he had leukemia.

At the moment when he needed the treatment that would give him a chance to survive this leukemia, the HMO said no. Only later—much later—did they finally say yes, and it was too late; he was too weak. She held up his colored picture at this hearing and, through tears, she told us about her son. Her son, Chris Roe, died October 12, 1999, on his 16th birthday. I will never forget the moment when his mother, Susan, held up a picture and said: My son looked up at me from his bed and said: Mom, how can they do this to a kid like me?

He was denied the treatment that would have given him the opportunity—not a guarantee, but the opportunity—to deal with his cancer, and he died.

This young boy was told to fight his cancer and then fight his insurance company at the same time; take on both folks: You go ahead wage this cancer fight, but then you are going to have to fight us to get coverage for the things you need that might give you a chance at life.

The question is: Mom, how can they do this to a 16-year-old kid like me? And his mother, through tears, held up this colored picture of this young, 16-year-old boy and asked: How could they have done this?

Should Congress pass a Patients' Bill of Rights? What about the process there? The House of Representatives passed a bipartisan Patients' Bill of Rights, a real one, and sent it to conference. This Senate has a right to do this. They passed what I call a ''patients' bill of goods,'' an empty vessel, and sent it to conference so the Senate could say: We passed a Patients' Bill of Rights. But we did not.

A Republican Member of Congress, Dr. NORWOOD, and a Republican Member of Congress, Dr. GANSKE—do not take it from me; take it from them—said the Senate took a pass on this issue. They passed an empty vessel. What the Senate did is a step backward, not forwards.

Should we have the opportunity in this process in the Senate to have another vote on this? Things have changed. The last time we voted on this, we came up one vote short. This time, it will be a tie vote, based on what we know to have happened in the interim. With a tie vote, the Vice President will cast a vote to break the tie, and this Senate will send to conference a Patients' Bill of Rights that is a real Patients' Bill of Rights.

It says you have a right to know all of your medical treatment options, not just the cheapest. You have a right to emergency room care. You have a right, if you are being treated for breast cancer, to take your oncologist with you. If your spouse's employer changes health care providers, you can continue with that same cancer specialist who has been working with you 5 or 7 years. You have that right.

Should we be able to have another vote on that in the next day or 2 days or 2 weeks? The answer is yes, absolutely yes, because it is important to young Ethan, it is important to the memory of Chris, and it is important to all the others out there who are being told: You fight your disease and, by the way, fight your insurance company as well because some of these managed care organizations are much more interested in profit than in your health.

I hasten to say, not all. There are some terrific insurance companies and some terrific HMOs, and they do a great job, but there are some around this country that are doing to patients what I just described, saying to people like young Ethan that the potential to walk is insignificant at 50 percent. We should change that.

Do I have passion for these issues? You are darn right. I was elected to the Senate and I came here because I wanted to do good things for this country. I want this country to be a better place in which to live, whether it is health care, a Patients' Bill of Rights, adding a prescription drug benefit to the Medicare program, eliminating the barriers that prohibit the reimportation of prescription drugs from other countries so our people can access less expensive prescription drugs, or gripping the education issues in this country the way we know we should—reducing class size, renovating and repairing crumbling schools.

I came here because I wanted to do these things. I do not want people to prevent us from having the votes on them. I have spoken so often about going into the school with Rosy Two Bears, a little third grader, that I know people are just flat tired of it, but I could care less.

She walks into a school classroom that none of us would want our kids to walk into. It is a public school. Part of it is 90 years old; part of it is condemned. It has one water fountain and two toilets in this little school. They cannot connect to the Internet. They do not have good recreational facilities, and little Rosy Two Bears looks up at me and says: Mr. Senator, will you build us a new school?

I cannot do that because I do not have the money, but this Senate can. This Senate can say to Rosy and all the others who are walking through a classroom door in this country: We want you to walk through a door of which you are proud. It does not matter where you are, who you are, if you are a first grader, a third grader, or a twelfth grader. We want that schoolroom to be a schoolroom of which you are proud; we want you to be the best you can be. We want every young child to rise to the level of their God-given talents in every corner of America.

That ought to persuade us that the process by which we consider legislation in this Congress gives us full opportunity to take a look at that fiscal policy and say: If we are collecting more than we need, we can give a little back, pay down the debt, and let's also, in addition to giving a little back and paying down the debt, invest in better schools for our kids. Let's take the best ideas everybody has in this Chamber and have a good debate about that.

That is part of the passion with which most of us came to this body. We came here to get things done, and we are so frustrated by a process that seems to say: If it is our idea, we are going to vote on it. If it is your idea, somehow we are going to put it in a box someplace.

The PRESIDING OFFICER. The Senator has spoken for 30 minutes.

Mr. DORGAN. Mr. President, I ask for 30 additional seconds.

Mr. BYRD. Mr. President, I have 38 minutes, do I not, remaining?

The PRESIDING OFFICER. The Senator has that much time and more.

Mr. BYRD. I thank the Chair.

I yield—how many minutes does the Senator wish?

Mr. DORGAN. Just 2 is fine.

Mr. BYRD. The Senator asked for 2 minutes. I will give him 4.

Mr. President, let me say to the Senator, the Patients' Bill of Rights, absolutely, if there is an opportunity to pass that, if it takes twice, if it takes three times, if it takes six times, fine, I am for it.

Minimum wage: I am one who used to work at less—less—than the minimum wage by far. If we pass it, yes. So we are not in disagreement on that.

I think the Senator referenced, a little earlier, two times when I have felt that we are calling up an amendment just as a political amendment and doing it over and over and over again. That is different from what he is speaking of. I am not for that. I am not for taking the time on an amendment which has no opportunity, no future, no possibility of passing.

But in these cases, it is obvious. And the way he has described these has produced such a vivid picture of need that I am very supportive of trying again. There are reasons why one might try again and win. And the Senator has just stated it with reference to the Patients' Bill of Rights.

So I congratulate this Senator, who does so much for the Senate, who has so much to offer, who has such great talents, and who does not hide those talents in a napkin but produces fivefold or tenfold. I congratulate him and salute him. I thank him for what he has said on the Senate floor today.

So I have yielded him 4 minutes. And I have taken how much?

The PRESIDING OFFICER. Two and a half minutes.

Mr. BYRD. I yield the Senator 4 minutes still. That still leaves me, I understand, 30 minutes or more.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. DORGAN. Mr. President, the Senator from West Virginia is very generous. Let me conclude by saying something I think is important. I came to the floor because the Senator from West Virginia is someone for whom I have great respect. He was talking about the process, the method by which the Senate is supposed to work. He has been here much longer than I have. He knows the history of the Senate far better than I do. I have great respect for that.

He did not come to the floor—I listened carefully to his discussion this morning—and I did not come to the floor to be critical of others. It is a tough job running this Senate. I certainly did not come to the floor to say that the distinguished chairman of the Appropriations Committee has not done his job. I happen to think Senator STEVENS is an outstanding Senator, Senator COCHRAN, and so many others with whom I have served. So I do not come here with the purpose of casting aspersions.

But I just come to the floor because I fear that what is preventing us from getting to where I want the Senate to get to, and that is to have a full debate, and good, strong open votes on the issues I care passionately about. We are thwarted from doing that. In fact, we have had bills brought to the floor of the Senate and had cloture motions to shut off debate before the debate began, cloture motions to shut off amendments before the first amendment was offered. That thwarts this process. Back home they would say that is throwing a wrench in the crank case. That just shuts it all down. It is not the way it ought to work.

I think it is a privilege every day to come to work here. I grew up in a town of 300 people, had a high school class of 9, and never in my life thought I would meet another Senator, I suppose, let alone serve in the Senate. I think it is a privilege every day to come here.

But the reason I think it is a privilege is because I bring, as most of my colleagues do, an agenda of passion to make changes that I think will improve this country. I might be wrong in some of it. Maybe so. But I want my day. If I can persuade enough Members of this Senate to vote on the things I care about, then if I win, I win. If I don't, maybe I learned something from the debate. I am willing to lose. But I am not willing to lose the opportunity to have a full debate and a vote on the things that I and the constituents I represent in North Dakota care deeply about. That is the point. I am not willing to lose that opportunity. The process in this Senate increasingly begins to shut those opportunities down.

The Senator from West Virginia came the Senate to say, let's not do that. Let's not do it for Republicans or Democrats. Let's not do it out of concern for this Senate, its proud history and its future. Let's not do that. Let's get back to the way we are supposed to debate public policy in this Chamber.

I commend the Senator from West Virginia and my colleague, the Senator from Nevada, and others, who have spoken today. I hope we can all work together and get the best of what each can bring to this Chamber in the debate about public policy.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the unanimous consent agreement that is now before the body, Senator JOHNSON is to be recognized for 10 minutes, then Senator DURBIN for 30 minutes. I ask unanimous consent that following that, Senator CLELAND be recognized for up to 15 minutes.

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

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Nevada. I must say, I commend my colleague from West Virginia, Senator BYRD, for his suggestion that some of us come to the floor today to talk a little bit about the process.

Some people would say it is a procedural issue. It is far more profound than simply a procedural issue in the context of the way we have handled legislation on the Senate floor this year. The process that has been applied not only does, I believe, great damage to this institution, but, in the end, it has great consequence to the substance of our legislative priorities and certainly of the budget for our Nation.

Two out of the 13 appropriations bills that are required to run the Federal Government have been passed. Eleven remain incomplete. October 1 is the beginning of the Federal fiscal year, and yet we have made little progress on the Federal budget. We have a CR, continuing resolution, that will take us to October 6. But, clearly, we are in a state of chaos right now relative to the completion of our work in the Senate.

This year has been the shortest legislative session in the Senate since the ''do-nothing'' Congress that President Truman campaigned against. As my colleague from North Dakota alluded to, during the entire course of this year, we have been in session and have had votes in all of 3 weeks out of the year. How many of our constituents can imagine employment or service of any kind that would involve 3 full weeks out of the year? Of those 115 days we have been in session, roughly 30 percent of them have involved no votes whatever. No progress has been made relative to the completion of the people's agenda.

Now we find, I think most profoundly objectionable of all, an appropriations process where appropriations bills which deal with the Federal budget but, more importantly, deal with where our priorities are as a people—whether we are going to invest more money in education, in health care, in Medicare, in the environment, in our national defense, towards debt reduction—these are all the issues that need to be resolved in the context of the appropriations debate. Yet we find now that these bills move in an unprecedented fashion from an appropriations committee directly to conference, with no consideration on the Senate floor whatever.

It has never been done this way, this kind of legislative bypass of the legislative process, in the Senate.

Fully half of the Senators in this body, 25 States, have no representation on the Appropriations Committee. Certainly that is the case for my home State of South Dakota. Those States have no input, no opportunity to speak for their constituents about the nature of these appropriations bills and the kind of priority they apply to our Nation's needs. These bills then go to conference. What is worse, all too often then the conference committees in turn have not met, but only the majority party members agree then to send the bill back to the floor in a conference report, which is unamendable. So we have not even the distilling of thought through the conference committee process.

This is a terrible process, one that brings a significantly demeaning quality to the thoughtfulness that ought to be going into these fundamental questions.

Eight years after President Clinton was elected to office, having inherited $300 billion a year in red ink, we find ourselves now running budget surpluses. In fact, the White House and the congressional budget experts project budget surpluses in excess of $4 trillion over the coming 10 years. We ought to be cautious about those projections. They are only projections. Most of the money would materialize only in the outer years. Even so, that is a remarkable turnaround. It creates for us a once-in-a-lifetime, a once-in-multiple-generations opportunity to focus on what kind of society America will be for years to come.

If we take the surplus and then set aside the trust fund dollars—Social Security and the other trust funds as well—it is projected that we will have a budget surplus of around $1.2 trillion over the coming 10 years. Unfortunately, our colleagues in the House and the Senate, over my objections and over the objections of Senator DASCHLE and most Members on our side, have passed tax cuts that would cost $1.7 trillion over 10 years, when we have only $1.2 trillion to spend before we even get to issues about whether we are going to do anything to improve the quality of education, Medicare, health care, debt reduction, veterans programs, agriculture, the environment, and whatever other needs our Nation might have.

Wisely, the President has vetoed the two most expensive tax bills. We can bring them up again in a bipartisan fashion and in a more thoughtful manner. We can address those issues as well as questions of paying down the debt, questions of education and health care, rebuilding our schools, technology that we need, and the strength of our national defense.

We cannot bring these issues up and consider them in a thoughtful, deliberative fashion if these issues bypass the Senate floor. That is what the process now entails. This a perversion of our democracy. This is not what the founders of our Republic designed. It does grave injustice not only to this institution but to the needs of every citizen of this Nation.

I applaud the work of Senator BYRD, who is an extraordinary scholar, who has a great understanding of the traditions of this body, and who understands our democracy as well as anyone who has served in this body. I appreciate his suggestion that we come to the floor and talk about how our democracy is being demeaned by this process, that, in fact, the kinds of thoughtful, deliberative priority-making decisions all of our people ought to be engaged in are being denied as these bills go directly from the Budget and Appropriations Committees, with no opportunity for amendment, no opportunity for discussion, into conference committees, which are then unamendable. We wind up with the chaos that we have today, with only 2 of the 13 appropriations bills having been passed, as we near October 1, the beginning of the Federal fiscal year, and we find ourselves in a state of legislative chaos as we end this month of September.

The people of this country deserve better. We need to work in a bipartisan fashion to bring these bills up in an orderly way and to allow amendments and debate, as was designed for this institution. To see that lost is something in which we can take no pride. It is a shameful circumstance in which we find ourselves in this body, that this would ever have occurred in our democracy. It has never happened before to this scope.

It is my hope we learn some painful lessons from the experiences we are having this year. The issues before us are too profound. They are too significant relative to whether we will at last use some resources to pay down the debt, keep the cost of money down, and sustain a strong economy, while at the same time reserving some financial resources to rebuild schools, to do what we need to do to live up to our commitments to veterans, to have a strong national security, to improve our environment, to strengthen Medicare, and to do something about prescription drugs. These are the issues we are being denied an opportunity to debate, to vote on, and to arrive at the kind of political compromises necessary for all of our needs and all of our priorities and all of our points of view to be truly represented in this country. Hopefully, these are lessons that are painfully learned, lessons that will never have to be repeated in future years.

This is a sad day to look back at the lack of progress that has been made in this 2nd session of the 106th Congress. This Senate has been denied its ability to truly do its work. The people of America, not the Senators, are the great losers by the process that has been applied to the appropriations process and the legislative process in general this year.

I will do all I can to work in a bipartisan fashion to never allow this kind of process to occur again. The people of our Nation deserve far better. If we are going to play the leading role in the world, both economically and in terms of security, we need an institution that works better than that.

I yield the floor.

Mr. REID. Mr. President, I have spoken to the Senator from Illinois and the Senator from Georgia. They both agreed to limit their time by 5 minutes. Senator CLELAND will take 10 minutes and Senator DURBIN 25 minutes. I ask unanimous consent that the present order be amended to that effect.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that my friend and colleague from Georgia, Senator CLELAND, has permission to speak for 10 minutes under our agreement and that I have 25 minutes. Since Senator CLELAND is now on the floor, I ask unanimous consent he be allowed to speak before me and that I follow him with my 25 minutes.

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

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Illinois for yielding to me for the purpose of discussing the ambiguous situation in which we find ourselves in terms of the budget process and the appropriations process.

I thank the distinguished senior Senator from West Virginia, Mr. BYRD, for his continuing efforts to remind Members of this Chamber of our responsibilities to this institution but, more importantly, responsibilities to the American people.

Today Senator BYRD is causing us to step back and reflect on what we are now doing with respect to the appropriations process. It brings back a comment I like from Winston Churchill: How do you know where you are going unless you know where you have been?

Senator BYRD reminds us where we have been in the appropriations process, our history, our tradition, and the rules of the Senate. He is very fearful of where we are going in that process, and so am I.

As a Senator now for 3½ years, I am certainly not nearly as well versed as Senator BYRD in the history or the precedents of the Senate. I would like to add that I believe all other Senators, of whatever level of experience and of both parties, acknowledge his leadership in this respect. Nonetheless, from what I have read and heard in this debate, in the first budget and appropriations cycle of the 21st century, the Senate has moved in a new and deeply troubling direction.

I am certainly aware that on occasion the Senate has been compelled by necessity to resort to bypassing the regular process of committee action for consideration and amendment, conference action, and then final approval, final passage, of individual authorization and appropriations measures.

Indeed, I voted for the massive omnibus measure with which we concluded the 1998 session. That single bill totaled a whopping $487 billion and funded 8 out of the 13 regular appropriations bills. I think Senator BYRD himself said on that occasion, ''God only knows what's in it.'' Most of us didn't.

However, even on that occasion, the Senate actually took up separately and passed 10 of the 13 bills and considered 1 other bill—namely, Interior appropriations—while only 2 appropriations measures, the Labor-HHS-Education bill and the relatively small District of Columbia bill, were acted on in conference without any previous Senate floor action.

By contrast, this year the number of appropriations measures which are apparently headed for conference action without affording the full Senate an opportunity to work its will has grown to three: Commerce-Justice-State, Treasury-Postal, and VA–HUD. Not only is this trend disturbing, but apparently a determination was made fairly early on that these measures would somehow not require regular floor consideration.

I have heard many theories as to why this will be so, including fears of hard votes, difficult votes, or of obstructionist tactics. But I have yet to learn of any real justification or defense of the notion that the Senate has discretion as to whether or not it will consider appropriations bills—the means through which we are supposed to discharge perhaps the ultimate congressional authority under the Constitution, the power of the purse.

If we in the Senate are not authorized or able to have an impact on appropriations bills, we have what the American Revolution ostensibly was all about: taxation without representation.

I have the great privilege of representing the 7.5 million people in the State of Georgia, the 10th most populous State in America. Georgia hasn't had a representative on the Senate Appropriations Committee since 1992. And while the 28 members of that committee, representing 27 States, with Washington being fortunate to have 2 seats, do a good job of considering national needs and local interests, they cannot be expected to know the priorities and interests of the people of Georgia.

As the Senate was envisioned by the founders and as it has operated throughout our history, the absence of State representation on the Appropriations Committee was not an insurmountable burden. Nonappropriators could expect to have the opportunity to represent their constituents' interests when the 13 appropriations bills came to the Senate floor were open to debate and amendment. Indeed, in my first 3 years in the Senate, I often had recourse to offering floor amendments or entering into colloquies on behalf of Georgia—Georgia priorities and Georgia people. But with the apparent move to routinely bypassing the floor, what am I or, more importantly, my constituents to do?

In looking at the fiscal year 2001 bills, which apparently will not come to the Senate floor in amendable form, the potential adverse impact on my State is clear. For example, the Commerce bill funds key Georgia law enforcement efforts, including the Georgia Crime Lab and technology enhancement for local law enforcement agencies, such as the Macon Police Department. The Treasury bill contains the budget for the Federal Law Enforcement Training Center in Glynn County, GA. And the Veterans' Administration appropriations measure covers the national veterans cemetery for north Georgia that I got authorized last year. For all of these and more, the Georgia Senators will now apparently have no direct role.

This is not the way it should be, under the Constitution, or the way we ought to act under the traditions of the Senate. More and more of the most important decisions affecting our constituents and their communities are being moved off the floor of the Senate and into closed-door deliberations involving a small number of negotiators where the people of my State are left out and where my only choice as their representative is a single take-it-or-leave-it vote on a massive and unfathomable package. This is taxation without representation.

Mr. President, I understand that in an election year—especially this one—it is always a challenge to have the Senate get its business done on time. But when ''business as usual'' starts becoming a process where the Senate routinely doesn't get to work its will, something fundamental has been lost. Then, we had better worry not just about the interests and constituents of today, but the precedents and legacies we are leaving for future Senates and future generations of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that under the agreement I have 25 minutes.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Georgia, MAX CLELAND, my usual seatmate. I moved over here since he was speaking. I thank him for his presentation. He is one of the hardest working Members of the Senate. I echo his words. We both find ourselves, as do all Members of the Senate, in a real predicament. We have only passed three of the appropriations. Two of the bills have been signed into law, and now we are going to send three of the appropriation bills, as I understand it, into a conference committee without any consideration on the floor of the Senate.

This is not unprecedented. It has happened, but very rarely. What troubles me is it is becoming a rather common practice. When the President gives a State of the Union Address at the beginning of the year, he spells out to Congress his hopes for what we can achieve. Many of these hopes are never achieved. That is the plight of a President—relying on a Congress which has its own will and agenda. But the one thing the President is certain will be achieved is that, at the end of the congressional process, the spending bills necessary to keep the Government in business will be passed—13 bills.

If Congress did nothing else, it would have to pass the spending bills. Otherwise, agencies of Government would close down and important functions of Government would not be served. So the President, after giving all of his ideas in the State of the Union, steps back and watches Congress, which starts by the passage of a budget resolution and considers 13 different bills, funding all of the agencies of the Federal Government.

Sadly, over the last several years we have seen this whole process disintegrate to the point where, at the end of the session—and we are nearly there now as we come to the floor today on September 28; our new fiscal year begins October 1. Sadly, each and every year we end the session without doing our work. We end up with all of these spending bills which involve literally billions of dollars and many different functions of the Federal Government that have never been worked through the system. There are authorizing committees and appropriating committees, and they have the right names on the door. But when it comes to the bottom line, they don't, in fact, do their business and bring a bill out of the committee to the floor for consideration.

When we are studying civics and political science, one of the first books we run across is a pamphlet entitled ''How Laws Are Made.'' We teach our children and students across America, and around the world, for that matter, that there is a process in the Congress. The process involves committee consideration, floor consideration on both sides of the Rotunda, and if there are differences, a conference committee, which results in a compromise which is sent to the President for signature. It is very simple and American.

Unfortunately, it is also very unusual around this Congress, and now we are seeing more and more bills coming out of the committee, bypassing the Senate Chamber, and heading straight to a conference committee, which means that billions of dollars' worth of spending is never subject to debate or amendment. That means that Senators who don't serve on an appropriations subcommittee or the full Committee of Appropriations never get a chance to even speak on a bill, let alone change it.

The beauty of this institution, the most important deliberative body in our Nation, is that we are supposed to represent the people and speak to the issues involved in the bills and then come to some conclusion on their behalf. That is what representative government is about. It is what democracy is about. Yet we have been thwarted time and time again.

This time around, we find that only 10 of the bills have seen floor action. The Commerce-Justice-State bill, the Treasury bill, general government bill, and the VA–HUD bill are all moving directly from committee to conference. If this process continues, we will see this year what we have seen in previous years: a bill that comes at the end of the session, called an omnibus bill, that tries to capture all of the unfinished business and a lot of other items that are extraneous and put them in one package. And then, as my friend Senator BYRD from West Virginia can attest, we are handed a bill literally thousands of pages long and told to read it, vote, and go home. A lot of us wonder if we are meeting our constitutional responsibility in so doing.

I asked the staff if they kept one of those bills from previous years so I could show it during the course of this debate, but one wasn't readily available. These bills, as Senator BYRD can tell you, are sometimes 2,000 pages long, and we are asked to look at them and evaluate them. That is hard to do under the best of circumstances and impossible to achieve when we have very little time to do it. The best I could find was the Yellow Pages of the District of Columbia. It is not a good rendition because it is only 1,400 pages long. There is about another 600 pages we can expect to receive in the omnibus bill handed to us at the end of the

session. We will be told: ''Take it or leave it. Don't you want to go home and campaign?''

I think that is an abrogation of our constitutional responsibility.

I believe that most of us—even those of us on the Appropriations Committee—believe we are duty bound to come before this Senate to address the issues contained in these appropriations bills, to debate them, as we are elected to do, to reach an agreement, hopefully on a bipartisan basis, and pass the bill on to the House for its consideration and to a conference committee.

There was a mayor of New York City named Fiorello La Guardia—a famous mayor—who, when there was a newspaper strike in his town, went on the radio and read the cartoons and the comics to the kids so they wouldn't miss them. But he said what I think is appropriate here: There is no Democratic or Republican way of cleaning the streets.

What he was saying, I believe, is that in many of the functions of government, we really do not need partisanship. In fact, there shouldn't be partisanship.

In this situation, Senator BYRD spoke eloquently today about the traditions of the Senate—the idea of federalism, and the respect for small States and large States alike.

The fact is that this Chamber, unlike the one across the Rotunda, in which I was proud to serve for 14 years, gives every State an equal voice. But that is a fiction if in fact the legislation never comes to the floor so that Senators from every State can use their voice and express their point of view.

That, sadly, is what has been happening time and time again. Their appropriations work may be the most important part of our responsibility in Congress.

A few years go when Congress reached a terrible impasse, we actually closed down several agencies of Government for an extended period of time. There were some critics, radio commentators and the like, who said: Well, if they close down the Government, no one will ever notice.

They were wrong because, frankly, our phones were ringing off the hook. I can recall people calling my offices from Chicago and Springfield, IL, saying: How are we supposed to get our visas and passports to go overseas? How can we get these Federal agencies to respond? The Department of Agriculture was closed and the farmers needed to contact people about important decisions they had to make. In fact, closing down the Government is noticed, and people should take notice not only because important responsibilities of government are not being met but because Congress has not met its responsibility to make certain that we pass the appropriations bills that lead to the continuation of government responsibilities.

The people across America who elect us get up and go to work every morning knowing that if they stayed home and didn't do their job they wouldn't get paid. If they didn't get paid, they couldn't feed their families. We have to do our job. We have no less of a responsibility as Senators to stay here and work as long as it takes to accomplish these things.

The interesting thing, as you reflect on this session of Congress, is how little time we have spent in Washington on the Senate floor doing the people's business. This will be the shortest session of Congress we have had since 1956. Out of 108 days of session so far, we have had 34 days without a vote. If we continue at the current pace, it will take us nearly 2 full years to complete the remaining appropriations bills. That is a sad commentary.

Most of us who are elected to serve come to work and try to do our best. But if you look at this past year, you will find that we are only going to be in session 2 days longer than a Congress which was dubbed the ''Do-Nothing Congress'' back in the late 1940s. I think that is a sad commentary on our inability to face our responsibility.

Why do we find ourselves in this position? I think there are two major reasons. One is we are dealing with spending caps. These are limitations on spending which have been enacted into law which are there to make certain we don't fall back into red ink and into deficits. These spending caps are strings on the Federal Government's spending in appropriations bills. Some of them are reasonable and some of them are easy to live with. Some of them are very difficult to live with. Those of us on appropriations committees know that. As a member of the Budget Committee, I can attest to it as well.

The budget resolution, the architecture for all of our spending at the Federal level, was enacted by Congress—not by the President. He has no voice in that process. It was enacted by Congress. We try to live within the spending caps. Then we start to try to put together appropriations bills and quickly learn that in some areas there is just not enough money. Neither party wants to be blamed for breaking the spending caps early in the process.

We created unconscionable situations in previous years. One of the most important appropriations bills—the one for Labor, Health and Human Services and Education—was literally ravaged of its money. That money was taken and used in other appropriations bills. It was saved for the very last thing to be done. Knowing of its popularity across the country, many people on Capitol Hill felt that if we were going to bust the caps, we would do it for education, health care, and labor. It happened.

This year, as I understand, VA–HUD is one of those bills. What is more important than our obligation to our veterans? Men and women who served this country with dignity and honor were promised health care and veterans' programs. They rely on us to come up with the appropriations for that purpose and then find there is nothing in the appropriations bill to meet those needs.

Housing and urban development, an important appropriations bill that provides housing for literally millions of families across America, is similarly situated. We have ravaged the VA–HUD bill this year in an effort to try to make up for all of the other spending shortfalls in the other bills.

Everything stacks up as we come near the end of the year. Unlike many previous years, we haven't routed these bills through the Senate floor. So we have never been able to debate what the level of spending on the Senate floor should be for the Veterans' Administration, for the Treasury Department, and for a lot of agencies such as the Department of Justice and the State Department. That puts us at a disadvantage and creates the blockade that we find ourselves in today.

There are amendments as well in some of these bills that are extremely controversial because most of the authorizing committees do not come up with their authorizing bills. Many Members of the Senate have said: I have good legislation. I have a good idea. I will put it on the spending bill. I know they have to pass the spending bill ultimately, so we will do that.

That introduces controversy in some of these spending bills, and as a result, we find ourselves bypassing the Senate floor in an effort to avoid a controversial vote.

I am forever reminded of a quote from the late Congressman from Oklahoma, Mike Synar, who was chiding his fellow Members of the House of Representatives because they did not want to cast controversial votes. The late Congressman Mike Synar used to say, ''If you do not want to fight fires, do not be a firefighter.'' If you do not want to cast controversial votes, don't run for Congress. That is what this job is all about. You cast your votes for the people you represent with your conscience, and you go home and explain it. That is what democracies are all about.

Many of these appropriations bills have been kept away from the floor of the Senate so Members of the Senate who are up for reelection don't have to cast controversial votes. That has a lot to do with the mess we are in today.

Sadly, we have found that as to a lot of these amendments—some related to gun safety, for example, and some related to the treatment of gunmakers and how they can bid on contracts with the Government—because they were introduced in the appropriations bill, the bill was circumvented from the floor. They never got to the floor for fear Members would have to vote on them, and didn't want to face the music with the people who don't want gun control and with the National Rifle Association. They do not want to face reality. The reality is we have a responsibility to consider and vote on this important legislation.

Some have said we don't have time to do all of that. I have been here all week. I think we have been casting a grand total of about one vote a day. I think we are up to a little more than that.

There have been days in the House and Senate where we have cast dozens of votes. We can do that. We can limit debate, cast the votes, and get on with our business.

This week we have been consumed with the H–1B visa bill, a bill which would allow an increase in the number of temporary visas so people with technical skills can come into the United States. We spent a whole week on it.

We are going to go home in a few hours having achieved virtually nothing this week, except for the passage of this short-term spending bill that is pending at the moment. We will delay for another week the business of the Senate.

One has to wonder what will happen in the meantime. I think the President is right to insist that Congress stay and do its job. Some people have said: Why not leave the leaders of Congress here in Washington and let the Members go home and campaign? Let the leaders haggle back and forth as to what the spending bills should contain. I oppose that. I oppose it because I believe we all have a responsibility to stay and meet our obligation to the people of this country and to consider these spending bills. A few years ago, in major sports, there was a decision made about the same time, in basketball. I can recall that in high school when your team would get ahead, you would freeze the ball; you would try to run the clock. Players would dribble around and not get the ball in the hands of the opposition and hope the clock ran out. That used to happen at all levels of basketball. Finally, people said, that is a waste of time. People came to see folks playing basketball, not wasting time dribbling. So they put shot clocks in and said after every few seconds, if you don't take a shot, you lose the ball.

They did the same thing in football. They said we will basically speed this game up, too; we will make you play the game rather than delay the game.

I think we ought to consider, I say to Senator BYRD, the possibility of a vote clock in the Senate that says maybe once every 12 hours while we are in session the Senate is actually going to cast a vote. I know that is radical thinking, somewhat revolutionary. But if we had a vote clock, we wouldn't be dribbling away all of these opportunities to pass important spending bills. We wouldn't be running away from the agenda that most families think are important for them and the future of our country.

Look at all of the things we have failed to do this year. This is a Congress of missed opportunities and unfinished business. It is hard to believe we have been here for 115 days and have so little to show for it. When the people across America, and certainly those I represent in Illinois, talk to me about their priorities and things they really care about, it has little or nothing to do with our agenda on the floor of the Senate. They want to know what Congress is going to do about health care. They have kids who don't have health insurance. They themselves may not have health insurance. They wonder what we will do about a prescription drug benefit. We had a lot of speeches on it. We just don't seem to have reached the point where we can pass a bill into law. Sadly, that says this institution is not producing as people expect Congress to produce.

With a vote clock running on the Senate floor and Members having to cast a vote at least once every 12 hours while in session, maybe we will address these things. Maybe people won't be so fearful of the prospect of actually casting a vote on the floor of the Senate.

Patients' Bill of Rights is another example. People in my home State of Illinois and my hometown of Springfield come to me and tell me horror stories about the insurance companies and the problems they are having with medical care for their families; serious situations where doctors are prescribing certain medications, surgeries, certain hospitalizations, and there will be some person working for an insurance company 100 miles away or more denying coverage, time and time again, saying: You cannot expect to have that sort of treatment even if your doctor wants it.

Many of us believe there should be a Patients' Bill of Rights which defines the rights of all Americans and their families when it comes to health insurance. I believe and I bet most people do, as well. Doctors and medical professionals should make these judgments, not people who are guided by some bottom line of profit and loss but people who are guided by the bottom line of helping people to maintain their health.

We can't pass a Patients' Bill of Rights. The insurance companies, which are making a lot of money today off of these families, just don't want Congress to enact that law. So they have stopped us from passing meaningful legislation.

Another thing we want to do is if the insurance company makes the wrong decision, and you are hurt by it, or some member of your family dies as a result of it, you have a right to sue them for their negligence. Every person, every family, every business in America is subject to a lawsuit, litigation, being held accountable in court for their negligence and wrongdoing—except health insurance companies. We have decided health insurance companies, unlike any other business in America, will not be held accountable for their wrongdoing.

With impunity, they make decisions denying coverage. I think that is wrong. I think they should be held to the same standard every other business in America is held to; that is, if they do something to hurt a person because of their negligence or intentional wrongdoing, they should be held accountable. That is part of our law, the ones that we support on this side of the aisle.

One can imagine that the health insurance companies hate that idea just as the devil hates holy water. They don't want to see that sort of thing ever happen. So they have stopped us from passing the bill. It is another thing we have failed to do in this Congress—a Patients' Bill of Rights.

On prescription drug benefits, to think that we would finally take Medicare, created in 1965, and modernize it so that the elderly and disabled would have access to affordable prescription drugs is not radical thinking. I daresay in every corner of my State, whether a person is liberal, conservative, or independent, they understand this one. People, through no fault of their own, find they need medications that they cannot afford. So they make hard choices. Sometimes they don't take the pill and sometimes they bust them in half, and sometimes they can afford them at a cost of the necessities of life. Shouldn't we change that? Shouldn't we come to an agreement to create a universal, voluntary, prescription drug plan under Medicare? But unless something revolutionary occurs in the next few days, we are going to leave Washington without even addressing the prescription drug issue under Medicare.

Another question is a minimum wage increase. It has been over 2 years now we have held people at $5.15 an hour. Somewhere between 10 and 12 million workers in America are stuck at $5.15 an hour. In my home State of Illinois, over 400,000 people got up this morning and went to work for $5.15 an hour. Quickly calculate that in your mind, and ask yourself, could you survive on $11,000 or $12,000 a year? I know I couldn't. I certainly couldn't do it if I were a single parent trying to raise a child. And the substantial number of these minimum wage workers are in that predicament. They are women who were once on welfare and now trying to get back to work. They are stuck at $5.15 an hour.

We used to increase that on a regular basis. We said, of course, the cost of living went up; the minimum wage ought to go up, too. Then it became partisan about 15 years ago, and ever since we have had the fight, year in and year out. We may leave this year without ever addressing an increase in minimum wage for 12 million people across America in these important jobs—not just maintaining our restaurants and hotels but also maintaining our day-care centers and our nursing homes. These important people who cannot afford the high-paid lobbyists that roam the Halls of Congress are going to find that this Congress was totally unresponsive to their needs.

Issues go on and on, things that this Congress could have addressed and

didn't address. Sadly enough, we are not only failing to address the important issues, we are not doing our basic business. We are not passing the spending bills that we are supposed to pass. As Senator BYRD said earlier, we are derelict in our responsibilities under the Constitution. We have failed to respond to the American people when they have asked us to do our job and do our duty.

I hope that before we leave in this session of Congress, we will resolve to never find ourselves in this predicament again; that we are never going to find ourselves having missed so many opportunities that the people of this country have to wonder why we have not accepted our responsibility in a more forthcoming way.

I don't know if next year I will be making the proposal on the Senate floor. I have to talk to Senator BYRD. It is kind of a radical idea of installing a vote clock that will run and force a vote every 12 hours around here so we can get something done. But it worked for the National Football League. It worked for the National Basketball Association.

And Senator BYRD, I know you can't find it in that Constitution in your pocket, but maybe that is what it will take to finally get this Senate to get down to work on the business about which people really care.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mr. BYRD. Mr. President, let me comment on a couple of things that the distinguished Senator from Illinois just said.

The Senator from Illinois served in the other body and he served on the Appropriations Committee. He comes to this body bringing great talent, one of the most talented Members that I have ever seen in this body. He brings great talent to this chamber. He can speak on any subject. He is similar to Mr. DORGAN, and can speak on any subject at the drop of a hat. He is very articulate, he is smart, and I am proud to have him as a fellow Member.

Now, he mentioned a change that was made in basketball. I wish that they would make another change in basketball. When I talk about ''basketball'' that is a subject concerning which I know almost nothing. But I have watched a few basketball games. I can remember how they played them when I was in high school, which was a long time ago. But it really irritates me to see basketball players run down the court with that ball and jump up and hang on the hoop and just drop the ball through the basket. If I were 7 feet tall, I could drop the ball through the basket, even at age 83. If I were that tall, and I did not have to shoot from the floor to make that basket, I could do it, too. I wonder why they don't get back to the old way of requiring players to shoot from the floor. In the days when I was in high school, players had to shoot from the floor. They weren't 7-feet tall. A 6 foot 2 center in my high school was a tall boy.

But, anyhow, so much for basketball.

The distinguished Senator has talked about how we have plenty of time to do our work. The first year I came to the House of Representatives, in 1953, we adjourned sine die on August 3; 2 years later, we adjourned sine die on August 2; the next year, we adjourned sine die on July 27. We did our work. We did not have the breaks we have now. Easter? We might have been out Friday, Saturday, and Sunday. We didn't have the breaks then, but we passed the appropriations bills.

We didn't do any short-circuiting, and the Appropriations Committees of both Houses acted on a much higher percentage of the total moneys that were spent by the Federal Government. I think there was a time when the Appropriations Committees passed on 90 percent of the moneys that the Federal Government spent. Today, we probably act on less than a third of the total moneys spent. So don't tell me that we can't get this work done. We used to do it. We can do it again.

Now while I am talking about the Senator from Illinois being a new Member—relatively new in this body—he comes well equipped to this body. I have been calling attention to the fact that 59 percent—59 Senators—have come to the Senate since I walked away from the majority leader's job. I mentioned Lyndon Johnson as a majority leader; I mentioned Mike Mansfield as a majority leader; I mentioned ROBERT C. BYRD as a majority leader. I should not overlook the stellar performances of Howard Baker, a Republican majority leader; or Robert Dole, a Republican majority leader. We hewed the line when it came to the Senate rules and precedents. They honored those rules and precedents. We didn't have any shortcutting, any short-circuiting of appropriations bills, like going direct to conference and avoiding action on this floor. I want to mention those two Republican leaders because they were also in my time.

Mr. President, 27 of the 50 States are especially fortunate this year. They have Senators on the Senate Appropriations Committee. These lucky 27 states, containing a total estimated 147,644,636 individuals as of July 1999, account for over half of our population of 272,171,813. However, 23 of these United States—and I have them listed on a chart here. I have them listed as the 25 have-nots—23 of these States are in a different situation. They have no direct representation on the Senate Appropriations Committee. Due to the rather unique situation in which we find ourselves this year, three appropriations bills—bills which fund roughly 100 agencies and departments of the Federal Government—may never be considered on the Senate floor. If that is the case, some 125 million Americans who happen to live in those 23 States will have no direct input regarding the decisions of the Senate committee that directly controls the discretionary budget of the United States. The countless decisions on funding and policies in those three bills will not have been presented on the Senate floor in a form that allows the elected Senators from those 23 States to debate and amend those 3 appropriations bills; namely, the FY2001 Commerce/Justice/State, Treasury-Postal, and VA-HUD bills.

This is not the fault of the Appropriations Committee. I cannot and I will not blame Senator STEVENS, the very capable Chairman of the Appropriations Committee, whom I know wants to shepherd each bill through his committee to the floor, and through the conference committee process in the appropriate manner. His efforts have been hamstrung because of a budget process that sets an unrealistically low level of funding, a level of funding that could not possibly address in any adequate way the demands placed upon it by the administration or by the Senate, and because the Senate has not taken up many important pieces of authorization and policy legislation this year.

I have nothing but praise for Senator TED STEVENS. I have seen many chairmen of the Appropriations Committee of the Senate. I have been on that Senate Appropriations Committee 42 years—longer, now, than any other Senator in history on that Appropriations Committee. I have seen many chairmen. I have never seen one better than Senator TED STEVENS.

Additionally, cloture has been filed too quickly on many bills, in order to further limit amendment opportunities. Appropriations bills have, as a result, become an even stronger magnet for controversial amendments than usual. That always complicates the process. Further, the administration has not waited until the Senate has finished its business before issuing veiled or blatant veto threats in an attempt to influence the appropriations process. So, I am very sympathetic to the situation in which my good friend, Senator STEVENS, now finds himself.

Whatever the reasons, however, these 23 have-not states will be deprived of their right to debate and amend these bills through their elected Senators if we wrap these remaining bills into House/Senate conference reports without first taking them up on the Senate floor. They will get only a yea or nay vote on an entire appropriations conference report. There will be no chance to debate or amend the contents of those bills. The 15 million people in Florida—up or down votes, with no amendments. The 11 million people in Ohio—up or down votes on conference reports, with no amendments. The 479,000 people in Wyoming—up or down votes is all they will get, with no amendments. The same goes for the

residents of Virginia, Georgia, Louisiana, Michigan, Oklahoma, Minnesota, Nebraska, and Maine.

Those citizens should also be upset. So should the residents of Connecticut, Delaware, Indiana, Kansas, Massachusetts, North Carolina, Oregon, Rhode Island, South Dakota, and Tennessee. Those folks will have no input into hundreds of thousands of spending decisions. They will summarily be told to take that conference report without any amendments; take it; vote up or down, take it or leave it.

I heard a Member of this Senate yesterday—I believe it was yesterday—decry the President's threat to veto an appropriations bill if something called the Latino and Immigrant Fairness Act was not passed. That Senator said yesterday that a President who would make such threats was acting like a king. I agree. That threat was outrageous. If that threat was made, it was outrageous. It should not have been made. Further, I agree with that Senator's feeling about the piece of legislation which caused the White House threat. I voted against suspending the rule that would have made it possible to consider it. But when it comes to this President, or any President, Democrat or Republican acting like a king, let me say that we in this body are the ultimate check on that assumption of the scepter and crown that all Presidents would like to make.

When we in the Congress invite the President's men to sit at the table—essentially that is what we do when we delay these appropriations bills until the very last and have to act upon them with our backs to the wall and facing an almost immediate sine die adjournment, we in effect invite the administration's people to sit at the table and be part of the decisions involving the power over the purse; yes, that power which is constitutionally reserved for the House and the Senate. When we do that and then deny the full Senate the right to debate and amend those spending bills, we are aiding and abetting that kingly demeanor.

When we hand over a seat at the table to the White House and lock out the full Senate, not just these 23 States, but lock out the full Senate on spending bills, we are, in truth, giving a President much more power than the framers ever intended.

We are charged in this body with staying the hand of an overreaching Executive. Instead, it sometimes seems as if we are polishing the chrome on the royal chariot and stacking it full of congressional prerogatives for a fast trip to the other end of Pennsylvania Avenue.

This year, one appropriations bill providing funding for the Departments of Commerce, Justice, and State has been in limbo—limbo. I believe that Dante referred to limbo as the first circle of hell. Anyhow, this bill has been in limbo for more than 2 months in order to avoid controversial subjects coming up for debate and amendment. So that bill has been a sort of Wen Ho Lee of the Appropriations Committee. It has been in isolation—incommunicado, stowed away in limbo, out of sight, out of mind. But there it is on the calendar. It has been there for weeks. Controversial? Yes. Some amendments might be offered. But why not? That is the process. We should call it up and have those amendments and have a vote on them. Let's vote on them.

I have cast 15,876 votes in 42 years in this Senate. That is an attendance record of 98.7 percent. That may sound like bragging, but Dizzy Dean said it was all right to brag if you have done it. So I have a 98.7 percent voting attendance. I have never dodged a controversial vote, and I am still here and running again. And if it is the Good Lord's will and the will of the people of West Virginia, I will be around here when the new Congress begins.

I have cast controversial votes. What is wrong with that? That is why we come here.

Two other appropriations bills—DC and VA-HUD—were not even marked up by the committee until the second full week of September. There was not enough money to make the VA-HUD bill even minimally acceptable. But having been marked up and reported from the committee, was it called up on the Senate floor for consideration? No, it was not. It was just wrapped in dark glasses and a low-slung hat, surrounded with security and rushed straight into conference as if it contained secrets for the eyes of the Appropriations Committee only. The plan apparently is to insert the entire VA-HUD bill into the conference agreement on another appropriations bill without bringing it before the Senate. I still am hopeful that a way can be found to bring up that bill, as well as the Treasury Postal and Commerce Justice bills to the Senate floor.

I know that some of my colleagues may argue that every Senator has a chance to make his or her requests known to the chairman and ranking member of each appropriations subcommittee, and in that way get their issues addressed in the bill even if it does not see action on the Senate floor. I certainly know that is true. I receive thousands of requests each year to each subcommittee, as well as the requests made while those bills are in conference. However, if a Member's request is not addressed in a bill and that bill does not see debate on the floor, that Member has no opportunity to take his or her amendment to the full Senate and get a vote on it. He has no way to test the decisions of the committee to see if a majority of the full Senate will support his amendment.

Additionally, when an appropriations bill is not debated by the full Senate, Senators who are not on the committee do not have the opportunity to strip objectionable items out of the bill. They do not have the ability to seek changes, perhaps very useful changes, to provisions in the bill that might hurt their States. They do not have a voice on the many policy decisions contained in appropriations bills.

The Appropriations Committee staff is a good one. The Members and the clerks are fair, and they try to do a good job. For the most part, they succeed and succeed admirably, and I am very proud of them. But we are all human. Sometimes we do not always see the unintended consequences of this or that provision, or we simply make a drafting error that could hurt one or more States or groups of people. The fresh eyes and different perspectives of our fellow Senators who are not on the Appropriations Committee, however, have caught such errors in the past and will, I am sure, do so again. But when those Members only get to vote on a conference report that is unamendable, their judgment is eliminated. That is not a sensible way to legislate. I think it is a sloppy way to legislate. I know that my distinguished chairman, Senator STEVENS, does not want to legislate in this manner. He is not afraid of any debate or any controversial amendments. TED STEVENS is not afraid of anything on God's green Earth that I know of. He has done a yeoman's job in trying to find sufficient funding within the budget system to move his bills, and I commend him for it.

I sincerely hope that we can all come together to find a way to help my chairman. The full Senate must do its duty on appropriations bills this year. We owe that to the Nation. We owe it to this institution in which we all serve.

Mr. President, the Senate is preparing to act on a short-term continuing resolution, which will give the Senate an additional week to take up and debate appropriations bills, if we so choose. We can get a lot done in 7 days if we all put our shoulders to the wheel to heave this bulky omnibus, or these bulky minibuses, out of the mud. The Senate is surely not on a par with the Creator. We cannot pull Heaven and Earth, and all the creatures under the Sun out of the void before we rest. But with His help and His blessings, we surely can complete work on the remaining appropriations bills before we adjourn.

The Legislative Branch and Treasury/General Government appropriations conference report was defeated by the Senate on September 20. Some may have seen this as a defeat. But, in fact, that was no defeat. It was a victory for the institution of the Senate, for the Constitution and its framers, and for the Nation. I think the defeat of that conference report in large measure can be laid at the door of this strategy, which emanates from somewhere here, of avoiding floor debate on appropriations bills. I am glad that many of my colleagues objected to being asked to vote on a nondebatable conference report containing a bill—now, get this—containing a bill, in this instance the

appropriations bill for the Department of the Treasury and for general Government purposes, that they have not had a chance to understand, to debate, to amend, or to influence. The Senate was designed to be a check on the House of Representatives. Moreover, the Senate was designed to even out the advantages that more populous States enjoy in the House, and to give small or rural States an even playing field in all matters, including appropriations.

This vote on the legislative branch, Treasury, and general government minibus—minibus—appropriations bill is a setback, as far as time goes, but, I still believe that we can rally, and complete our work in a manner that will allow us to leave with our heads held high, rather than with our tail between our legs. We can finish our work. The people expect it. We ought to do it.

In fact, in keeping with the rather screwball approach that we have been taking on appropriations matters this year, much of the conferencing on these bills has been taking place, even before the bills have been debated on the floor.

Surely we can build on this base, and still allow the Senate to work its will on the more contentious elements of these bills. It is our job to resolve these problems. We get paid to do it. We get paid well to do it. It may be true that we could get higher pay somewhere else—as a basketball player or as a TV anchor person or in some other job—but we get paid well for the job we do.

We are all familiar with these issues. We know the needs of our individual States. We need to have that debate about these issues, and we need to engage the brains of 100 members of this body to get the very best results. I would far rather—far rather—see this process take place, and send good bills to the President to sign or veto, than to see Senators simply abdicating our constitutional role in formulating the funding priorities for our Nation. The bad taste of recent years' goulash of appropriations, tax, and legislative vehicles all sloshed together in a single omnibus pot has not yet left my mouth. That is the easy way, but it is the wrong way. I didn't want a second or third helping, much less a fourth. It is loaded with empty calories, and full of carcinogens. Moreover, we are poisoning the institutional role of the U.S. Senate, rendering it weaker and weaker in influence and in usefulness. We are slowly eroding the Senate's ability to inform and to represent the people, and sacrificing its wisdom—the wisdom of the Senate—and its unique place in our Republic on the cold altar of ambition and expediency. All it takes is our will to see what we are doing and turn away from the course that we are on. I urge Senators to come together and do our work for our country.

I thank all Senators who have spoken on this subject today.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BYRD. Twelve minutes?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the Chair.

I yield the floor.

Mr. MOYNIHAN. Mr. President, will the revered Senator, who I like to think of as the President pro tempore, yield 5 minutes to this Senator?

Mr. BYRD. I yield 5 minutes—I yield all my remaining time to the Senator.

Mr. MOYNIHAN. Sir, I would like to speak to the matter that the Senator from West Virginia has addressed from the perspective of the Finance Committee. I think the Senator will agree that most of the budget of the Federal Government goes through the Finance Committee in terms of tax provisions, Social Security, Medicare, Medicaid, the interest on the public debt, which is a very large sum, which we do not debate much because we have to pay it.

The two committees—Finance and Appropriations—were formed at about the same time in our history and have had the preeminent quality that comes with the power of the purse, that primal understanding of the founders that this is where the responsibilities of government lie—to lay and collect taxes; to do so through tariffs, to do so through direct taxation.

We had an income tax briefly in the Civil War, but there was the judgment that we ought to amend the Constitution to provide for it directly.

Sir, I came to this body 24 years ago. I have learned that, as I shall retire in January—and, God willing, I will live until then—there will only have been 120 Senators in our history who served more terms. So they claim a certain experience.

I obtained a seat on the Finance Committee with that wondrous Senator from Rhode Island. We were in the same class, Senator Chafee and Senator Danforth and I. I obtained a seat as a first-time Senator, through the instrumentality of the new majority leader. I avow that. I acknowledge it. I am proud of it. I will take that with me from the Senate as few others.

I underwent an apprenticeship at the feet, if you will, of Russell Long, the then-chairman, who, for all his capacity for merriment, was a very strict observer of the procedures of this body and the prerogatives of the Finance Committee.

We brought bills to the floor. They were debated. They were debated at times until 4 in the morning. I can remember then-Majority Leader BYRD waking me up on a couch out in the Cloakroom to say, ''Your amendment is up, PAT,'' and my coming in, finding a benumbed body. The vote was aye, nay. It wasn't clear. It was the first time and the last in my life I asked for a division. And we stood up, and you could count bodies, but you could not hear voices.

Then we would go to conference with the House side. The conferees would be appointed. Each side would have conferees, each party. They each would have a say. We would sit at a table—sometimes very long times, but in time—and we would bring back a conference report and say: Here it is. And if anyone would like to know more about it, there are seven of us in this room who did the final negotiations with the House. It is all there. It is comprehensible. And it is following the procedures of the body.

I stayed on the committee, sir. This went on under Senator Dole as chairman; Senator Bentsen as chairman. I would like to think it went on during the brief 2 years that I was chairman.

In the 6 years since that time, I have seen that procedure collapse. In our committee, we have a very fine chairman. No one holds Senator ROTH in higher regard than I do. I think my friend recognized this when he saw the two of us stand here for 3 weeks on the floor to pass the legislation which he did not approve. Senator BYRD did not approve of permanent normal trade relations, but when it was all over, he had the graciousness as ever to say he did approve of the way we went about it. Every amendment was offered. Cloture was never invoked. And in the end, we had a vote, and the Senate worked its will.

Now, in the last several days in the Finance Committee, we have been working on major legislation, legislation for rebuilding American communities, which is based on an agreement reached between the President and the Speaker of the House that this is legislation we ought to have, which is fine. The President should have every opportunity to reach some agreement with the leadership over here and say: Let us have this legislation. You send it to me; I will sign it. But you send it to me; I won't write it. I might send you a draft.

We were not even contemplating bringing the bill to the floor, passing it, going to conference. It is just assumed that can't happen. And indeed, in the end, we could not even get it out of committee. So the chairman and I will introduce a bill and a rule XIV will have it held here at the desk so it is around when those mysterious powers sit down to decide what our national budget will be.

You spoke of something difficult to speak to but necessary in this body, which is our relations with the Executive, which increasingly have found themselves not just with a place at the table, as you have so gentlemanly put it, but a commanding, decisive role in the legislative process.

Sir, I can report—and I don't have to face constituents any longer, so I might just as well—I can recall around 11 o'clock one evening on the House side in the Speaker's conference room—that particular Speaker had a glass case with the head of an enormous Tyrannosaurus rex in it, a great dinosaur—and tax matters were being taken up. There were representatives of the White House, representatives of

the majority leadership in the House, the leadership in the Senate. I didn't really recognize any committee members, just leadership. And I arrived in the innocent judgment of something in which I wouldn't have a large part, but I would be expected to sign the papers, the conference papers the conferees sign, a ritual we all take great pleasure in because it means it is over.

Sir, I was asked to leave the room. I was asked to leave the room. There as a Member of the Senate minority, the ranking member of the committee, that decision was not going to have anything to do with the Finance Committee or much less the Democrats. It would be a White House and a congressional leadership meeting.

In 24 years, nothing like that had ever happened. I don't believe, sir, it ever happened. I can't imagine how we came to this. I do know how, from the point of view of our party—the calamitous elections of 1994, when we lost our majorities in both bodies.

So I would say, I do not believe in the two centuries we have been here—and we are the oldest constitutional government in history, but we have seen our constitutional procedures degrade. We have seen practices not ever before having taken place, nor contemplated. They are not the way this Republic was intended. They are subversive of the principles of our Constitution, the separation of power.

The separation of powers is the first principle of American constitutional government. We would not have a King or a King in Parliament. We would have an elected President, an elected Congress and an independent judiciary. When the White House is in the room drafting the bill that becomes the law, the separation of power has been violated in a way we should not accept.

Mr. STEVENS. Will the Senator yield for one moment?

Mr. MOYNIHAN. I yield the floor.

Mr. STEVENS. Mr. President, I apologize.

Mr. MOYNIHAN. I yield the floor to my distinguished friend, the chairman of the Appropriations Committee.

Mr. STEVENS. Mr. President, I wish to state that if there is no objection, the vote on the continuing resolution would occur at 4:15. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. And that rule XII be waived.

Mr. STEVENS. Yes.

Mr. REID. Reserving the right to object, I ask permission for up to 5 minutes during that period of time.

Mr. STEVENS. I am pleased to yield to my friend 5 minutes of the time I have between now and 4:15.

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

Mr. BYRD. Mr. President, might the very distinguished and able Senator from New York have just 2 or 3 minutes to finish his statement?

Mr. STEVENS. I am pleased to yield to the Senator from New York 3 minutes.

Mr. MOYNIHAN. I thank the Senator from Alaska, my friend of all these years. Just to conclude my thought, which is that the separation of powers is what distinguishes American government. We brought it into being. It did not exist in any previous democratic regimes, the various Grecian cities, the Roman era had a legislature period. There was no executive authority. What Madison once referred to as the fugitive existence of the ancient republics was largely because they had no executive authority to carry out the decisions of the legislature. The legislature was left to be the executive as well. It didn't work.

We have worked. There are two countries on Earth, sir, that both existed in 1800 and have not had their form of government changed by violence since 1800: the United States and the United Kingdom. There are seven, sir, that both existed in 1900 and have not had their form of government changed by violence since. Many of the British dominions were not technically independent nations.

The separation of powers is the very essence of our system. We have seen it evanescing before us. I say evanescing because—the misty clouds over San Clemente, noise rising from the sea—because I was not in that room after I was asked to leave, nor was there any journalist, nor were there any of our fine stenographers. No one was there save a group of self-selected people. They weren't selected for that role. They should not have been playing it. This has gone on too long, and it ought to stop.

With that, sir, I thank my friend from Alaska and I yield the floor.

Mr. BYRD. Mr. President, I revere the Senator from New York. He came to the Senate in 1977. He went on the committee. What he has just said astonishes me—that he was asked to leave the room in this Republic—''a republic, Madam, if you can keep it.''

Mr. MOYNIHAN. Said Benjamin Franklin, yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I consider myself very fortunate today. Except for going to a conference here and there, and a few other things that had me go off the floor, I have had the opportunity to listen to almost everything that went on today, either from my seat in the Senate Chamber or in the Cloakroom. How fortunate I am.

The Senator from West Virginia is to be commended for initiating this debate on what American Government is all about. When the history books are written, people will review what took place during this debate, the high level of debate and the exchange between the Senator from New York and the Senator from West Virginia, both with years of wisdom, years of knowledge, and years of experience. People will look back at this consideration in the textbooks.

I stepped out to go over to the Senator's Interior Appropriations Subcommittee. The administration was there complaining about report language as to what the intent of the Congress was. It is hard for me to fathom they could do that. I don't want to embarrass anybody from the administration, but I spoke to two people from the administration. I said: What in the world are you trying to do? Are you trying to tell this subcommittee, this legislative entity, what our intent is? That is our responsibility as legislators, not this administration's responsibility. We have report language in bills so that people can look and find out what our intent is.

Mr. BYRD. So that the courts can also.

Mr. REID. The courts, or anybody else. If the administration doesn't like what we do, they can take it to court, and that report language will give that court an idea as to what we meant. I say to Senator BYRD and Senator MOYNIHAN, words cannot express how I feel.

As people have heard me say on the floor before, I am from Searchlight, NV. My father never graduated from eighth grade and my mother never graduated from high school. To be in the Senate of the United States and to work with Senator MOYNIHAN and Senator BYRD is an honor. It is beyond my ability to express enough my appreciation for this discussion that has taken place today. I hope it will create some sense in this body—maybe not for this Congress but hopefully for the next one—that we will be able to legislate as we are supposed to do it. I express my appreciation to both Senators.

Mr. BYRD. I thank the distinguished Senator.

Mr. MOYNIHAN. I thank my friend.

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

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes remaining.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized for up to 20 minutes and that Senator SESSIONS be recognized for up to 15 minutes following the two rollcalls that will soon take place.

Mr. REID. Mr. President, I didn't hear that request.

Mr. STEVENS. I am going to yield back the time I had so we can vote earlier. I agreed to yield time to two colleagues, to be used after the votes take place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, having been a Senator who served in the minority, in the majority, and then in the minority, and again in the majority, I understand the discussion that has taken place here today full well. I have been a member of the Appropriations Committee for many years—not nearly as long as the Senator from West Virginia but for a long enough time to know that the appropriations process has to fit into the calendar as adjusted by the leadership.

We have done our best to do that this year. It does inconvenience many Senators whenever the appropriations process is shortened. I believe in full and long deliberation on appropriations bills. Mainly, I believe in bringing to the floor bills that have such uniform support on both sides of the aisle that there really isn't much to debate.

I think if the Members of the Senate will go back and look at the Defense Appropriations Committee bills since I became chairman, or when Senator INOUYE became chairman, we have followed that principle. Unfortunately, issues develop that are not bipartisan on many bills and they lead to long delays. In addition, the closer we get to an election period, the longer people want to talk or offer amendments that have been voted on again and again and again.

We have had a process here of trying to accommodate the time that has been consumed on major issues, such as the Patients' Bill of Rights and the PNTR resolution dealing with China, which took a considerable time out of our legislative process. We find ourselves sometimes on Thursday with cloture motions that have to be voted on the following Monday, and then we make it Tuesday and we lose a weekend. We have adjusted to the demands of many Senators.

I believe the Senator from West Virginia would agree that we have tried very hard in the Appropriations Committee to get our work done. Most of our bills were out of committee before we left for the recess in July. As a matter of fact, we had our two major bills, from the point of view of Defense—military construction and the Department of Defense appropriations bill—approved in really record time.

Mr. REID. Will my friend yield for a brief comment?

Mr. STEVENS. Yes.

Mr. REID. I want to make sure that any comments I have made do not reflect on the Senator from Alaska. I can't imagine anyone being more involved in trying to move the legislation forward than the Senator from Alaska. So none of the blame that is to go around here goes to the Senator from Alaska, as far as I am concerned.

Mr. STEVENS. I thank the Senator. I wasn't inferring that I received any comments or concern on my activity or the committee's, per se. I believe the process of the Senate, however, is one that involves the leadership adjusting to the demands of the Senate and to the demands of the times. A political year is an extremely difficult time for the leadership. Senator BYRD had leadership in several elections, and I had the same role as the Senator from Nevada—the whip—during one critical election period during which the leader decided to be a candidate and was gone. So I was acting leader during those days. I know the strains that exist.

I want to say this. I believe that good will in the Senate now is needed to finish our job. The American people want us to do our job. Our job is to finish these 13 bills that finance the standing agencies of the Federal Government and to do so as quickly as possible. Because of the holiday that starts in a few minutes for some of our colleagues, we will not meet tomorrow, and we cannot meet Saturday. So we will come back in Monday, and that will give us another 7 days to work on our bills.

The House has now passed the energy and water bill. We will file the Transportation and Interior bills—I understand those conferences are just about finished now—on Monday. We are working toward completion by the end of this continuing resolution. But let's not fool ourselves. If we got all these bills passed by next Friday, there would still have to be a continuing resolution because the President has a constitutional period within which to review the bills. He has 10 days to review them, not counting Sunday; so we are going to be in session yet for a considerable period of time—those of us involved in appropriations.

I urge the Senate to remember that circumstances can change. We could be in the minority next year, God forbid, and the leadership on the other side could be trying to move bills. And if the minority taught us some lessons about how to delay, I think we are fast learners. We have to remember that what comes around will go around. It is comity that keeps this place moving and doing its job.

I think all of us have studied under and learned from the distinguished Senator from West Virginia. He has certainly been a mentor to people on both sides of the aisle. He has taught us everything there is to know about the rules and how to use them. He has never abused them. I don't take the criticism that he has made other than to be of a process that we now find ourselves involved in. Our job is to work our way out of this dilemma. I hope we can. I hope we can do it in good grace and satisfy the needs of our President as he finishes his term. We have been working very hard at that since we came back from the August recess.

In my judgment, from the conversations I have had with Jack Lew, the Director of the Office of Management and Budget, there is a recognition of the tensions of the time and a willingness to try to accommodate the conflicting needs of the two major parties in an election year. That is what we are trying to do.

I hope we will vote to adopt this continuing resolution and that Members will enjoy the holiday that is given to us by our Jewish colleagues. We will come back Monday ready to work.

I fully intend to do everything I can to get every bill we have to the President by a week from tomorrow. That may not be possible, but that is our goal, and I expect to have the help of every Senator who wants to see us do our constitutional duty, and that is to pass these bills.

Does the Senator wish any further time?

Mr. REID. If the Senator will yield, I ask unanimous consent that following the two Republican Senators there be allowed to speak in morning business: Senator FEINGOLD for 30 minutes and Senator MIKULSKI for 35 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am compelled to object because I want to state to the Senator that I took our time and allotted it after——

Mr. REID. I said after the Republican speakers.

Mr. STEVENS. I don't know what the leader intends to do after that time. I have no indication that he wishes to object, but I don't know. In a very short time our Jewish friends must be home before sundown. I don't think there is going to be objection, but I am not at liberty to say.

Mr. REID. Senator FEINGOLD, of course, is Jewish and he would handle that on his own. Anyway, fine. I think it is sundown tomorrow, anyway.

Mr. STEVENS. I thought it was sundown tonight.

Mr. REID. No. Some people just want to leave to get ready for sundown tomorrow.

Mr. STEVENS. I don't see any reason to object.

Mr. REID. If the leader has something else he wants to do, of course that will take precedence. But before we leave tonight, they would like to have the opportunity to speak.

Mr. STEVENS. I am compelled to say this: Under the practice we have been in so far, the Senator's side of the aisle has consumed 6 hours today, and we have consumed about 40 minutes, at the most. There is a process of sort of equalizing this time. I would be pleased to take into account anyone who has to leave town, but can we do that after this time? I promise the Senator I will help work this out.

Mr. REID. We will talk after the first vote. I will renew the request after the first vote.

Mrs. MURRAY. Mr. President, I've come to the floor to join my colleagues in discussing where our annual budgeting process stands.

We are just three days away from the start of the new fiscal year, and the Senate is far behind in its work. The resulting rush is leading some to short-circuit our usual appropriations process. Like so many of my colleagues, I am dismayed that Senators are being denied the opportunity to fully consider and debate these appropriations bills.

I want to commend Senator BYRD for his comments today. Senator BYRD is once again speaking for the United States Senate. His comments are neither Republican nor Democrat. With his usual elegance and candor, Senator BYRD is championing this institution, and we should all commend him for that. The Senate that he defends so passionately is one that works for both parties; works for all Senators; and most importantly, works for the American people.

Time and again during my eight years of service in this body, I have made the walk from my office to this floor. And each time, I bring with me a certain excitement and anticipation for the great opportunity the people of Washington state have given me to represent them as we debate issues from education to foreign policy to health care.

Unfortunately, there have been very few opportunities to come to this floor and engage in meaningful debate. Too often, the majority has sought to either stifle or deny debate on the issues Americans care about. On the rare occasions when we have had debates, they have not resulted in meaningful legislation that has a chance of being signed into law.

For example, the Senate spent several weeks debating the Elementary and Secondary Education act. We debated the issues, and we cast tough votes on the ESEA bill. But, for some reason, the bill was shelved by the majority. Now it looks certain to die as the Congress tries to adjourn quickly in this election year.

As we watch the clock tick toward the end of the fiscal year this weekend, only two of the 13 appropriations bills have been signed into law. We now find ourselves in an unnecessary impasse. The breakdown in this year's appropriations process did not happen overnight. It is not merely the result of election eve politicking, or jockeying for position between the Executive and Legislative branches, although there are plenty of both going on.

No, the breakdown of the fiscal year 2001 appropriations process can be traced back to the opening days of this session of Congress in January. Back then, the House and Senate leadership promptly fell into disarray over the handling of the President's request for a supplemental spending bill. You may recall that the President requested $5 billion in supplemental fiscal year 2000 funding. The House subsequently passed a $12.8 billion supplemental funding bill—more than twice what the President had requested. The Senate Appropriations Committee, at the behest of the Senate Majority Leader, shelved plans to draw up a separate supplemental funding bill. Instead, the Senate attached a total of $8.6 billion in supplemental funding onto three regular appropriations bills—Military Construction, Foreign Operations, and Agriculture appropriations. The Majority Leader's plan was to have all three bills enacted into law by the Fourth of July holiday. Needless to say, things did not quite go as planned.

Despite weeks of congressional wrangling, the three bills in the Senate could not be reconciled with the one bill in the House. Finally—in desperation—the House and Senate ended up jamming $11.2 billion in supplemental funding into the conference on the FY 2001 Military Construction Appropriations Bill. Much of that funding had never seen the light of day in either the House or Senate. The conference report was approved on June 30, and became the first of the FY 2001 appropriations bill signed into law. With the exception of the swift and relatively smooth passage of the Defense Appropriations Bill a month later, the FY 2001 appropriations process has gone from bad to worse. We now find ourselves in the intolerable position of having 11 of the 13 appropriations bills still pending—with two days to go before the end of the fiscal year, and no clear game plan in sight. The House has passed all of the regular appropriations bills. And the Senate Appropriations Committee—on which I serve—has reported all 13 regular appropriations bills. But only 10 of these 13 bills have been passed by the Senate. Once again, desperation is setting in. The focus is shifting from the flow of open debate on the Senate floor to the closed doors of the conference committees.

Just last week, the Senate leadership attempted to attach the Treasury and General Government Appropriations bill—which the Senate has never considered—to the Legislative Branch conference report, and pass them as a package deal. The Senate was wise to reject that approach. The Senate should have an opportunity to fully consider these three significant appropriations bills. To abandon the reasoned debate this chamber is known for would represent a full surrender by this body of our responsibilities to the American people.

Mr. President, there are many pressing issues from programs for veterans healthcare and the courts to the National Weather Service. We should be able to debate these funding plans and then vote for or against them. Mr. President, it doesn't have to be this way. The Senate still has time to take up the remaining appropriations bills, debate them, amend them, and send them to the President. They may be contentious. But that is precisely why they must be aired in the light of day before the entire Senate and not swept into law under the cover of an unrelated appropriations conference report.

If the Senate acts promptly, the conferees will have ample time to complete their work, and report back to the full House and Senate. As a member of the Senate Appropriations Committee, I am acutely aware of our responsibilities to the people of this nation when it comes to appropriating taxpayers' dollars. I take that responsibility very seriously. The people have a right to know what Congress is doing with their money. And members of Congress have a responsibility to appropriate money wisely.

We cannot do our jobs or meet our responsibilities, if we delegate our work to a handful of appropriators hammering out a conference agreement, or to a closed circle of congressional leaders and White House officials huddling over a conference table.

Mr. President, we are poised to pass a Continuing Resolution that will keep the government operating through October 6. I believe that if we could put aside political posturing, partisan bickering, and retaliatory tactics for just one week, just one week, we could complete work on the appropriations bills, in an orderly and responsible fashion, and close out this Congress. We may not have accomplished all that we would have wished to accomplish. But I am confident that continued bickering over the appropriations process in the waning days of the 106th Congress will not improve the climate for any other legislation to move forward.

Mr. President, the American people deserve more than this mess from their elected leaders. I know the Senate can do better. In the days ahead, I urge my colleagues to work with our leaders and with the leadership of the Appropriations Committee, to tackle the remaining appropriations bills and conference reports, to debate, to vote, and to complete the work that we have been charged to do.

Though time is running out, it is not too late to make these spending decisions in the most responsible way, and that is what I am calling on my colleagues to do.

Mr. STEVENS. I think the time has come for us to ask that this resolution be presented to the Senate for a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. 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. 259 Leg.]

YEAS—96

Abraham	Daschle	Inouye
Akaka	DeWine	Jeffords
Allard	Dodd	Johnson
Ashcroft	Domenici	Kennedy
Baucus	Dorgan	Kerrey
Bayh	Durbin	Kerry
Bennett	Edwards	Kohl
Biden	Enzi	Kyl
Bingaman	Feingold	Landrieu
Bond	Fitzgerald	Lautenberg
Boxer	Frist	Leahy
Breaux	Gorton	Levin
Brownback	Graham	Lincoln
Bryan	Gramm	Lott
Bunning	Grams	Lugar
Burns	Grassley	Mack
Byrd	Gregg	McConnell
Campbell	Hagel	Mikulski
Chafee, L.	Harkin	Miller
Cleland	Hatch	Moynihan
Cochran	Helms	Murkowski
Collins	Hollings	Murray
Conrad	Hutchinson	Nickles
Craig	Hutchison	Reed
Crapo	Inhofe	Reid

Robb	Sessions	Thompson
Roberts	Shelby	Thurmond
Rockefeller	Smith (NH)	Torricelli
Roth	Smith (OR)	Voinovich
Santorum	Snowe	Warner
Sarbanes	Specter	Wellstone
Schumer	Stevens	Wyden

NOT VOTING—4

Feinstein	McCain
Lieberman	Thomas

The joint resolution (H.J. Res. 109) was passed.

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

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

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 4177 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mrs. MURRAY) would vote ''aye.''

The yeas and nays resulted—yeas 92, nays 3, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—92

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

NAYS—3

Hollings	Reed	Wellstone

NOT VOTING—5

Feinstein	McCain	Thomas
Lieberman	Murray	

The PRESIDING OFFICER. On this vote the yeas are 92, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MURKOWSKI. Mr. President, may I ask about the order and the unanimous consent that is pending?

The PRESIDING OFFICER. The Senator now has 20 minutes.

Mr. MURKOWSKI. I thank the Chair.

OIL CRISIS

Mr. MURKOWSKI. Mr. President, I have had a series of discussions with my colleagues on the energy crisis in this country.

I think it is fair to make a broad statement relative to the crisis. The crisis is real. We have seen it in our gasoline prices. We saw it last week when oil hit an all-time high of $37 a barrel—the highest in 10 years. And now we are busy blaming each other for the crisis.

I think it is fair to say that our friends across the aisle have taken credit for the economy because it occurred during the last 7 years. I also think it is fair that our colleagues take credit for the energy crisis that has occurred because they have been here for the last 7 years.

I have talked about the Strategic Petroleum Reserve, what I consider the insignificance of the drawdown, and the signal that it sends to OPEC that, indeed, we are vulnerable at 58-percent dependence on imported oil. That sends a message that we are willing to go into our savings account.

What did we get out of that? We got about a 3- to 4-day supply of heating oil. That is all. We use about a million barrels of heating oil a day during the winter. That has to be taken out of the Strategic Petroleum Reserve in crude form—30 million barrels—and transferred to the refineries which are already operating at capacity because we haven't had any new refineries built in this country in the last 15 to 20 years.

This is not the answer.

I am going to talk a little bit about one of the answers that should be considered by this body and has been considered before. In fact, in 1995, the issue of opening up that small area of the Coastal Plain, known as ANWR, came before this body. We supported it. The President vetoed it. If we had taken the action to override that veto of the President, or if the President had supported us, we would know what is in this small area of the Coastal Plain. When I say ''small area,'' I implore my colleagues to reflect on the realities.

Here is Alaska—one-fifth the size of the United States. If you overlay Alaska on the map of the United States, it runs from Canada to Mexico, and Florida to California. The Aleutian Islands go thousands of miles further. There is a very small area near the Canadian border. When I say ''small,'' I mean small in relationship to Alaska with 365 million acres.

But here we have ANWR in a little different proportion. This is where I would implore Members to understand realities. This is 19 million acres. This is the size of the State of South Carolina.

A few of the experts around here have never been there and are never going to go there in spite of our efforts to get them to go up and take a look.

Congress took responsible action. In this area, they created a refuge of 9 million acres in permanent status. They made another withdrawal—only they put it in a wilderness in permanent status with 78.5 million acres, leaving what three called the 1002 area, which is 1½ million acres.

That is this Coastal Plain. That is what we are talking about.

This general area up here—Kaktovik—is a little Eskimo village in the middle of ANWR.

They say this is the ''Serengeti.'' There is a village in it. There are radar sites in it. To suggest it has never been touched is misleading.

Think for a moment. Much has been made of the crude oil prices dropping $2 a barrel when the President tapped the Strategic Petroleum Reserve and released 30 million barrels of oil.

While I believe the price drop will only be temporary, I ask my fellow Senators what the price of crude oil would be today if the President had not vetoed opening up ANWR 6 years ago. It would have been at least $10 less because we would have had another million-barrel-a-day supply on hand.

What would prices be if OPEC and the world knew that potentially 1 to 2 million barrels a day of new oil was coming out of the ANWR Coastal Plain, and not only for 3 or 4 or 15 days, but for decades?

Let me try to belie the myth of what is in ANWR in relationship to Prudhoe Bay. This area of Prudhoe Bay has been supplying this Nation with nearly 25 percent of its crude oil for almost two decades—2½ decades.

We built an 800-mile pipeline with the capacity of over 2 million barrels. Today, that pipeline is flowing at 1 million barrels with the decline of Prudhoe Bay.

You might not like oil fields but Prudhoe Bay is the finest oil field in the world, bar none. I defy anybody to go up there and compare it with other oil fields. The environmental sensitivity is unique because we have to live by rules and regulations.

The point I want to make is when Prudhoe Bay was developed and this pipeline was built at a cost of roughly $6.5 billion to nearly $7 billion, the estimate of what we would get out of the oil field was 9 billion barrels.

Here we are 23 or 24 years later, and we have gotten over 12 billion barrels. It is still pumping at better than 1 million barrels a day.

The estimates up here range from a low of 5.7 billion to a high of 16 billion barrels—16 billion barrels. What does that equate to? It is kind of in the eye of the beholder. Some say it would be a 200-day supply—a 200-day supply of America's oil needs. They are basing their estimates on old data of 3.2 billion barrels in ANWR, ignoring the most recent estimates by the U.S. Geological Survey that there is a 5 percent chance of 16 billion barrels—that is at the high end with a mean estimate of 10.3 billion barrels. That is the average. For the sake of conversation, we might as well say a 10.3 billion barrel average.

Under this argument, Prudhoe Bay, the largest oil field in the United States, has only a 600-day supply. That is assuming all oil stops flowing from all other places, and we have no other source of oil other than Alaska. So those arguments don't hold water.

But the Wilderness Society and the Sierra Club say it is only a 200-day supply. It is only this, or it is only that; and using that logic, the SPR is only a 15-day supply, in theory.

Let's make sure we keep this discussion where it belongs.

To give you some idea, in this 1002 area, in comparison to an eastern seaboard State, let's take the State of Vermont, and say that there are absolutely no other sources for oil in the entire Coastal Plain. If this 1002 area was designated to fulfill Vermont's needs, that 200-day supply is enough to heat homes and run equipment all over Vermont for the next 197 years. So don't tell me that is insignificant. For New Hampshire, for example, it would be 107 years.

The U.S. Geological Survey says that it would replace all of our imports from Saudi Arabia for 11 years.

If it contains the maximum estimate of recoverable oil, it would replace all of our imports from Saudi Arabia for 30 years.

If the Arctic Coastal Plain could produce just 600,000 barrels a day, the most conservative estimate—more likely it would produce 2 million barrels a day—the area would be among the top 13 countries in the world; just this area in terms of crude oil production.

At 2 million barrels a day, the Coastal Plain of ANWR itself would be among the top eight oil-producing nations in the world. I am sick and tired of hearing irresponsible statements from the environmental groups that are lying to the American people.

We had a little discussion the other day on the floor. One of my colleagues from Illinois said he ran into a CEO of a major oil company of Chicago—he didn't identify who he was—and asked him how important ANWR was to the future of the petroleum industry. The man from the company said from his point of view it was nonsense, there are plenty of sources of oil in the United States that are not environmentally dangerous.

Where? Where? We can't drill off the Pacific coast. We can't drill off the Atlantic coast. We can't drill offshore. We can only drill down in the gulf, and now the Vice President wants to cancel leases down there.

He further said he believes, and the man from Illinois agreed, we don't have to turn to a wildlife refuge to start drilling oil in the Arctic nor do we have to drill offshore.

If we are not going to drill offshore, where are we going to drill? They won't let drilling occur in the Overthrust Belt. Mr. President, 64 percent has been ruled out—Wyoming, Colorado, Montana—to any exploration.

The idea that these people don't identify where we are going to drill, but are just opposed to it, is absolutely irresponsible. As a consequence of not knowing whether we have this oil or not, we are not doing a responsible thing in addressing whether we can count on this as another Strategic Petroleum Reserve.

I have a presentation that I hope will catch some of the attention of Members because there is an old saying from some of the environmental groups: For Heaven's sake, there is 95 percent of the coastal plain that is already open for oil and gas development.

Here is a picture of the coastal plain. It is important that the public understand this: 95 percent is not open. Here is Canada. Here is the ANWR area, 19 million acres, the coastal plain. This area is not open. It is open in this general area. Then we have the National Petroleum Reserve. This area is closed —this little bit of white area. From Barrow to Point Hope is closed. I repeat, 95 percent isn't open.

The Administration prides itself on saying we have been responsible in opening up areas of the National Petroleum Reserve, which is an old naval petroleum reserve. A reserve is there for an emergency. We don't know what is there. The areas that the oil company wanted to go in and bid Federal leases, the Department of Interior wouldn't make available. They made a few, it is a promising start, but let's open up a petroleum reserve and find out whether we have the petroleum there. They won't do that. They won't support us in opening up ANWR.

Only 14 percent of Alaska's coastal lands are open to oil and gas exploration. Those are facts. I defy the environmental community, the Sierra Club, or the Wilderness Society to counter those statements. The breakdown: Prudhoe region, 14 percent; ANWR coastal plain, 11 percent; ANWR wilderness, 5 percent; naval petroleum, 52 percent; and Western North Slope, State, native private land, 18 percent. Ninety-five percent is not open.

I am looking at ''The Scoop on Oil,'' Community News Line, Scripps News Service, written obviously by the environmental community. It says ''And yet oil spills in Prudhoe Bay average 500 a year.''

They don't amount to 500 spills a year. They amount to 17,000 spills a year—I see that has the attention of the Presiding Officer—because in Prudhoe Bay they don't mention they have to report all spills of any nonnaturally occurring substance, whether a spill of fresh water, a half cup of lubricating oil, or a more significant spill. The vast majority of spills at Prudhoe Bay have been fresh and salt water use in conditioning on the ice roads and pads—not of chemicals or oil.

In 1993, the worst year in the past decade for spills at Prudhoe Bay, there were 160 reported spills involving nearly 60,000 gallons of material but only 2 spills involving oil. Those are the facts. And all 10 gallons went into secondary containment structures and were easily cleaned.

Prudhoe Bay is the cleanest industrial zone in America. America should understand this. What the environmental community has done is found a cause, a cause for membership dollars. Our energy policy today in this country is directed not by our energy needs but by the direction of the environmental community. They accept no responsibility for the pickle we are in with this energy crisis. This administration has not fostered any domestic exploration program of any magnitude in this country, as I have indicated, whether it be the Overthrust Belt or elsewhere. They have limited excess activity to the Gulf of Mexico. They have prohibited exploration in the high Arctic, as I have indicated.

They have moved off oil and said: No more nuclear; we won't address nuclear waste. My good friend from Nevada and I have had spirited debate, but we are not expanding nuclear energy because we cannot address what to do with the waste. Twenty percent of our power comes from nuclear. We have not built a new coal-fired plant since the mid-1990s. You cannot get a permit. We are talking of taking down hydro dams because of the environmentalists, but

there is a tradeoff, as the occupant of the Chair from Oregon knows—putting the traffic off the barges on to the highways. There is a tradeoff.

If we take no hydro, no coal, no nuclear, no more imports of oil, where does it go? It goes to natural gas. What about natural gas, the cleanest fuel? Ten months ago, it was $2.16 per 1,000 cubic feet; deliveries in November of $5.42—more than double. Where are we going for energy? We are going to natural gas. That is the next train wreck coming in this country. It will be severe. Fifty percent of the homes in this country heat by natural gas—56 million homes. Heating bills are going to be 40-percent higher in the Midwest this winter. We have a different problem on the east coast where we don't have natural gas. The train wreck is coming.

When I hear these ludicrous statements, this thing is garbage, it is totally inaccurate. It says:

> The oil industry's definition of ''environmentally sensitive'' also differs quite radically from yours and mine. How can thousands of caribou, polar grizzly bear, eagles, birds and other species who survive in what has been dubbed ''America's Serengeti''. . . .

If you haven't been up there, this coastal plain is pretty much the same all over. It is beautiful, it is unique. But it has some activity with the villages and the radar sites, and you wouldn't know where you were along this coastal plain because it is all the same.

They talk about dozens of oil fields. They say the road and pipelines would stop the movement of wildlife from one part of the habitat to another, toxic waste would leak. Let me show something about the wildlife up here: This is Prudhoe Bay, and this is the wildlife. These are not stuffed dummies, these are live caribou. They are wandering around because nobody is shooting them. Nobody is running them down with snow machines. This is Prudhoe Bay. We can do this in other areas of Alaska.

According to the Wilderness Society, rivers, streambeds, key habitat for wildlife, will be stripped by millions of tons of gravel roads. Let me show a little bit about the technology today because it is different. America should wake up and recognize this. This is a drill pad in the Arctic today. There are no gravel roads. We have ice and snow 9 months of the year. This is an ice road. That is the well.

Let me show the same place in the summertime, during the short summer, which is 2½ months or thereabouts. This is after moving the rig. There is the Christmas tree; there is the tundra. Do you see any marks? Do you see any gravel roads? Do you see pipelines? No, we have the technology, we can do it right. We could if the environmental community would meet its responsibilities. As we look for sources of energy, particularly oil, do we want to get it from the rain forests of Colombia where nobody gives a rat's concern about the environment? They just want the oil and to get it at any price, lay a pipeline anywhere.

Do you want to do it right here at home? I think it is time to come to grips with these folks and ask them to stand behind their assertions. They talk about millions of piles of gravel. We don't have to do that anymore. They are talking about the living quarters of thousands of workers and air pollution and death for the stunning animals. They talk about the polar bear. The polar bear don't den on land, they den on the ice.

I could go right down the list and state what is wrong with this thing. It is irresponsible. They finish by saying it is a 90-day supply of oil. That is just not accurate. It is not factual. The reality is, if given the opportunity, we can turn this country around, keep these jobs home.

I am going to tell you, one of the problems, of course, is with our refining capacity because we are going to have to increase that. The assertion is that some of these refineries were closed prior to the Clinton-Gore administration. That is fine. But what have we done to increase the refining capacity? Refining capacity has increased by less than 1 percent while demand has increased 14 percent in this country. What are the causes of price hikes? Let's go to EPA. We have nine geographical regions in this country that require reformulated gas. I am not going to question the merits of that, but I can tell you the same gas in Springfield, IL, can't be used in Chicago. It costs more. Is it necessary? I don't know, but it costs more because you have to batch it.

We have talked about President Clinton's veto of ANWR 6 years ago, and what it would do. We are addressing the national security of this country as we look at depleting our Strategic Petroleum Reserve. It amazes me that nobody is upset about our increased dependence on oil from Iraq, 750,000 barrels a day. Saddam Hussein finishes every speech: ''Death to Israel.'' If there was ever a threat to Israel's national security, it is Saddam Hussein. He is developing a missile capability, biological capability—what is it for? Well, it is not for good things.

As a consequence of that, we are seeing our Nation's increased reliance on crude oil and refined product, increased vulnerability to supply interruptions, and we are pulling down our reserves, and the administration says it is doing something about it. But I would like to know what. It vetoed ANWR, the opening of ANWR. It says we will get a little bit out of SPR. It says we have a problem here, we have a problem there.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI. I ask unanimous consent for another 5 minutes.

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

Mr. MURKOWSKI. Mr. President, here are the Iraqi oil exports into the United States. They have gone up. Let me show some more charts because pictures are worth a thousand words. People say we have to concern ourselves with the issue of the porcupine caribou herd. This is ANWR, Canada. This is the Demster Highway. These are oil wells drilled in Canada. These in the light color were drilled. They didn't find any oil, but this is the route of the caribou. They have gone through this area. They cross the Demster Highway with no problem at all. The caribou calve—where do they calve? Sometimes they calve in ANWR, sometimes they do not. We are not going to have any oil development in the summertime in the calving area.

This is what it is like over in Iraq. This is what it was like during the Persian Gulf war. There we are trying to clean up the mess caused by Saddam Hussein. That is the guy we are helping to support today, now with biological capabilities.

There are a couple of more points I wish to make. Talk about compatibility, here is something I think is fairly compatible. This shows a couple of guys out for a walk—3 bears. Why are they walking on the pipeline? The pipeline is warm. This is in the Prudhoe Bay oil field. Nobody is shooting those guys. They are happy. They walk over.

I can remember 15 years ago when they said: You build that pipeline and you are going to cut the State in half. The caribou, the moose will never go over from the other side. It just did not happen. It will not happen because these guys are compatible with the environment, as long as you don't harm them, chase them, run them down and so forth.

We have a lot of things going here, given the opportunity. If these Members would go back, if you will, to your environmental critics and say: What do you suggest? Can American technology overcome, if you will, our environmental obligation? Can we open up this area safely? Do we have the science and technology? There is nothing to suggest that we do not have that capability.

This is where we are getting our oil from now, with no environmental conscience about how they are getting it out of the ground. That is irresponsible on their part.

I am going to leave you with one thought. Here are the people with whom I am concerned. Those are the people who live in my State. This is in a small village. These are the kids walking down the street. It is snowing, it is cold, it is tough. It is a tough environment.

One of my friends, Oliver Leavitt, spoke about life in Barrow. That is at the top of the world, right up here. You can't go any further north or you fall off the top. He said I could come to the DIA school to keep warm because the first thing I did every morning was go out on the beach and pick up the driftwood. Of course, there are no trees. The driftwood has to come down the river.

Jacob Adams said:

I love life in the Arctic but it's harsh, expensive, and for many, short. My people want decent homes, electricity and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

The native people of the Coastal Plain are asking for the same right of the Audubon Society of Louisiana, the same right this administration itself is supporting in the Russian Arctic Circle, and the same right the Gwich'ins had in 1984 when they offered to lease their lands.

The oil companies should have bought it. There just wasn't any oil there.

I recognize the public policy debate about this issue is complex and will involve issues at the heart of the extreme environmental agenda which is driving our energy policy. It certainly is not relieving it.

At the same time, I think the issue can be framed simply as: Is it better to give the Inupiat people, the people of the Arctic, this right?

These people live up here. This is an Eskimo village. There is the village. Do you want to give them the right, while promoting a strong domestic energy policy that safeguards our environment and our national security, rather than rely on the likes of Saddam Hussein to supply the energy?

The answer in my mind is clear, as well as in the minds of the Alaskans.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, if I may, I have been asked to announce speeches and I have just concluded one. On behalf of the leader, I ask unanimous consent, following the remarks of the majority leader, Senator FEINGOLD be recognized for up to 25 minutes as in morning business, to be followed by Senator SESSIONS, under the previous order, to be followed by Senator GRAHAM for up to 20 minutes in morning business.

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

Mr. REID. Mr. President, I ask unanimous consent Senator FEINGOLD be allowed to continue until the Senator arrives on the floor.

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

H–1B VISAS

Mr. FEINGOLD. Mr. President, the Senate has just concluded its fourth vote in favor of the bill expanding H–1B visas that America grants each year to people from other countries to work in certain specialty occupations. I supported the bill on each of these votes.

But I rise today to express how strongly I oppose the manner in which the majority leader has sought to constrain this debate. I oppose the way in which the majority leader sought, on that bill, as with so many others, to prevent Senators from offering amendments. And I oppose the majority leader's effort to stifle debate by repeatedly filing cloture on the bill.

Through his extreme use of cloture and of filling the amendment tree, I'm afraid the majority leader has reduced the Senate to a shadow of its proper self. And the result has been a Senate whose legislative accomplishments are as insubstantial as a shadow. This body cannot long exist as merely a shadow Senate.

Yesterday, as he brushed aside calls that the Senate vote on minimum wage or a patient's bill of rights, the majority leader complained that the Senate had already voted on those matters. But the Senate has, as yet, failed to enact those matters, and the people who sent us here have a right to hold Senators accountable.

And what's more, by blocking amendments, the majority leader has also blocked Senate consideration and votes on a number of issues that have been the subject of no votes in the Senate this year. Let me take a few moments to address two of them, the reform of soft money in political campaigns, and the indefensible practice of racial profiling.

Let me begin my discussion of these two items that the Senate was not allowed to take up—campaign finance and racial profiling—by discussing how those matters relate to what the Senate did take up—the H–1B visa bill.

The proponents of the H–1B bill characterize it as a necessity for our high tech future. It is both more and less than that.

But in a sense, the high-tech industry is certainly a large part of the reason why the Senate considered H–1B legislation these past two weeks. I would assert, that there is a high degree of correlation between the items that come up on the floor of the United States Senate and the items advocated by the moneyed interests that make large contributions to political campaigns.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H–1B visas, offers a glimpse of the financial might behind proponents of H–1Bs. As I've said, I am not opposed to raising the level of H–1B visas. But I do think it's appropriate, from time to time, when the weight of campaign contributions appears to warp the legislative process, to Call the Bankroll to highlight what wealthy interests seeking to influence this debate have given to parties and candidates.

ABLI is chock full of big political donors, Mr. President, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S. I'll just give my colleagues a quick sampling of ABLI's membership and what they have given so far in this election cycle. All the donors I'm about to mention are companies that rank among the top employers of H–1B workers in the U.S., according to the Immigration and Naturalization Service.

These figures are through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle:

Price Waterhouse Coopers, the accounting and consulting firm, has given more than $297,000 in soft money to the parties and more than $606,000 in PAC money candidates so far in this election cycle.

Telecommunications giant Motorola and its executives have given more than $70,000 in soft money and more than $177,000 in PAC money during the period.

And of course ABLI is comprised of giants in the software industry, who have also joined in the political money game.

The software company Oracle and its executives have given more than $536,000 in soft money during the period, and its PAC has given $45,000 to federal candidates.

Executives of Cisco Systems have given more than $372,000 in soft money since the beginning of this election cycle.

And Microsoft gave very generously during the period, with more than $1.7 million in soft money and more than half a million in PAC money.

But I should also point out, Mr. President, that the lobbying on this issue is hardly one sided.

Many unions are lobbying against it, including the Communication Workers of America, which gave $1.9 million in soft money during the period, including two donations of a quarter of a million dollars last year. And CWA's PAC gave more than $960,000 to candidates during the period.

The lobbying group Federation for American Immigration Reform, or ''FAIR,'' has lobbied furiously against this bill with a print, radio and television campaign, which has cost somewhere between $500,000 and $1 million, according to an estimate in Roll Call.

This is standard procedure these days for wealthy interests—you have to pay to play on the field of politics. You have got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who cannot afford the price of admission is going to be left out in the cold.

Thus, I believe that campaign finance is very much tied up in why the Senate considered the H–1B bill these past two weeks. I believe that campaign finance is very much tied up in why the Senate considered the H–1B bill under the tortured circumstances that it did. This is just another reason why I believe that this Senate must consider and vote on amendments that deal with campaign finance reform.

The momentum is building on campaign finance reform. In recent days, more and more candidates have offered to swear off soft money and have called for commitments from their opponents

to do without soft money in their campaigns. More and more candidates are coming to the realization that taking soft money is a political liability. The days of soft money are numbered, and this shadow Senate cannot long hide from the political reality.

Beyond that subject, there are other important subjects that the majority leader is blocking with his heavy-handed tactics. The Senate may just have considered a bill dealing with immigrants, but the Senate has thus far failed to consider a discussion of a particular injustice that could well affect their lives, as well.

The INS's May report showed that most of those for whom they approved H–1B visas during the period for which data were available came here from countries of the developing world. As a large number of those receiving H–1B visas are people of color, many could become subject to the indefensible practice of racial profiling.

If this Senate can find the time to consider H–1B legislation, I believe that it should also find the time to consider an amendment that addresses the issue of racial profiling.

Let me begin my discussion of racial profiling by acknowledging the leadership of Congressman JOHN CONYERS and our friend in this body, Senator FRANK LAUTENBERG, the principal authors of the legislation to address this very real problem.

The problem is this: Millions of African Americans, Hispanic Americans, immigrants, and other Americans of racial or ethnic minority backgrounds who drive on our Nation's streets and highways are subject to being stopped for no apparent reason other than the color of their skin.

This practice, known as racial profiling, targets drivers for heightened scrutiny or harassment because of the color of their skin. Some call it ''DWB,'' ''Driving While Black,'' or ''Driving While Brown.'' Of course, not all or even most law enforcement officers engage in this terrible practice. The vast majority of our men and women in blue are honorable people who fulfill their duties without engaging in racial profiling, but the experience of many Americans of color has demonstrated that the practice is very real.

There are some law enforcement agencies or officers in our country who have decided that if you are a person of color, you are more likely to be trafficking drugs or engaged in other illegal activities than a white person, despite statistical evidence to the contrary. In a May 1999 report, the American Civil Liberties Union reported that along I–95 in Maryland, while only roughly 17 percent of the total drivers and traffic violators were African American, an astonishing 73 percent of the drivers searched were African American. The legislation that Senator LAUTENBERG and I have sponsored would allow us to get an even better picture.

In America, all should have the right to travel from place to place free of this unjustified government harassment. None should have to endure this incredibly humiliating experience—and sometimes even a physically threatening one—on the roadsides or in the backseat of police cruisers.

This practice also damages the trust between law enforcement and the community. Where can people of color turn for help when they believe that the men and women in uniform cannot be trusted? As one Hispanic-American testified earlier this year in Glencoe, IL, after his family experienced racial profiling, ''Who is there left to protect us? The police just violated us.''

Racial profiling chips away at the important trust that law enforcement agencies take great pains to develop with the community. When that trust is broken, it can lead to an escalation of tensions between the police and the community. It can lead to detrimental effects on our criminal justice system—like jury nullification and the failure to convict criminals at all—because some in the communities no longer believes the police officer on the witness stand. Racial profiling is bad policing, and it has a ripple effect whose consequences are only beginning to be felt.

In just the last year and a half, since we introduced the traffic stops statistics study bill, we have already seen increased awareness of this problem in the law enforcement community, and an increased willingness to address it. A growing number of police departments are beginning to collect traffic stops data voluntarily. Over 100 law enforcement agencies nationwide—including State police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven State legislatures have passed data collection bills in the last year or so. This is tremendous progress from where we were when the bill was introduced. I applaud those states and I applaud law enforcement agencies that are collecting data on their own.

But these State and local efforts underscore the need for a Federal role in collecting and analyzing traffic stops data to give Congress and the public a national picture of the extent of the racial profiling problem and lay the groundwork for national solutions to end this horrendous practice. While we can applaud individual states and law enforcement agencies for taking action, combating racial discrimination is one area where a Federal role is essential. Our citizens have a right to expect us to act.

I am pleased to have joined my distinguished colleague from New Jersey, Senator LAUTENBERG, in introducing S. 821, a companion bill to the bill introduced in the House by Representatives JOHN CONYERS and ROBERT MENENDEZ. The bill would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions.

This is a straightforward bill that requires only that the Attorney General conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

I cannot emphasize enough that this traffic stops study bill is a truly modest proposal. Some would even say it's a conservative proposal. The American people have become so much more aware of the issue over the last year, and so many law enforcement agencies and State governments have expressed interest in addressing the issue, that many people are now saying that a study bill does not go far enough. They argue that we have enough data; we know racial profiling exists; we do not need to study it more; let's just end it. I understand this sentiment. This is a modest, reasonable proposal that, I hope, will lay the groundwork for developing ways to end racial profiling once and for all.

Only last month, the son of the great civil rights leader Martin Luther King Jr. led a march on the Lincoln Memorial to commemorate his father's legacy. His father inspired a nation 37 years ago when he said, in words that echoed throughout the world and have been etched in history, that he had a dream that one day racial justice would flow like a mighty river. Sadly, our Nation has not fulfilled that dream. As Martin Luther King III noted, racial profiling continues to harm Americans and erodes the important trust that should exist between law enforcement and the people they serve and protect.

President Clinton has endorsed S. 821, and last June he directed federal law enforcement agencies to begin collecting and reporting data on the race, ethnicity and gender of the people they stop and search at our Nation's borders and airports. A coalition of civil rights and law enforcement organizations—including the ACLU, the NAACP, the National Council of La Raza, and the National Organization of Black Law Enforcement Executives—also support this legislation. I am pleased that 20 Senators have joined to cosponsor the bill, and I am hopeful that if allowed to come to a vote, my amendment would enjoy broad support. The House of Representatives passed a similar bill by voice vote in the 105th Congress, and this March, the House Judiciary Committee passed the bill again. It's time we passed it in the Senate, too.

Racial profiling and soft money campaign finance reform are issues that deserve consideration in the Senate. Regrettably, the procedures that the majority leader employed to consider the H–1B bill and too many other bills have so far blocked their consideration. Before this Senate adjourns sine die, I

hope that we will have an opportunity to address these, and many other issues that demand attention. If it fails to, this Senate's mark in history will be no more permanent than a shadow.

Mr. President, I yield the floor.

Mr. REID. 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 (Mr. BENNETT). Without objection, it is so ordered.

Mr. REID. Mr. President, the junior Senator from Alabama is on the floor. I want to express publicly my appreciation. We had a Senator over here who had some time problems. He graciously allowed him to go first, for which I am very grateful, something he did not have to do. He did it because he is a southern gentleman. I appreciate it very much.

The PRESIDING OFFICER. The Senator from Nevada.

MEASURE READ THE FIRST TIME—S.J. RES. 54

Mr. REID. Mr. President, I understand that S.J. Res. 54, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 54) expressing the sense of Congress with respect to the peace process in Northern Ireland.

Mr. REID. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2045

Mr. LOTT. Mr. President, with regard to the H–1B legislation, I now ask unanimous consent that notwithstanding rule XXII, following the previously ordered morning business speeches, the Senate resume consideration of S. 2045, the H–1B bill, and the following pending amendment Nos. 4214, 4216, and 4217, be withdrawn and the motion to recommit be withdrawn in order to offer a managers' amendment containing cleared amendments limited to 5 minutes equally divided in the usual form.

I further ask consent that following the adoption of the managers' amendment, no further amendments be in order, and amendment No. 4177, as amended, be agreed to, the committee substitute, as amended, be agreed to, the bill be advanced to third reading, and final passage occur at 10 a.m. on Tuesday, without any intervening action or motion or debate, and that paragraph 4 of rule XII be waived. I further ask consent that the time between 9:30 and 10 a.m. on Tuesday be equally divided between the two managers for closing remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let my just say, Mr. President, we have one additional part of this H–1B request we hope to be able to clear momentarily. But the interested parties are reviewing the language of the substitute. When we get that reviewed, then we will ask consent that the bill be laid aside until 9:30 a.m. on Tuesday and that the Senate proceed to the visa waiver bill. But we will clarify that in just one moment.

UNANIMOUS CONSENT AGREEMENT—ENERGY/WATER APPROPRIATIONS CONFERENCE REPORT

Mr. LOTT. Now, with regard to the energy and water appropriations conference report, I ask unanimous consent that notwithstanding rule XXII, following H–1B consideration, the Senate proceed to the energy and water appropriations conference report and that the report be considered as having been read and considered under the following agreement: 1 hour equally divided between the chairman and the ranking member of the Appropriations subcommittee, 20 minutes equally divided between the chairman and ranking member of the full committee, and 10 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the vote occur on adoption of the conference report immediately, without any intervening action or debate.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Because of the lateness of the day, I ask unanimous consent that any time I have be returned to the Chair. I will submit a written statement setting forth my views on the bill.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. Majority Leader, might I ask a question? Did you get some time for the Senator from New Mexico?

Mr. LOTT. We do have time equally divided between the chairman, the Senator from New Mexico, and the ranking member.

Mr. DOMENICI. I will yield back my time to the Chair. I have a statement I will submit shortly.

Mr. LOTT. All right. We still have 10 minutes under the control of Senator MCCAIN. We will call and see if he wants to take advantage of that.

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

Mr. LOTT. We will come back to that later.

UNANIMOUS-CONSENT REQUEST—H.R. 4986

Mr. LOTT. Mr. President, with regard to H.R. 4986, I ask unanimous consent that notwithstanding rule XXII, the Senate now turn to the consideration of Calendar No. 817, which is H.R. 4986, relating to foreign sales corporations, and following the reporting of the bill by the clerk, the committee amendments be agreed to, with no other amendments or motions in order, and the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

I further ask consent that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be Senators ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know everyone has worked hard on this. We do have a number of Senators who want to offer amendments. Until we get that worked out, I object.

The PRESIDING OFFICER. Is there objection?

Without objection——

Mr. LOTT. No. He did object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me just say, Mr. President, that I did ask for consent on this bill out of the Finance Committee dealing with foreign sales corporations. And, of course, this is the result of WTO decisions, trying to get the U.S. laws to comply with that decision.

We did clear it on this side. I understand there are some Senators on the Democratic side who wish to offer amendments. A lot of the amendments on the list I saw were the usual suspects that have now been offered that do not relate to the bill. I understand that has to be worked out. Senator REID and others will be trying to clear up those objections based on those amendments.

But I do want to say, if there is any germane or relevant amendment to this bill, certainly we will work to make sure that will be included in the agreement.

Failing that, this is something we need to do, and I hope we can get it cleared up in the next few days.

UNANIMOUS-CONSENT REQUEST—S. 2015

Mr. LOTT. Mr. President, with regard to the Stem Cell Research Act of 2000, Senator SPECTER has been very energetic in pursuing the opportunity to offer this legislation.

As I had agreed earlier, I now ask unanimous consent that notwithstanding rule XXII, the HELP Committee be discharged from further consideration of S. 2015, and the Senate proceed to its immediate consideration under the following terms: 3 hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 1 hour equally divided and not subject to any second-degree amendments; that no motions to commit or recommit be in order.

I further ask unanimous consent that following the conclusion or use of the debate time and the disposition of the above-described amendments, the bill be advanced to third reading and a vote occur on passage of the bill, as amended, if amended, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I have a number of questions under my reservation. First of all, we were of the understanding that this unanimous consent that was proposed had not been cleared on the majority leader's side earlier today.

Mr. LOTT. There very well could be objections on this side, too.

Mr. BROWNBACK. I will object to this proposal.

Mr. LOTT. I think there are objections on both sides to this, but I made a commitment to do everything I could to try to get this issue to be considered by the full Senate. Senator SPECTER feels very strongly about it, is committed to it, and has been reasonable in waiting for an opportunity to offer it. I know there are objections to it on both sides, and there is no question that there is objection on this side. I felt constrained to make this effort. It is a serious effort.

Mr. REID. If I may say to the leader, Senator SPECTER has spoken to me. I know how intensely he feels about the issue. I said the same thing to him that the leader has said, that I would do everything I could to get this worked out. Whoever is not allowing it to be cleared, it is not being cleared now.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. SESSIONS. Mr. President, March 16, 2001, will mark the 250th anniversary of the birth of James Madison, who clearly earned the title: Father of our Constitution.

This great American devoted his life to the service of his country and his fellow man, and that service played an essential role in creating and protecting the constitutional liberty that we enjoy today.

Accordingly, I intend to offer the bipartisan James Madison Commemoration Commission Act to celebrate the life and contributions of this small man who was a giant of liberty.

James Madison was born on March 16, 1751 in Port Conway, VA. He was raised at Montpelier, his family's estate in Orange County, VA. He attended the College of New Jersey, now known as Princeton University, where he excelled academically and graduated in 1771. Shortly after his graduation, Madison embarked on a legal career. In 1774, at the age of 23, Madison entered political life. He was first elected to the Orange County Committee of Safety. Following that, he was elected as delegate to the Constitutional Convention of Virginia in 1776. He next served as a member of the Continental Congress from 1780 to 1783. This provided him marvelous insight into the nature of our early American government and ideals.

After America won its freedom at Yorktown, the country looked to strengthen the government that had proven too helpless under the Articles of Confederation. A Constitutional Convention was called in Philadelphia. It was here that Madison was to play the most important role of his life, dwarfing, in my view, his subsequent excellent service to his country.

From 1784 to 1786, Madison was a member of the Constitutional Convention. He served as a primary draftsman of the Constitution. Thomas Jefferson, who was in France at the time, and who did not participate in the Constitutional Convention, did suggest a number of books that would aid the young draftsman in preparing for his historic task. With these books and others, Madison engaged in an extensive study of the ancient governments of Greece and Rome and of the more modern governments of Italy and England, among others. No one came to Philadelphia so intentionally, practically, and historically prepared to create a new government.

Madison posed his task as follows:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

This he wrote in Federalist No. 51.

At the convention, delegates made impassioned arguments regarding the relative powers of big States, small States, Northern States, Southern States, and there were those who feared that a strong national government might dominate all States. In month after month of untiring argument, careful persuasion, and creative compromise, Madison reached answers upon which the delegates could agree. There would be a Federal Government of separated and enumerated powers. Large States would have their votes based on population in the House of Representatives. Small States would have equal, two-vote, representation in this body, the Senate.

Further, the powers of the Federal Government would be limited to enumerated objects in order to protect all the States from Federal overreaching. Madison described the Federal Republic, states and federal governments, that the Constitution envisioned as follows:

> In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

He was writing that in Federalist No. 51.

In addition to playing a leading role in framing this new government, Madison also made detailed notes on the proceedings of the Constitutional Convention. Madison's notes on the Constitutional Convention have proven the most extensive and accurate account of how our Founding Fathers framed the greatest form of government in the history of mankind.

Once the Constitutional Convention reached an agreement, the States had to ratify the Constitution and make it binding fundamental law. Madison contributed to that fight for ratification in three ways. It was a critical, tough fight.

First, he joined with Alexander Hamilton and John Jay in drafting the Federalist Papers which were circulated among New York newspapers under the pseudonym Publius.

These papers contained perhaps the most vivid and profound pages of practical political philosophy ever produced. They answered with force and eloquence the arguments of the anti-federalists and helped sway public opinion toward ratification.

Second, Madison fought in the Virginia ratification convention for the adoption of the Constitution.

It was critical that Virginia ratify the Constitution. Joining with John Marshall, the future great Chief Justice of the Supreme Court, Madison argued against the fiery orator, Patrick Henry. Henry, who argued so forcefully for declaring independence from Great Britain, charged that the new Constitution would vest too much power in the Federal Government. Madison countered that the powers of the Federal Government would be limited to enumerated objects and subject to the control of people.

Third, Madison helped to develop the Bill of Rights which limited the power

of the Federal Government further and ensured the power of the states and the liberty of the people. He was a critical drafter in the development of the Bill of Rights.

Madison's herculean efforts, along with the efforts of others, resulted in the ratification of the Constitution with a Bill of Rights. This constitutional government enabled a fledgling democracy to grow into the most powerful force for liberty the world has ever known. He was the right man at the right time.

Notwithstanding Madison's intellectual prowess and the thoughtful, reflective approach he brought to problem-solving, humility was the hallmark of this man. In later years, when he was referred to as the Father of the Constitution, Madison modestly protested that the document was not ''the offspring of a single brain'' but ''the work of many heads and many hands.'' It was true, but it was done under his nurturing care.

After Madison's service at the Constitutional Convention, he served in the U.S. House of Representatives for four terms. When Thomas Jefferson was elected President in 1801, he selected Madison to serve as his Secretary of State.

At the conclusion of Jefferson's administration, the American people twice elected James Madison President of the United States. As President, he watched over the very government he played such a crucial role in creating. And his steady leadership in the War of 1812 against Great Britain helped guide America to victory.

While these accomplishments are remarkable indeed, the really remarkable thing is the enduring nature of Madison's imprint on American history. Amended only 17 times after its ratification with the Bill of Rights, the Constitution that Madison drafted still provides the same basic structure upon which our government operates today and that we comply with every day in this body.

The Supreme Court still quotes the Federalist Papers that Madison drafted. And Madison's concept of federalism is the subject of renewed debate in the Supreme Court and Congress at this time.

The Constitution that Madison drafted, and his writings that have guided generations of Americans in interpreting that Constitution, are still the envy of the world. Madison's wisdom and foresight have been proven by the indisputable success of the American constitutional experiment. Indeed, while we are a young country, this nation has the oldest continuous written Constitution in the world. It is a beacon and example for others. Many try and are not able to make it work, but they have modeled their constitutions so often after ours.

Why has it worked? Because Madison understood that the law must be suited to the people it is intended to govern. In Federalist No. 51, Madison stated:

> What is government itself but the greatest of all reflections on human nature?

And a constitution that protects liberty is suited to a people who love liberty to the extent that they are willing to fight and die for it.

So, Mr. President, it is with great pride that I join with other Senators on both sides of the aisle, including Senators BYRD, THURMOND, MOYNIHAN, WARNER, and ROBB, to offer at the appropriate time, this bill establishing the James Madison Commemoration Commission. The Commission will celebrate the 250th anniversary of James Madison's birth on March 16, 2001.

The commission will consist of 19 members: The Chief Justice of the Supreme Court, the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, the Chairmen and Ranking Members of the Senate and House Judiciary Committees, two Members of the Senate selected by the Majority Leader, two Members of the Senate selected by the Minority Leader, two Members of the House of Representatives selected by the Speaker, two Members of the House of Representatives selected by the Minority Leader of the House, and two members of the Executive Branch selected by the President. A person not able to serve may designate a substitute. Members will be chosen based on their position at the end of the 106th Congress and will continue to serve until the expiration of the Commission.

The bill will also create an Advisory Committee with 14 members, including: the Archivist of the United States, the Secretary of the Smithsonian Institute, the Executive Director of Montpelier, the President of James Madison University, the Director of the James Madison Center, the President of the James Madison Memorial Fellowship Foundation, 2 persons who are not Members of Congress selected by the majority leader of the Senate, with expertise on the legal and historical significance of James Madison, 2 persons who are not Members of Congress, selected by the minority leader of the Senate, 2 persons who are not Members of Congress, selected by the Speaker of the House, and 2 persons who are not Members of Congress, selected by the minority leader of the House.

With the aid of the Advisory Committee, the Commission will:

1. Publish a collection of Madison's most important writings and tributes to Madison;
2. Coordinate and plan a symposium to provide a better understanding of Madison's contributions to American political culture;
3. Recognize other events celebrating Madison's life and contributions;
4. Accept essay papers from students on Madison's life and contributions and award certificates as appropriate; and
5. Bestow honorary memberships on the Commission and the Advisory Committee.

The bill authorizes $250,000 for the Commission. This will be used for the expenses of publishing the book and hosting a symposium.

The Commission will expire after its work is done in 2001.

Mr. President, I believe this work is truly important to our country. I ask all my colleagues—and we have had a growing number of individuals who have joined as co-sponsors of this bill—to join in this effort to commemorate the Father of our Constitution and perhaps the greatest practical political scientist who ever lived, James Madison.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to gain Senator SESSIONS as a cosponsor of the James Madison Commemoration Commission Act. It is appropriate that we honor James Madison for his exemplary contributions to our country.

The Commission will build on the success of the James Madison Fellowship Foundation, which Senator HATCH and I cochair. We are very proud of the work of the Madison Fellows. They are among the most accomplished, talented, and dedicated educators in the Nation. They are committed to educating children across the country about the value of learning, the importance of the Constitution, and the significance of public service.

I hope that this new Commission honoring James Madison will breathe new life into the Constitution for people across the country.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STEM CELL LEGISLATION

Mr. SPECTER. Mr. President, I was not on the floor a few moments ago when the distinguished majority leader and the assistant leader for the Democrats had a colloquy when the majority leader propounded a unanimous consent request concerning legislation on stem cells. I think it useful to make a brief comment or two and then to have, if I might, a brief discussion with the majority leader about what will happen on the future of the bill.

The stem cell legislation in question would eliminate the prohibition now in effect which limits the use of Federal funds, principally from the National Institutes of Health, from paying for extracting stem cells from embryos. Once the stem cells have been extracted from embryos, then Federal funds may be used on their research, and private funds—if I might have the attention of the majority leader for a moment while we discuss the stem cell issue, as to what is going to happen next. Without describing the legislation—which I can in a minute—I ask the distinguished majority leader what he anticipates in the future.

When this issue to eliminate the limitation on funding was stricken from the appropriations bill last year, it was done so after I consulted with the majority leader because concluding it would have resulted in a filibuster and

tied up that appropriations bill. The majority leader made a commitment, which he has fulfilled today, to bring the bill to the floor.

It had been my hope that we would have had the bill on the floor at an earlier time, but I fully understand the complexities of the schedule; and once we had reached September, the only way to deal with the matter was on a limited time agreement to be obtained through unanimous consent.

So it is my hope that the intent and the thrust of what was proposed—I think intended—was that that the bill would be on the calendar and considered when we reconvened, when it would not have to be subjected to a unanimous consent request, but it might have to pass a filibuster vote on a motion to proceed.

Mr. LOTT. Mr. President, if the Senator from Pennsylvania will yield, let me acknowledge the fact that the Senator from Pennsylvania did agree at a critical moment last year to remove this issue from the Labor-HHS-Education appropriations bill so we could complete it. It was clearly one of the difficulties we were having in wrapping up the session.

I committed at that time that we would make an effort to get it up this year and that I would do that. We probably should have made this effort earlier. I owe him an apology for not doing that. Let me say, in recent days we have tried to clear it. There is objection to it. I believed it was important that I go ahead and make that request publicly because we made that commitment to the Senator.

I know how strongly the Senator from Pennsylvania feels about this issue, and a lot of other people feel very strongly about it. I know we had some testimony on it within the last couple of weeks in the Senate. There are strong and passionate feelings about it on both sides in terms of what it can do for some health problems, and there are others who obviously think this is an improper use. I am sure it will be a good debate whenever it is debated and wherever it is debated. I will work with the Senator next year to try to get it up earlier in the session. Before I make a commitment at this time that I will file cloture, I have to make sure it will not fall through and I can keep that commitment.

But I will work with him to see that he gets a shot at it. He always has the opportunity to offer amendments on bills that come along. There is not just one way to get it done. I do believe I owe him a commitment to keep working with him. Even though I don't necessarily agree with him on the substance, I think on the procedure I have an obligation to keep a commitment to help him.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his statement. I appreciate his last statement that he doesn't necessarily agree with me, which leaves some room that he doesn't necessarily disagree with me. I am not looking for a response at this time. Senator LOTT is well known to have an open mind on controversial issues and on matters not debated. I agree with him when he says it is subject to passionate feelings on both sides.

We had debates and witnesses. We had seven hearings on this issue. We had Senator BROWNBACK, the principal opponent of the legislation, to testify, and Congressman JAY DICKEY, the principal opponent of the legislation in the House, to testify.

The hearings have always been balanced, and we have had people who have opposed the legislation at every one of the hearings.

It is a matter which is appropriate for the Senate to consider. I appreciate what the majority leader has said about giving consideration to an early listing next year, and not making a commitment on pressing a cloture motion. I think a cloture motion could be filed by any 17 Senators. But we are not going to get involved in that at this time.

But I did want to say for the RECORD why I believe it is important that the matter be considered. And it is because stem cells have such a remarkable opportunity to cure many of the most difficult maladies and diseases which confront America and the world today. These stem cells have the potential to be placed in the human body to replace other cells.

We had testimony, for example, from Michael J. Fox, who suffers from Parkinson's. We had the experts testify that these stem cells could be enormously effective in curing Parkinson's. That is an obtainable goal perhaps in as early as 5 years.

The stem cells may also be useful on Alzheimer's disease, on strokes, on spinal cord injuries, perhaps on cancer, and perhaps on heart ailments.

There is virtually no limit to what these stem cells can do. They are a veritable fountain of youth.

I have said publicly that I understand those on the other side of the issue. It involves taking an embryo which has been created for purposes of in vitro fertilization but not used. These embryos are discarded. There are some 100,000 embryos in existence today which will not be used. So the issue is whether you simply discard these embryos which will have no further effect, or whether you use these embryos to produce stem cells which can cure many very serious maladies.

There are other alternatives such as adult stem cells. But the scientific evidence has been very compelling, in my judgment, that adult stem cells cannot do the job, but stem cells can from embryos.

There are also stem cells from fetal tissue. Those stem cells are limited, and we really need the stem cells from these embryos to provide the research opportunities to cure so many of these ailments.

This is not an issue which is going to lead to the creation of embryos for the purposes of extracting stem cells. When we have the fetal tissue discussion, many people are concerned that they will produce more abortions to have fetal tissue available. In fact, that was not the case—fetal tissue was used from abortions which would have occurred in any event.

It is not a controversial pro-life versus pro-choice issue as we have had many Senators who are strongly pro-life support stem cell research in this legislation. Senator STROM THURMOND, who is very strongly pro-life and an acknowledged very conservative Senator, testified before the subcommittee in favor of this legislation to have Federal funding for extraction of stem cells from embryos.

Senator CONNIE MACK of Florida has spoken about this bill, another pro-life Senator speaking in favor of it. Very strong statements have come from Senator GORDON SMITH, who is pro-life and very concerned about these underlying issues, as to why he feels the balance is in favor of this sort of legislation.

Since the issue was mentioned and there is not another Senator on the floor seeking recognition, I thought I would explain in abbreviated form where this legislation is pending, and why I have been pressing. It comes naturally within the subcommittee of appropriations which I chair.

The prohibition against use of Federal funds to extract stem cells from embryos was placed in a bill which came out of this subcommittee. When the prohibition was imposed, there was no one who really knew the miraculous potential of stem cells, it being a veritable fountain of youth. This only came into existence with the research disclosed in November of 1998. Since that time, our subcommittee has had seven hearings to explore the issue very fully.

It is my hope that the matter will come before the Senate early next year. I appreciate what the majority leader has had to say. We will let the Senate work its will. Let us consider it. Let us debate it. Let us analyze it and come to judgment on it, which is our role as legislators, in a way which considers all of the claims and considers all of the positions but resolves the matter so that public policy will be determined in accordance with our constitutional standards and our legislative procedures.

I thank the Chair. I yield the floor.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

MR. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS and Mr. SESSIONS pertaining to the introduction of S. 3138 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two unanimous consents that have been agreed to on the other side. I will make them as expeditiously as I can.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Resumed

Mr. DOMENICI. Mr. President, on H–1B, I ask unanimous consent the Senate now resume S. 2045, the H–1B bill, and the managers' amendment be agreed to, which is at the desk, and all other provisions of the consent be in order.

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

The amendments (Nos. 4214, 4216 and 4217) were withdrawn.

The motion to recommit was withdrawn.

The amendment (No. 4275) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The amendment (No. 4177), as amended, was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 2045), as amended, was ordered to a third reading and was read the third time.

Mr. HATCH. Mr. President, let me highlight our intent about how the Immigration and Naturalization Service (INS) should implement this legislation with respect to physicians who seek H–1B visas. The INS currently requires that each applicant for an H–1B visa who wishes to work as a physician must have passed the three parts of the United States Medical Licensing Examination (USMLE) and, if required by the state in which he or she will be practicing, be licensed. Due to the increased number of physicians who may work in the U.S. under H–1B visas with the passage of this legislation, it is even more important that the INS confirm successful completion of all parts of the USMLE each time an individual physician applies for, or seeks renewal of, an H–1B visa.

Mr. KENNEDY. Mr. President, our Nation's economy is experiencing a time of unprecedented growth and prosperity. This strong economic growth can, in large measure, be traced to the vitality of the fast-growing high technology industry. Information technology, biotechnology and associated manufacturers have created more new jobs than any other part of the economy.

The rapid growth of the high-tech industry has made it the nation's third largest employer, with 4.8 million workers in high-tech related fields, working in jobs that pay 70 percent above average income. The Bureau of Labor Statistics projects that the number of core IT workers will grow to a remarkable 2.6 million by 2006—an increase of 1.1 million from 1996.

With such rapid change, the economy is stretched thin to support these new businesses and the growth opportunities they present. The constraint cited most often on future growth of the high-technology industry is the shortage of men and women with the skills and technical background needed for jobs in the industry. Several factors are contributing to this shortage, including an inaccurate, negative image of IT occupations as overly demanding, the under-representation of women and minorities in the IT workforce, and outdated academic curricula that often do not keep pace with industry needs.

All of us want to be responsive to the nation's need for high-tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. The H–1B visa cap should be increased, but in a way that better addresses the fundamental needs of the economy. Raising the cap without seriously addressing our long-term labor needs would be a serious mistake.

The legislation before us today includes provisions that respond to what American workers, students and employers have been telling Congress: that any credible legislative proposal must begin with a significant expansion of career training and educational opportunities for our workers and students. Expanding the number of H–1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce. It makes sense to ask that more of our workers be recruited and trained for these jobs.

I commend Senator LIEBERMAN, Senator CONRAD, and other colleagues for their valuable contributions to the proposed training provisions. The training provided will ensure that the H–1B program will provide our workers with the skills needed to benefit from this growing economy and to help our companies continue to grow.

A REASONABLE INCREASE IN THE H–1B VISA CAP IS JUSTIFIED, BUT IT MUST BE TEMPORARY AND SUFFICIENTLY TAILORED TO MEET EXISTING SHORT-TERM NEEDS

A temporary influx of foreign workers and students is needed in the short-term to help meet the demands by U.S. firms for high skilled workers. But we shouldn't count on foreign sources of labor as a long-term solution. It is unfair to U.S. workers, and the supply of foreign workers is limited.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and lay-off of domestic workers.

A Dallas Morning News article describes how Ken Schiffman of Texas received only one or two responses to his resume over a long period of time, until he deleted all direct and indirect references to his age. After that, he received 26 messages in one day. A human resource executive at a trade association confirms that this problem is a constant issue. Employers often ask the age of an applicant and reject older applicants without ever interviewing them.

John Miano, head of the American Programmer's Guild, argues that once a worker is laid off, it is very difficult to find a new job, in contrast to younger workers. Companies often unfairly view older workers as ''dirty linen.'' These and countless other experiences support the need for a more responsible approach to H–1B legislation. And similar problems face women and minorities who are under-represented in the IT workforce.

Although many new jobs are created in the IT industry each year, we also know that thousands of IT workers were laid off in 1999. For example 5,180 workers lost their jobs at Electronic Data Systems, 2,150 at Compaq, and 3,000 at NEC-Packard Bell.

We also know that some IT companies classify their workers as independent contractors or temporary workers, rather than as employees, to avoid paying them benefits. In fact, it has been said that ''if all categories of contingent workers are included—temporary, part-time, self-employed, and contract workers—almost 40% of all employment in Silicon Valley are contingent workers.'' This mis-classification scheme also contributes to numerous positions being seemingly ''unfilled,'' because official ''employees'' are not performing those functions. This practice perpetuates an artificially higher number of ''open'' positions than actually exist.

Although it makes sense to provide an increase in the H–1B cap through FY 2002, the unprecedented cap exemptions in the Hatch bill are unwarranted. Those exemptions would permit 40,000 workers above the 195,000 cap to receive an H–1B visa. The resulting figure is well above the number of visas that even the most ardent IT lobbyists claim are needed. Exempting all those with advanced credentials will result in a significant increase in the number of persons within the cap who have less specialized skills, and who are in occupations ranging from therapists to super models. This is not the direction in which the H–1B visa program should be moving. The bill should not focus solely on the number of visas available for foreign skilled workers. It should also emphasize employers' needs for as many workers with the highest professional credentials as possible, who possess specialized skills that cannot be easily and quickly reproduced domestically.

I am strongly in favor of supporting our institutions of higher education and research groups. But the two types of exemptions in the bill overlap and are unnecessarily complex. The first exemption addresses a genuine need of universities who face difficulty competing with the high tech industry for

visas. But universities and research organizations would be just as easily served by reserving for them 12,000 a year within the cap.

The second exemption is for students graduating in the U.S. with any advanced degree, as long as they apply within a certain time frame. But it should not matter when they graduated or where they graduated. The exemptions will cause administrative problems that we should not impose on INS.

Instead, we should ensure that workers with an advanced degree have priority for H–1B visas within the cap, and are subject to the same requirements as all other applications. No evidence exists that proves or even implies that there is a shortage of American advanced degree holders in all subject areas. Yet the bill ignores this point and specifically permits all foreign graduates to receive a visa.

The unprecedented exemptions contained in this bill will only add to the already troublesome task faced by INS to process visas. We should not make a bad situation for U.S. students and the INS even worse by passing this bill with the current exemptions.

The exemptions in the bill and the abundance of IT workers they would create are an irresponsible approach to increasing the cap, especially given the very real existing questions about the true extent of the IT skill shortage.

As we address the needs of the IT industry, in addition to raising the H–1B visa cap, we must place laid off workers in new jobs, enforce our labor laws, and recruit and train more women, minorities, and people with disabilities, so that the current IT workforce gets the pay, benefits, working conditions and job opportunities to which they are entitled.

EXPANDING JOB TRAINING FOR U.S. WORKERS IS CRITICAL AND PROVIDES THE ONLY LONG-TERM SOLUTION TO THIS LABOR SHORTAGE

When we expanded the number of H–1B visas in 1998, we created a modest training initiative funded by a modest visa fee in recognition of the need to train and update the skills of U.S. workers. Today, as we seek to nearly double the number of high tech workers available to American businesses, we must also ensure a significant expansion of career training and educational opportunities for American workers and students.

Now more than ever, the strong employer demand for high tech foreign workers shows that there is an even greater need to train American workers and prepare U.S. students for careers in information technology. Expanding the number of H–1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce.

The magnitude of this need for training is increasing year after year. According to the Information Technology Association of America, roughly two-thirds of unfilled jobs requiring workers with computer-related skills are for technical support staff, such as customer service and help desks, database administrators, web designers, and technical writers. According to the survey's own description of these occupational fields, these positions simply require entry-level and moderate-level skills. We clearly need to greatly accelerate training for all skill levels, not just the most advanced level.

Recent studies have also demonstrated the strong correlation between educational attainment and increases in worker productivity. A year of structured employer-directed training can also produce a substantial increase in productivity.

Congress must help fund such efforts. We cannot turn our backs on American workers and employers who need our help.

Many high-tech companies are investing significant resources in education, and to a limited extent, in training programs. In reviewing these examples, however, it is clear that the focus of their contributions is on education, not worker training.

Thie effort does not come close to meeting the nation-wide need for investment in training. Only when businesses address the shortage of highly skilled workers as a national problem with a national solution—rather than a company-by-company approach to worker training—will our workforce be able to meet the growing demand for high skills, so that our economy will continue to prosper. The federal government has an obligation to bridge the high tech skill gap which today separates millions of workers from the 21st century jobs they desire.

RAISING NECESSARY FUNDS FOR EDUCATION AND TRAINING

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. The only effective way for Congress and industry to provide sufficient long-term solutions to the high-tech skills shortage is by increasing H–1B visa user fees. We should ensure that 55% of all revenues go to worker training and increased educational opportunities for U.S. students.

We must train at least 45,000 workers a year if we are to responsibly address the need for technological skills. Unfortunately, due to blue slip issues that would arise if the Senate were to propose an increase in H–1B fees, I will not be offering an amendment with such a provision.

However, the Senate should send to the House a request for a modest increase in the H–1B visa fees. An increase in H–1B funds collected is necessary to expand training and education programs. A modest increase in the user fee will generate approximately $280 million each year compared to current law, which raises less than one-third of this amount. Revenues can be reasonably and fairly obtained by charging $1,000 per new visa, or visa extension, or request to change employers. As in current law, employers from educational institutions and non-profit and governmental research organizations should remain exempt from all fees.

This fee is fair. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards. Certainly, high tech companies can afford to pay at least that amount during this prosperous economy.

PROVIDING STATE-OF-THE ART TRAINING FOR 46,000 U.S. WORKERS

With such a reasonable and fair fee structure, the training plan in this amendment will receive roughly $154 million to substantially expand the existing program to provide state-of-the-art high tech training for 46,000 workers a year, primarily in high tech, information technology, and biotechnology skills.

It requires the Department of Labor, in consultation with the Department of Commerce; to provide grants to local workforce investment boards in areas with substantial shortages of high tech workers. Grants would be awarded on a competitive basis for innovative high tech training proposals developed by the workforce boards collaboratively with area employers, unions, and higher education institutions.

The training proposal builds on the priorities specified in current H–1B law. It will serve those who are currently employed and are seeking to enhance their skills, as well as those who are currently unemployed.

EDUCATIONAL OPPORTUNITIES FOR U.S. STUDENTS MUST BE INCREASED

As we enter the 21st century, careers increasingly require advanced degrees, especially in math, science, engineering, and computer sciences. Eight of the ten fastest growing jobs of the next decade will require college education or moderate to long-term training.

We must encourage students, including minority students, to pursue degrees in math, science, computers, and engineering. Scholarship opportunities must be expanded for talented minority and low-income students whose families cannot afford today's high college tuition costs. According to the National Action Council for Minorities in Engineering, minority retention rates tend to be higher at institutions with high average financial aid awards, and the financial aid is a significant predictor in retaining minority students.

With increased opportunities for scholarships, students completing two-year degrees will be provided with incentives to continue their education and obtain four-year degrees, and retention rates among four-year degree students will be higher.

CONCLUSION

In sum, it would be irresponsible of Congress to address the shortage of high tech workers solely by expanding the number of visas for foreign workers. Immigration is only a short-term

solution to the long range, national skill shortage problem.

The U.S. is currently not providing domestic workers with enough opportunities to upgrade their skills so that they can fully participate in the new economy. They deserve these opportunities, and American business needs their talents.

I commend Senators HATCH and ABRAHAM for agreeing to include these training provisions in the bill before us today, and for committing to help bridge the high tech skills gap.

CONGRESS MUST REJECT THE VIEW THAT THE ONLY PRO-IMMIGRANT AGENDA THIS SESSION IS AN H–1B AGENDA

Finally, Congress cannot continue to ignore other equally important immigration issues which are as critical to immigrants in our workforce as H–1B visas are to the information technology industry. Unfortunately, unlike the H–1B issue, these other equally important issues have been ignored by too many members of Congress.

Last year, a broad coalition of immigrant and faith-based groups launched the ''Fix '96'' campaign to repeal the harsh and excessive provisions in the 1996 immigration and welfare laws, to restore balance and fairness to current law, and to correct government errors which prevent certain immigrants from receiving the services Congress intended.

All of the issues raised in the ''Fix '96'' campaign are still outstanding. A number of bills, including the Latino and Immigrant Fairness Act, have been introduced proposing solutions to these problems. However, the Republican leadership continues to block action on these important proposals. These issues include parity legislation for Central Americans and Haitians, restoring protections to asylum seekers, restoring due process in detention and deportation policy, restoring public benefits to legal immigrants, and restoring protections to battered immigrant women and children.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the nation's immigration laws. It is good for families and it is good for American business.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that this legislation will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see that both the Latino and Immigrant Fairness Act and the H–1B high tech visa legislation become law this year. I urge my colleagues to give equal priority to these basic immigration issues that affect so many immigrant families in our workforce. The time to act is now, and there is still ample time to act before Congress adjourns.

TRAINING AND EDUCATION PROGRAMS

Mr. KENNEDY. Mr. President, we in the Senate cannot originate a revenue measure to fund the new training and education program. But it would be a serious mistake to enact a final bill that does not call on employers to pay $1,000 per visa for the training and education necessary to improve the skills of U.S. workers and students.

Mr. ABRAHAM. I, too, am committed to seeing to it that there is funding for these programs and a $1,000 fee is appropriate and would accomplish this goal. As the Ranking Member knows, I believe that as far as the shortage of highly skilled workers is concerned, we have both a short term and long term problem, and I believe these programs are an integral part of addressing our long term problem. I very much appreciation your ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership you have shown on these matters. I pledge to work with you, the other Members of this body, the business community, and other affected outside interests to seek ways to help fund these programs consistent with the principle you articulated.

Mr. KENNEDY. In addition, I believe it is important to exclude from that fee any employer that is a primary or secondary education institution, an institution of higher education, as defined in the Higher Education Act of 1965, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization.

Mr. ABRAHAM. I agree with the Ranking Member, and I support his objectives. I will work with Senator KENNEDY to ensure that these institutions are excluded from the imposition of fees.

Mr. KENNEDY. In conclusion, I would simply like to thank Senator ABRAHAM for his ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership he has consistently shown on these issues.

Mr. DOMENICI. Mr. President, I further ask unanimous consent the Senate now lay aside S. 2045 until 9:30 a.m. on Tuesday.

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

VISA WAIVER PERMANENT PROGRAM ACT

Mr. DOMENICI. I ask unanimous consent the Senate proceed to H.R. 3767, the visa waiver bill, and that the substitute amendment, on behalf of Senators ABRAHAM and KENNEDY, which is at the desk, be agreed to, no further amendments or motions be in order, the bill be advanced to third reading, and passage occur immediately following the passage vote on S. 2045.

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

The Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise to support the passage of H.R. 3767, the Visa Waiver Permanent Program Act. This legislation, as amended, is important not only because it facilitates travel and tourism in the United States, thereby creating many American jobs, but also because it benefits American tourists who wish to travel abroad, since visa requirements are generally waived on a reciprocal basis.

The Visa Waiver Pilot Program authorizes the Attorney General to waive visa requirements for foreign nationals traveling from certain designated countries as temporary visitors for business or pleasure. Aliens from the participating countries complete an admission form prior to arrival and are admitted to stay for up to 90 days.

The criteria for being designated as a Visa Waiver country are as follows: First, the country must extend reciprocal visa-free travel for U.S. citizens. Second, they must have a nonimmigrant refusal rate for B–1/B–2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year. Third, the countries must have or be in the process of developing a machine-readable passport program. Finally, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

Countries are designated by the Attorney General in consultation with the Secretary of State. Nations currently designated as Visa Waiver participants are Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay. Greece has been proposed for participation in the program.

The Visa Waiver Pilot Program was established by law in 1986 and became effective in 1988, with 8 countries participating for a period of three years. The program has been considered successful and as such has been expanded to include 29 participating countries. Since 1986, Visa Waiver has been reauthorized on 6 different occasions for periods of one, two, or three years at a time.

The time has come to make the Visa Waiver Pilot Program permanent and, in the process, to strengthen further current requirements. That is the purpose of this bill, which has been amended and worked out jointly with our House counterparts, in particular House Immigration Subcommittee Chair LAMAR SMITH, who I thank for his work on this bill. This legislation is very close to S. 2376, the Travel, Tourism, and Jobs Preservation Act, which I introduced earlier this year with Senators KENNEDY, LEAHY, DEWINE, JEFFORDS, AKAKA, GRAHAM, GRAMS, MURKOWSKI, and INOUYE, all of whom I thank for their support.

The legislation we are about to pass would accomplish a number of things.

First, it would make the Visa Waiver Pilot Program permanent. This is important since no serious disagreement exists that the program should continue in place for the foreseeable future, and no significant problems have been raised with the fundamentals of how it has been operating for the past 14 years. To the contrary, failure to continue the program would cause enormous staffing problems at U.S. consulates, which would have to be suddenly increased substantially to resume issuance of visitor visas. It would also be extremely detrimental to American travelers, who would most certainly find that, given reciprocity, they now would be compelled to obtain visas to travel to Europe and elsewhere. Finally, there are costs to continuing to reauthorize the program on a short-term rather than a permanent basis, as it periodically creates considerable uncertainty in the United States and around the world about what documents travelers planning their foreign travel have to obtain.

Second, the current requirement that countries be in the process of developing a program for issuing machine-readable passports will be replaced with a stricter requirement that all countries in the program as of My 1, 2000 certify by October 1, 2001 that they will have an operational machine-readable passport program by 2003 and that new countries have a machine-readable passport program in place before becoming eligible for designation as a Visa Waiver country. The bill also establishes a deadline of October 1, 2007 by which time all travelers must have machine-readable passports to come to the United States under Visa Waiver. The judgment of everyone involved in these issues is that the technology is now sufficient that it is time for everyone to move from the concept and planning stages to the prompt implementation of these requirements.

Finally, the legislation, altered from the House-passed version, would allow for an ''emergency termination'' by the Attorney General, in consultation with the Secretary of State, of a country's Visa Waiver designation in an extreme and unusual circumstances. These circumstances are a ''war (including undeclared war, civil war, or other military activity on the territory of the program country; a severe breakdown in law and order affecting a significant portion of the program country's territory; a severe economic collapse in the program country; or any other extraordinary even in the program country that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States.)'' Considering the impact of such a termination on U.S. foreign policy interests and the conduct of the State Department itself, it is my belief that the Secretary of State would exert considerable authority in determining whether such an ''emergency termination'' was warranted.

Mr. President, I urge passage of this legislation.

Mr. KENNEDY. Mr. President, I am proud to join Senator ABRAHAM, Senator LEAHY, and others in cosponsoring the Travel, Tourism and Jobs Presentation Act. This measure will reauthorize the Visa Waiver Program and make it permanent.

This visa waiver program allows individuals from designated low risk, high volume countries to enter the United States as temporary visitors for business or pleasure without first obtaining a visa. Individuals visiting the United States under the visa waiver program must complete an admission form prior to arrival. Their visit may last only ninety days, with thirty days extensions allowed only in the case of emergency. Countries participating in the visa waiver program must meet certain requirements, such as possessing a low non-immigrant refusal rate for B–1/B–2 visas and utilizing, or currently developing, a machine readable passport program. Finally, the Attorney General must determine that each country's participation in the program will not compromise United States law.

By eliminating the visa requirement, the visa waiver program facilities international travel and increases the number of visitors for business and tourism. These effects generate economic growth and stimulate international trade and commerce. According to the INS, over 17 million visitors to the United States arrived under the visa waiver program in FY 1998. The program is strongly supported by the State Department because it reduces consular workloads, allowing the officers to shift staff and scarce resources to other pressing matters, as well as reducing costs.

Despite operating efficiently and providing enormous benefit to the United States economy and the State Department for the past eleven years, the visa waiver program remains a pilot program. This bill reauthorizes this important program and makes it permanent.

This legislation also strengthens security precautions under this program by requiring participating countries to incorporate machine readable passport programs by October 2003 and nationals from these countries to possess readable passports by 2008. In addition, the Attorney General, in consultation with the Secretary of State, must continue to evaluate the effect of a new country's inclusion in the visa waiver program on law enforcement and national security. Continuing countries in the program are evaluated every five years.

I am especially pleased that Portugal was recently added to the visa waiver program. Travel between our two countries is significantly easier because cumbersome paperwork and delays have been eliminated—obstacles that needlessly prevented Portugese families from visiting their loved ones here in the United States. Portugal's inclusion in the Program will benefit thousands of Portugese families in Massachusetts and around the nation.

Although I strongly support this important bill, I have very serious concern about the amendment that Senator HELMS has offered amending the Conyers provision of the visa waiver bill. Representative CONYER'S provision simply states that visas that are wrongfully denied based on race, sex, disability or other unlawful grounds cannot be included in computations determining a country's admission into the visa waiver program. The amendment Senator HELMS offers pertaining only to the Conyers provision. It seeks to preclude judicial review of any visa denying visas, denial of admission to the United States, the computation of visa refusal rates, or the designation or non-designation of any country.

I have reluctantly agreed to it because it is surely symbolic and will have no practical legal effect. Under current law, consular visa determinations, the denial of admission under the visa waiver program, or determinations regarding designation of a country into the visa waiver program are not subject to court review.

Nonetheless, court stripping provisions, whether symbolic or not, are anathema to our judicial system. I thought that Republicans had learned the importance of judicial review in the Elian Gonzalez case. Such provisions allow life-shattering determinations to be made at the unreviewable discretion of an administrative functionary. The most fundamental decisions are being made on the basis of a cursory review of a few pages in a file, or a perfunctory interview, without the possibility of any appeal or judicial review. This is a recipe for disastrous mistakes and abuse.

This excellent program has been a pilot program for too long. Its enormous benefits to the United States economy and the efficiency it creates for the federal government are obvious. It is time we make this light of this fact and make this important program permanent. I urge all of my colleague to support this important bill.

Mr. LEAHY. Mr. President, this bill addresses a critically important issue: the preservation of our visa waiver program. I am a cosponsor of the Senate

version of this bill, and I strongly recommend the passage of H.R. 3767.

This legislation will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The pilot project expired on April 30, and I had sought passage of S. 2367, which is incorporated into the bill we consider today, before that expiration date. Indeed, I encouraged the discharge of this bill from the Judiciary Committee in April so that the Senate could act upon this highly time-sensitive matter. Unfortunately, this bill was instead held hostage to other issues. Fortunately, the Administration extended the program administratively until the end of May, but despite my best efforts we failed to meet that deadline as well. As a result, the program was extended until the end of June, but once again the Senate did not meet the deadline. The Administration then extended the program through July, sparing thousands of American tourists and international business travelers tremendous inconvenience and cost during the busy summer traveling season. Before the August recess, we once again failed to act on this legislation, forcing the Administration to extend it again. It is now well past time to end this charade, pass this bill, and send it back to the House for its final approval.

Rather than simply pass another extension of the pilot program, it is time to make this program permanent—it has stood the test of time for well over a decade. In order to address any security concerns about making the program permanent, the requirements placed upon participating countries have been tightened. Indeed, countries wishing to participate in the visa waiver program must meet each of the following four criteria: the participating country must allow U.S. citizens to travel without a visa; the country must have a nonimmigrant refusal rate for B–1/B–2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year; the country must already possess or be in the process of developing a machine-readable passport program; and, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

The visa waiver program provides substantial benefits to both the American tourism industry and to Americans traveling abroad. I urge the Senate to make it permanent.

Although I am a strong supporter of the bill, I must speak out against the amendment that has been inserted into the bill by Senator HELMS. This amendment states that under a certain paragraph of this bill, no court will have jurisdiction to review any visa refusal based on race, sex, or disability. It is my understanding that this provision has no practical effect, since affected foreign nationals would not be able to bring such a claim in an American court in the first place. Because it is effectively a dead letter, and because of the importance of the visa waiver program and other amendments to this bill, I have chosen not to assert rights and deny unanimous consent. But this provision is offensive to our legal traditions. I have consistently opposed attempts to strip courts of authority to resolve immigration matters, and I am particularly opposed to such attempts where the stripping is directed specifically toward claims asserting discrimination. Judicial review is a critical part of American law, and we should not be impinging upon it—symbolically or otherwise.

Finally, passage of this bill should not be misinterpreted as a signal that this Congress has dealt fairly or adequately with immigration issues. There is still so much to do in the little time we have left, from passing the Latino and Immigrant Fairness Act—to dealing with the aftereffects of the immigration legislation this Congress passed in 1996. In particular, I would call again for hearings on S. 1940, the Refugee Protection Act. This is a bill I introduced with Senator BROWNBACK and a number of other Senators that would undo the damage that has been done to our asylum process by the implementation of expedited removal. I believe it, like so many immigration issues that have been ignored for the last 21 months, deserves the attention of this Congress.

The amendment (No. 4276) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The bill (H.R. 3767) was ordered to a third reading and was read the third time.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on H.R. 4733 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of September 27, 2000.)

Mr. DOMENICI. Mr. President, I ask that the Senate now turn to consideration of the conference report accompanying the fiscal year 2001 Energy and Water Development Act. Earlier today, the House passed the conference report by a vote of 301 to 118, and I hope the Senate will also overwhelmingly support the conference report. I am very pleased that we are able to get this very important conference report to the floor, given the difficulties affecting more appropriations bills this time of year. Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairman were very supportive and have provided the additional resources at conference that were necessary to address many priority issues for Members. They have allowed the House to come up $630 million to the Senate number on the defense allocation $13.484 billion, and the Senate non-defense allocation has increased by $1.1 billion.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides $4.5 for Army Corps of Engineers water projects, an increase of $400 million over the Senate and $383 over the President's Request.

The increased resources have allowed us to get started on the very highest priority new starts in 2001—something we were not able to do under our original allocation.

The conference report provides $3.20 billion for DOE Science, an increase of $330 million over the Senate and $420 million over last year. We heard from many members over the last few months about providing more money for science and I am pleased we were able to heed their concerns and make significant investments in our future.

On the defense side, the conference report provides $5 billion for nuclear weapons activities, an increase of $150 million over Senate and $600 million over last year.

On clean-up, we have been able to continue to provide the environmental clean-up money that is so important to many of our members across the country. The conference report provides $6.1 billion, and increase of $390 million over last year.

We do have a few controversial provisions in this bill. The conference report

includes a provision that we have carried for several years that would prohibit the use of funds to revise the Missouri River Master Manual if such would result in increased springtime flood risk on the lower Missouri River. I know the administration has threatened a veto on this issue, and I take that seriously. But, we have been unable to forge an acceptable compromise and have insisted that the provision remain in the conference report just as it passed the Senate floor. Although there are other issues the administration has raised, we have made a good faith effort to address their concerns were possible. I believe we have a good bill that the President will sign.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Mr. CRAIG. Mr. President, would the distinguished chairman of the Senate Energy and Water Development Appropriations Subcommittee indulge me in a colloquy for clarification purposes on use of Laboratory Directed Research and Development by Department of Energy national laboratories?

Mr. DOMENICI. I am happy to oblige my friend from Idaho, a valuable member of the Energy and Water appropriations subcommittee.

Mr. CRAIG. When DOE's Environmental Management budget request for FY 2001 was submitted to Congress earlier this year it continued a restriction on the use of DOE environmental management funds for LDRD purposes carried over from FY 2000. The EM restriction of LDRD was subsequently rescinded by OMB later in the year at strong urging by numerous Senators including myself. Subsequently, the Senate Defense Authorization and the Senate Energy and Water Development Appropriations bills directed that DOE return LDRD to full scope, to include use of EM funds. The Senate Defense Authorization bill permits use of LDRD up to 6%; and this conference report also permits use of LDRD funds at 6%. Is this the Chairman's understanding?

Mr. DOMENICI. The gentleman from Idaho is correct.

Mr. CRAIG. As the distinguished chairman of the subcommittee knows from the Department's testimony including Secretary Richardson and Dr. Carolyn Huntoon, EM Assistant Secretary, the Administration, with significant encouragement from the Congress, is now on record in support of restoring EM programs as a funding source for LDRD in 2001.

Mr. DOMENICI. That is correct. That has been a factor in the Conference Committee's considerations.

Mr. CRAIG. Would it be fair then to assume that all 2001 laboratory planning budgets prepared while the EM restriction was in place would be impacted by removal of the LDRD restriction?

Mr. DOMENICI. That would be an accurate assumption.

Mr. CRAIG. Is it the Chairman's view that permission to derive LDRD funds from EM sources should be granted to all National laboratories under the new authority established in this bill?

Mr. DOMENICI. Yes, that is my view and the view of the Committee.

Mr. CRAIG. Does the Chairman see any circumstances to justify granting this authority to some of the laboratories but not to others?

Mr. DOMENICI. I see no conditions under which I or the Committee would support any effort by the Administration to withhhold this authority from any laboratory, including the EM lead laboratory in Idaho.

Mr. CRAIG. I thank the gentleman from New Mexico.

YELLOWSTONE ENERGY AND TRANSPORTATION STUDY

Mr. CRAPO. I would like to engage the distinguished Senator from New Mexico, Mr. Domenici, in a colloquy regarding the Greater Yellowstone-Teton energy and transportation systems study and the International Centers for Environmental Safety, ICES.

Mr. DOMENICI. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the energy and water appropriations subcommittee knows, the pending conference report does not provide funds for the Yellowstone energy and transportation study. It is my understanding the Department of Energy supports this study and the Department may provide funds to support the Idaho National Engineering and Environmental Laboratory's participation in this effort. If DOE makes a decision to provide funds for this study, would the chairman support that decision?

Mr. DOMENICI. I would agree that funding for this important study would be appropriate.

Mr. CRAPO. As the senior Senator from New Mexico knows, the ICES program was formed last year through a joint statement signed by Secretary Richardson and the Minister for Atomic Energy of the Russian Federation, Yevgeny Adamov. The centers were created to provide a mechanism for technical exchange and effective collaboration between the DOE and Minatom on matters of environmental safety in both countries. The U.S. Center is managed by the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory. In Russia, the Ministry for Atomic Energy operates the Center in Moscow. Both work collaboratively to ensure overall ICES success in reducing environmental threats and costs.

Mr. DOMENICI. That is my understanding.

Mr. CRAPO. Report language in the FY2001 Senate Energy and Water Development bill supports DOE's efforts to use the experience and expertise of scientists of the former Soviet Union to address waste management and environmental remediation challenges within the DOE complex. Isn't it also true that the centers are intended to facilitate international collaboration to address environmental and nuclear safety issues important to the national security?

Mr. DOMENICI. The Senator from Idaho is correct in his understanding. I would add that committee saw fit to support the International Nuclear Safety Program at the President's requested level of funding. This includes funding for the Russian and U.S. centers.

Mr. CRAPO. I thank the Senator from New Mexico.

HOPI-WESTERN NAVAJO WATER DEVELOPMENT STUDY

Mr. KYL. Mr. President, the conference report to H.R. 4733 provides $1 million for the Bureau of Reclamation to initiate a comprehensive Hopi-Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on these reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the Federal Government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

NIF STUDIES

Mr. HARKIN. Mr. President, I ask the distinguished chairman and ranking member to engage in a brief colloquy on the National Ignition Facility. The bill as it passed the Senate requested a study by the National Academy of Sciences of a number of issues regarding the National Ignition Facility. The current bill and conference report language require reviews of several issues, including the need for the

facility, alternatives to NIF, consideration of starting with a smaller facility, and planning for the Broader stockpile stewardship program. All these elements are important, but the bill does not specify how these reviews are to be conducted.

Previous supposedly independent DOE reviews of NIF have been strongly criticized in the recent GAO report and in a recent article in the journal Nature, and have even been subject to lawsuits for violating the Federal Advisory Committee Act. I believe it is critical for the credibility of these reviews that they be conducted by an independent body, such as the National Academy of Sciences, and that they be organized as independent studies under FACA rules. This is a troubled program, and we need the very best thought of independent experts to help us get it back on track or to scale it back as needed.

Mr. REID. Mr. President, I agree with my colleague and want to emphasize how important it is to Congress that these be outside, independent reviews. DOE has unfortunately lost credibility on this issue and needs to bring in outside experts to regain it. I have already conveyed my expectations on this point to Madelyn Creedon and am happy to join my colleagues in clarifying this today.

Mr. DOMENICI. Mr. President, our country has very important needs that many hope NIF can solve. The credibility of outside experts will be crucial as we consider the future of this program.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. DOMENICI. I now ask unanimous consent the vote occur on the adoption of the conference report at 5:30 p.m. on Monday.

Mr. REID. Reserving the right to object, I say to my friend from New Mexico, I am disappointed that we are not voting on this tonight. I think it would be an opportunity to get a bill to the President's desk and speed up things around here. I think it is a shame we are waiting until 5:30 Monday night. It is going to consume too much time in the process.

I hope whoever has caused this, whoever that might be who is responsible, recognizes that they are responsible for slowing up what goes on around here. We have to move these appropriations bills. Senator DOMENICI and I and especially our staffs have worked night and day all this past week, and I literally mean night and day. We were looking forward to completing this bill tonight.

Having said that, I have no objection.

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

Mr. DOMENICI. Mr. President, I yield the floor. 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. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

U.S.-CUBA RELATIONS

Mr. ROBERTS. Mr. President, I would like to bring to the attention of the Senate a relatively new organization designed to enhance U.S.-Cuba relations. The Alliance for Responsible Cuba Policy was created in early 1998 to foster better political, economic and cultural relationships between our country and Cuba. Its board is compromised of distinguished Americans, including some of our former colleagues in the Congress.

Clearly the time has come to bring ''responsibleness'' to the debate regarding U.S.-Cuba relations.

The Alliance has briefed me and my staff regarding their first-hand experience in Cuba. I encourage them to continue their fact finding and information gathering missions to Cuba.

I ask unanimous consent to have printed in the RECORD an Activities Report of the Alliance.

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

ALLIANCE FOR RESPONSIBLE CUBA POLICY ACTIVITIES REPORT—FACT-FINDING MISSION; REPUBLIC OF CUBA, JULY 10–12, 2000

This report summarizes the activities of a fact-finding mission to the Republic of Cuba conducted on July 10–12, 2000. The fact-finding mission was organized by the Alliance for Responsible Cuba Policy (the ''Alliance''), a non-partisan, non-profit organization incorporated in the District of Columbia. The delegation included former Congressman Beryl Anthony, partner, Winston & Strawn; Mr. Albert A. Fox, Jr., President of the Alliance, Mr. Paul D. Fox, Vice-President Atlantic Region, Tysons Food, Inc. and Managing Director, Tyson de Mexico; Ms. Nanette Kelly, President and Mr. John Spain, Managing Director, The Powell Group of Baton Rouge, Louisiana; Mr. Edward Rabel, former news correspondent with CBS and NBC, and currently Senior Vice President of Weber McGinn; and Gregory J. Spak, partner, White & Case LLP.

This fact-finding mission was the second such trip organized by the Alliance. The first mission occurred on September 26–29, 1999. An Activities Report related to that mission is available from the Alliance's web site at www.responsiblecubapolicy.com.

During the July 10–12, 2000 mission, the delegation met with the following persons and entities in Cuba:

Ministry of Foreign Trade

Ministry of Science, Technology, and Environment

Ministry of Agriculture

Ministry of Foreign Investment and Economic Cooperation

Mr. Ricardo Alarcon de Quesada, President of the National Assembly

Ministry of Justice

The following summarizes the discussion at each of these meetings.

MINISTRY OF FOREIGN TRADE

The delegation met with Maria de la Luz B'Hamel, Director of the North American Division of the Foreign Trade Ministry, and with Mr. Igor Montero Brito, Vice President of ALIMPORT. Ms. B'Hamel's division is responsible for international trade issues relating to the United States and Canada, and the Foreign Trade Ministry in general has jurisdiction over all foreign trade issues, including issues arising in the World Trade Organization and other international and regional trade agreements. Ms. B'Hamel noted that Cuba is a founding member of the General Agreement on Tariffs and Trade (''GATT'') and the World Trade Organization (''WTO'').

The Foreign Trade Ministry has a practical role in foreign trade through its authority to grant licenses to Cuban enterprises engaging in international trade. Ms. B'Hamel described two important trends that have emerged since the dissolution of the Soviet Union and the resulting rupture of Cuba's traditional trading relationships:

(1) Diversification of Cuba's foreign trade. Currently, Cuba's two largest trading partners are Spain and Canada, and no more than 10–12 percent of Cuba's trade is with any one country. As part of this diversification process, Cuba has been negotiating trade agreements with its regional trading partners in order to promote Cuba as a strategic bridge to the Caribbean region.

(2) Decentralization of foreign trade issues. Ms. B'Hamel stated the Foreign Trade Ministry is deemphasizing its direct involvement in international trade transactions, and is assuming more of a trade regulation role. Companies engaged in foreign trade today in Cuba include state enterprises, private enterprises, and international joint ventures or branch offices of foreign companies. More than 250 private and state enterprises are actively engaged in foreign trade, and there are approximately 600 Cuban branch offices of foreign companies engaged in trade in Cuba.

Ms. B'Hamel explained that, since 1994, Cuba has experienced steady improvement in foreign trade and GDP growth. Her Ministry forecasts continued GDP growth, even assuming no relaxation of U.S.-imposed trade restrictions. She stated that the U.S. trade restrictions (which she called the ''blockade'') have affected Cuba, but that other trends in business and world trade were creating new opportunities for the Cuban economy.

One particularly dynamic sector of the Cuban economy is tourism, which is growing by 16–20 percent per year. These statistics do not include U.S. tourists, which Ms. B'Hamel estimates to have numbered approximately 180,000 last year. She noted that this increase in tourism will have a ripple effect on the Cuban economy and will increase the demand for food goods, and other services.

Mr. Igor Montero explained that ALIMPORT is the principal Cuban state enterprise dedicated to importing foodstuffs into Cuba and distributing imports to the public. ALIMPORT is dedicated almost exclusively to the primary foodstuffs which are considered to be staples of the Cuban diet (e.g., rice, beans, etc.). Cuba currently imports approximately $1 billion in foodstuffs annually, $650 million of which is imported through ALIMPORT. Principal food imports are wheat, soybeans, and rice.

Cuba currently is importing approximately 400,000 metric tons of rice per year, principally from China, Thailand, and Vietnam. Delivery time for rice imported from these countries is approximately 60 days, and the quality is considered only fair. Mr. Montero acknowledged that transportation costs to

acquire this rice represent a significant expenditure.

Mr. Spain, whose Louisiana-based company, the Powell Group, is involved in the rice milling business, pointed out that his company used to supply rice to Cuba before the U.S. trade restrictions. While clarifying he was not in Cuba to develop business. Mr. Spain noted that his company could supply high-quality rice to Cuba with a turnaround time (from order to delivery) of approximately one week and insignificant freight costs.

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MINISTRY OF SCIENCE, TECHNOLOGY, AND ENVIRONMENT

The delegation met with a number of representatives from this Ministry (''CITMA''), including the Minister, Dr. Rosa Elena Simeón Negrin. Dr. Simeón described the Ministry's creation in 1994 as a result of the reorganization and consolidation of other Cuban ministries. Dr. Simeón distributed to the delegation the following publications regarding the Ministry's activities (1) ''Law of the Environment''; (2) ''Cuba Foreign Investment Act of 1995''; and (3) ''National Environmental Strategy.'' These documents are available from the Alliance upon request.

Much of the discussion focused on environmental issues. Dr. Simeón noted the importance of environmental education to the Ministry's mission. She described the results of a recent survey revealing that although 73 percent of the Cuban population recognize the threat to the environment, only 30 percent believe they can improve environmental conditions through their own actions. The Ministry is attempting to increase awareness among the Cuban population of the role the individual plays in improving the environment.

Dr. Simeón also portrayed alternative fuels as an important focus of the Ministry's efforts. Approximately 5,000 facilities in the mountain areas of the country operate with solar energy, but the solar energy panels necessary to continue the development of this energy source are prohibitively expensive. Notwithstanding the cost, the Ministry is committed to solar energy.

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MINISTRY OF AGRICULTURE

The delegation met with Dr. Alfredo Gutierrez Yanis, Vice Minister of Agriculture, and several other officials from the Ministry. Dr. Gutierrez explained that Cuba's traditional relationship with the Soviet Union had allowed for a stable agriculture policy. Cuba exported sugar and citrus to the Soviet Union and Soviet bloc countries, and imported machinery, fertilizer, and pesticides from those countries. Ten years after the dissolution of the Soviet Union, Cuban agriculture is in the midst of a recovery program (known as the ''processo de Recuperacion en Agricultura'' or the ''Agriculture Recovery Process''). Recovery has been uneven, however, with some sectors advancing beyond pre-crisis performance levels (notably vegetable production) and others continuing to experience difficulties (poultry, livestock, and rice production).

Dr. Gutierrez offered poultry products as an example of a sector that has not recovered. Prior to 1991, the Cuban per-capita annual egg consumption was 230, nearly double the current per-capita rate. Similarly, Cuban agriculture once produced approximately 117,000 tons of chicken meat annually, but now can only produce approximately 30,000 tons. Cuba has been forced to import chicken meat, with Canada emerging as the principal supplier. Dr. Gutierrez attributed the decrease in chicken and egg production to lack of available feed. This lack of feed results from both the disruption in the traditional trading relationship with the Soviet Union, and changes in the economic restrictions imposed by the United States. During the 1980s, Cuba imported approximately 2 million tons of feed, and reported much of this was purchased from foreign subsidiaries of U.S. companies. After the enactment of the Toricelli Act, the value of this trade dropped from $400 million per year to approximately $1 million. Also, the provisions of U.S. law restricting access to U.S. ports for those vessels which have engaged in commercial activity in Cuba to obtain feed at a reasonable price.

With respect to milk, Dr. Gutierrez reported that for all practical purposes, the dairy herds ceased to produce when grain was no longer available for feeding. Many cows died of starvation and others were slaughtered while still at a productive age. The Cuban Government has since developed a breed of dairy cow that is ⅝ Holstein and ⅜ Zebu in order to facilitate milk production without excessive grain consumption, but current productivity per head has declined with these genetic changes. The Government is importing powdered milk, but not in sufficient quantities. One of the delegation members touring a neighborhood away from the tourist areas was told that the milk formula sold in state stores is supposed to be consumed exclusively by children from 3 to 7 years old.

Dr. Gutierrez also mentioned difficulties in the rice sector, in that Cuba has been forced to import most of its rice from distant sources, thereby increasing costs and lowering quality of the rice. The Ministry would like to see an increase in local rice production, and a corresponding reduction in imports to approximately 200,000 tons per year. Dr. Gutierrez feels that this would permit a per-capita rice consumption of approximately 50 kilograms.

Dr. Gurtierrez cited pork and cirrus production as two examples of a successful recovery. Cirrus production has recovered and could increase if new markets were opened for Cuban citrus goods. Israel is providing assistance to the Cuban Government on citrus production, and an Italian firm is helping with production of citrus derivation products.

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Dr. Gutierrez described developments he believes will help the Cuban agricultural sector continue its post-crisis recovery. First, state farms play a less significant role in the agricultural sector, with the percentage of farm land cultivated by state farms reduced from 67 percent to approximately 33 percent. Thus, according to Dr. Gutierrez, approximately two-thirds of the land is being cultivated today by small private companies and cooperatives. When asked how the small companies and cooperatives sell their crops, he replied that it would be typical for such companies and cooperatives to contract with a Cuban state enterprise for a specific supply quantity, and that the companies and cooperatives would then be free to sell any additional production privately.

Secondly, individual farmers now operate in a relatively free market, and are permitted to farm areas of 75 hectares (approximately 200 acres). Nearly 800,000 hectares (approximately 2 million acres) are now in the hands of individual farmers. The farmers do not own the land (land ownership is reserved to the state), but they are allowed to cultivate the land and are entitled to sell the production as they wish. Many of these farmers have formed privately-operated cooperatives.

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MINISTRY OF FOREIGN INVESTMENT AND ECONOMIC COOPERATION

The delegation met with Mr. Ernesto Senti Endarias, First Vice Minister of the Ministry of Foreign Investment and Economic Cooperation, and various members of his staff. According to Vice Minister Senti, the Cuban economy is in its fifth year of a gradual economic recovery, and foreign investment has played an important role in this recovery. Sales from enterprises resulting from direct foreign investment account for approximately 3–4 percent of the Cuban GDP, nearly twelve percent of all exports, and such enterprises employ approximately one percent of the labor force.

Direct foreign investment is affecting various sectors of the Cuban economy, including (1) tourism, (2) heavy industry (petroleum (especially deep-water drilling)), (3) mining, (4) light industry, (5) telecommunications, (6) energy (especially alternative sources), (7) sugar (especially derivatives from sugar production), and (8) agriculture. Only three sectors are not open to direct foreign investment health, education, and national security. Fifty-two percent of direct foreign investment is from countries in Europe, particularly Spain and France.

Vice Minister Senti believes that direct foreign investment in Cuba will continue to grow. He observed the companies investing in Cuba typically are large companies, and these companies exhibit a high level of professionalism in their business ventures, which is beneficial for Cuba. In return, Cuba offers foreign investors highly-trained workers, political stability, and a government interested in helping companies that are willing to help Cuba.

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PRESIDENT RICARDO ALARCÓN DE QUESADA

The delegation met with Mr. Ricardo Alarcón de Quesada, President of the National Assembly, former foreign minister and former ambassador to the United Nations. The discussion with President Alarcón was wide-ranging, and he was forthcoming on all issues raised by the delegation. He showed particular interest in the status of the various legislative proposals in the U.S. Congress that might permit the sale of U.S. food and medicine to Cuba. When asked whether Cuba would commit to purchasing U.S. food and medicine after the legislation passed, he stated Cuba would like to do so, but ultimately it would depend on the text of the legislation and on timing. He explained they were monitoring the various versions of the legislation and that certain provisions (especially the increased restriction on travel and the limited duration of the export licenses) might make purchasing U.S. food and medicine difficult.

The Alliance then briefed President Alarcón on the upcoming visit by Senators Pat Roberts and Max Baucus. The Alliance explained the importance of these senators to any passage of legislation regarding the sale of food and medicine to Cuba. President Alarcón expressed his pleasure in visiting with the Alliance again.

MINISTRY OF JUSTICE

The delegation met with Lic Robert Díaz Sotolongo and other members of the Ministry. Mr. Díaz began the meeting by stating his satisfaction with the manner in which the United States and Cuba were able to resolve the recent controversy regarding Elián Gonzalez. He noted that this is a visible and helpful example of how the two governments and their societies can interact successfully despite differences of opinion.

Mr. Díaz then directed the discussion toward drug interdiction, another area in which he believes Cuba and the United

States can increase cooperation. He noted that in the last meeting with the Alliance, the Cuban Department of Justice had asked for assistance in facilitating the placement of a U.S. Coast Guard representative to the U.S. Interest Section in Havana to help increase cooperation on drug interdiction. He thanked the Alliance for its assistance, noting with satisfaction that the U.S. Coast Guard representative had arrived in Havana. Mr. Díaz went on to describe the celebrated case of the ''Limerick,'' a Belize-flagged vessel that began to sink in Cuban waters in 1996. The cooperation of British, American, and Cuban officials led to the discovery on the vessel of six tons of cocaine believed destined for the United States. The Cuban officials turned over the drugs and the persons involved to the U.S. authorities and actively assisted in the successful prosecution of the individuals traveling to the United States to testify in the criminal trial.

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OBSERVATION

All the Cuban Government officials and the Cuban people with whom we visited were friendly and answered our questions in a forthright manner. They made it clear they have no ill feeling toward the American people or the U.S. form of government. They expressed bewilderment that the U.S. maintains its economic sanctions against Cuba despite other developments, including the normalization of U.S. trade relations with China, Vietnam, and North Korea, the increasing foreign investment in Cuba by the rest of the world (especially Europe and Canada), and the overwhelming U.S. public opinion in favor of removing the sanctions.

The Alliance is grateful for the opportunity to have concluded a second successful fact-finding mission to Cuba, and intends to continue this process. The Alliance is convinced that the U.S. trade restrictions must end and that we must deal with the Cuban Government as it is, not as we wish it to be.

THE NEED TO PASS THE VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I want to take a moment to once again ask the majority to immediately bring S. 2787, the Violence Against Women Act of 2000, VAWA II, to the floor for a vote.

Yesterday the President wrote to the Majority Leader urging passage of VAWA II this week. This is a top priority not only for the Administration but for the Nation. The President wrote: ''The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress.'' The President is right.

This Tuesday the House of Representatives overwhelmingly passed the reauthorization of the Violence Against Women Act by a vote of 415 to 3. I commend the House for finally acting on this important legislation. Many of us have been urging Senate action on legislation to reauthorize and improve the Violence Against Women Act for months. We have been stymied by the Republican leadership.

I also would like to thank my friend Senator JOE BIDEN, for his leadership on this issue. He has been a champion for victims of domestic violence for many years. He was pivotal in the enactment of the Violence Against Women Act almost a decade ago. He has been tireless in his efforts this year. It is time for the Senate to take up S. 2787, review and accept the consensus substitute and move to final passage. It could be done this week—today. Senator BIDEN has offered to proceed on a clean bill within 10 minutes and he is right.

I regret to have to remind the Senate that the authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on Saturday, September 30, 2000. This is outrageous. This should be consensus legislation, bipartisan legislation. With a straight up or down vote I have no doubt that our bill will pass overwhelmingly. Playing partisan or political games with this important legislation is the wrong thing to do and this is the wrong time to be playing such games.

''Gotcha'' games have no place in this debate or with this important matter. The Violence Against Women Act II is not leverage or fodder but important legislation with 71 Senate cosponsors.

There is and has been no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the ''poison pill'' represented by the version of bankruptcy legislation currently being advanced by Republicans and to other matters.

I received today a letter from the Pat Ruess of the NOW Legal Defense and Education Fund that emphatically makes the point the VAWA is not ''cover'' for other legislation that hurts women. She is right. The bankruptcy bill as the Republicans have designed it is opposed by the National Partnership for Women and Families, the National Women's Law Center, the American Association of University Women and dozens of women's organization across the country. I hope that the rumors of such an effort by the Republican leadership will prove unfounded and that no such cynical pairing will be attempted. It is destined to fail and only delays and distracts the Senate from what we should be doing—passing VAWA II.

I believe the Senate can and should pass VAWA II as a clean, stand-alone bill, without further delay. That is what Senator BIDEN urged Tuesday.

According to the Bureau of Justice Statistics, almost one-third of women murdered each year are killed by a husband or boyfriend. In 1998, women experience about 900,000 violent offenses at the hands of an intimate partner. The only good news about this staggering number is that it is lower than that of previous years when the number of violent offenses was well past 1 million. I have no doubt this drop in the numbers of victims of domestic violence is due to the success of the programs of the Violence Against Women Act. We should be working to lower that number even further by reauthorizing and expanding the programs of VAWA. The country has come too far in fighting this battle against domestic violence to risk losing it because the Senate does not pass VAWA II or someone wanting to score clever, political points for short term partisan gain.

There is no reason to make this a political battle. We must act now.

I ask unanimous consent to print in the RECORD the President's letter and the September 28 letter from the NOW Legal Defense and Education Fund and a September 17, 1999 letter from the National Partnership for Women & Families, National Women's Law Center and other women's advocacy organizations.

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

THE WHITE HOUSE,
Washington, DC, September 27, 2000.

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

DEAR MR. LEADER: I am writing to urge you to bring the reauthorization of the Violence Against Women Act (VAWA) to the Senate floor this week.

An estimated 900,000 women suffer violence at the hands of an intimate partner each year, demonstrating the urgent need for this legislation. Since VAWA was enacted, the Department of Justice and Health and Human Services have awarded approximately $1.6 billion in Federal grants to support the work of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs in order to combat violence against women. We must reauthorize these critical programs immediately.

As you know, yesterday, the House overwhelmingly passed VAWA reauthorization by a vote of 415–3. In the Senate, VAWA has similar bipartisan support with over 70 cosponsors. If Congress does not act this week, however, VAWA's authorization will expire on September 30, 2000. The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress.

Sincerely,

BILL CLINTON.

NOW LEGAL DEFENSE
AND EDUCATION FUND,
Washington, DC, September 28, 2000.

DEAR SENATOR: The Violence Against Women Act runs out in two days. The Senate must act immediately! Do not let VAWA die—pass S. 2787, the reauthorization of the Violence Against Women Act. The bipartisan VAWA renewal bill, sponsored by Senators Biden and Hatch, has 71 co-sponsors and virtually no opposition. The House passed a similar bill on Tuesday, 415–3. You must demand that this bill comes to the Senate floor today, freestanding and without harmful riders.

It is unacceptable for the Senate to attach VAWA to or partner it with any bill that the President has threatened to veto. One such bill is the Bankruptcy Reform Act, a bill that threatens women's economic security by:

Making it more difficult to file bankruptcy and regain economic stability afterwards.

Pitting women and children who are trying to collect child support against powerful commercial companies trying to collect credit card and other debts.

Punishing honest low income bankruptcy filers while providing cover for individuals convicted of violating FACE (clinic violence protections).

We cannot support a bill that uses VAWA to provide cover for legislation that also hurts women. S. 2787 can be passed under Unanimous Consent today. Please just do it.

Sincerely,

PATRICIA BLAU REUSS,
Vice President, Government Relations.

NATIONAL WOMEN'S LAW CENTER,
NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES,
September 17, 1999.

Re: S. 625, The ''Bankruptcy Reform Act of 1999''

DEAR SENATOR: The undersigned women's and children's organizations write to urge you to oppose S. 625, the ''Bankruptcy Reform Act of 1999.''

Hundreds of thousands of women and their children are affected by the bankruptcy system each year as debtors and creditors. Indeed, women are the fastest growing group in bankruptcy. In 1999, over half a million women are expected to file for bankruptcy by themselves—more than men filing by themselves or married couples. About 200,000 of these women filers will be trying to collect child support or alimony. Another 200,000 women owed child support or alimony by men who file for bankruptcy will become bankruptcy creditors.

S. 625 puts both groups of economically vulnerable women and children at greater risk. By increasing the rights of many creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer; they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women who are owed support by men who file for bankruptcy, the provisions fail to ensure that support payments will come first, ahead of the increased claims of the commercial creditors. Some improvement were made in the domestic support provisions in the Judiciary Committee. However, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law. The bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

This Bankruptcy Reform Act will reduce the ability of parents to pay their most important debt—their debt to their children. It is for these reasons that we strongly oppose S. 625 and urge you to oppose it as well.

Very truly yours,

National Women's Law Center.
National Partnership for Women & Families.
ACES, Association for Children for Enforcement of Support, Inc.
American Association of University Women.
American Medical Women's Association.
Business and Professional Women/USA.
Center for Law and Social Policy.
Center for the Advancement of Public Policy.
Center for the Child Care Workforce.
Church Women United.
Coalition of Labor Union Women (CLUW).
Equal Rights Advocates.
Feminist Majority.
Hadassah.
International Women's Insolvency & Restructuring Confederation (''IWIRC'').
National Association of Commissions for Women (NACW).
National Black Women's Health Project.
National Center for Youth Law.
National Council of Jewish Women.
National Council of Negro Women.
National Organization for Women.
National Women's Conference.
Northwest Women's Law Center.
NOW Legal Defense and Education Fund.
Wider Opportunities for Women.
The Women Activist Fund.
Women Employed.
Women Work!
Women's Institute for Freedom of Press.
Women's Law Center of Maryland, Inc.
YWCA of the U.S.A.

CONTINUING CLIMATE OF FEAR IN BELARUS

Mr. CAMPBELL. Mr. President, as co-chairman of the Helsinki Commission, I take this opportunity to update my colleagues on the situation in Belarus, as I have done on previous occasions.

The Belarusian parliamentary elections are scheduled for October 15, and unfortunately, they do not meet the basic commitments outlined by the Organization for Security and Cooperation in Europe (OSCE) concerning free and democratic elections. Moreover, many observers have concluded that the Belarusian government has not made real progress in fulfilling four criteria for international observation of the elections: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the parliament that will be chosen in these elections.

Instead, the Helsinki Commission has observed that the Lukashenka regime launched a campaign of intensified harassment in recent days directed against members of the opposition. We have received reports that just last week, Anatoly Lebedka, leader of the United Civic Party, whom many of my colleagues met when he visited the Senate last year, was roughed up by police after attending an observance marking the first anniversary of the disappearance of a leading member of the democratic opposition Viktor Gonchar and his associate, Anatoly Krasovsky. And just a few days ago, we were informed that Belarusian Popular Front leader Vintsuk Viachorka's request for air time on Belarusian television to explain why the opposition is boycotting the parliamentary elections was met with a hateful, disparaging diatribe on the main newscast ''Panorama.''

This is only the tip of the iceberg—in addition, the Helsinki Commission is receiving reports of detentions, fines and instances of beatings of opposition activists who are promoting a boycott of the elections by distributing leaflets or other literature or holding meetings with voters. In recent weeks, we have also been informed of the refusal to register many opposition candidates on dubious grounds; the seizure of over 100,000 copies of the independent trade union newspaper ''Rabochy''; forceful disruptions of public meetings with representatives of the opposition; an apparent burglary of the headquarters of the Social Democratic Party; a ban of the First Festival of Independent Press in Vitebsk, and recent ''reminder letters'' by the State Committee on Press for independent newspapers to reregister.

Mr. President, Belarusian opposition parties supporting the boycott have received permission to stage ''Freedom March III'' this Sunday, October 1. At a number of past demonstrations, police have detained, harassed and beaten participants. Those in Congress who are following developments in Belarus are hopeful that this demonstration will take place peacefully, that authorities do not limit the rights of Belarusian citizens to freedom of association and assembly, and that the Government of Belarus will refrain from acts of repression against the opposition and others who openly advocate for a boycott of these elections.

Mr. President, the Helsinki Commission continue to monitor closely the events surrounding these elections and we will keep the full Senate apprized of developments in the ongoing struggle for democracy in Belarus.

SCHOOL SHOOTINGS

Mr. LEVIN. Mr. President, it is not even one month into the school year and yet school is canceled for the week at Carter C. Woodson Middle School in New Orleans, Louisiana. On Tuesday afternoon, a 13-year-old boy, who had been expelled from school for fighting, allegedly slipped another 13-year-old a .38-caliber revolver. The expelled teen was seen passing the handgun through the school fence to the other 13-year-old, who allegedly used the gun to shoot a 15-year-old schoolmate. According to witnesses, the 15-year-old then managed to get the gun from his attacker and return gunfire.

As a result of this school day skirmish, two teenagers have been hospitalized in critical condition and another teen-ager has been booked on charges of illegally carrying a gun and being a principal to attempted first-degree murder. In addition, the 600 student middle school is in a ''cooling off period,'' meaning classes are canceled for the rest of the week.

It is deeply disturbing that teenagers have such easy access to handguns. The laws in this country make it illegal for a juvenile to possess a handgun or a person to sell, deliver, or otherwise transfer a handgun to a juvenile. Yet, with so many loopholes in our firearm distribution laws, it is easy for prohibited users, such as young people, to find illegal access to thousands of guns.

Congress can close those loopholes and act to prevent tragedies like the one in New Orleans. With only one week left until the Senate's target adjournment, the time is now. We must pass sensible gun laws and reduce the threat of gun violence in our schools and communities.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 28, 1999:

Stephanie Borjon, 25, Fort Worth, TX; Fransisco Cabera, 17, Oklahoma City, OK; Everett Lee, 27, Detroit, MI; Dennis Mattei, 19, Bridgeport, CT; Ronald L. Pearson, 29, Memphis, TN; Sohan S. Rahil, 65, Bedford Heights, OH; Justin Thomas, 27, Baltimore, MD; Christopher M. Williams, 26, Memphis, TN; Douglas Younger, 43, Houston, TX; and Unidentified Male, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

EULOGY TO MAUREEN MANSFIELD

Mr. HOLLINGS. Mr. President, Mike Mansfield's eulogy to his wife, Maureen, this past Tuesday at her funeral was simply beauty. It was vintage Mansfield—and any other comment would mar its eloquence. On behalf of the distinguished Senator from Alaska, Mr. STEVENS, and myself, I ask unanimous consent that it be included in the RECORD.

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

EULOGY FOR MAUREEN MANSFIELD DELIVERED BY SENATOR MIKE MANSFIELD, SEPTEMBER 26, 2000

1929

We met—She was 24 and I was 26.

She was a high school teacher; I was a miner in the Copper mines of Butte.

She was a college graduate; I had not finished the 8th grade.

She urged me to achieve a better education. I followed her advice and with her help, in every way, we succeeded.

She took me out of the mines and brought me to the surface.

1932

We were married in Missoula during the great depression.

She gave up her teaching job.

She cashed in on her insurance.

She brought what little savings she had and, she did it all for me.

1940

Maureen was very politically oriented—I was not.

She urged me to run for Congress.

We campaigned together.

We finished next to last.

The day after the election she put us on the campaign trail for the next election and we won.

1942

Maureen was largely responsible for our election to the House of Representatives.

Almost every summer she drove herself and our daughter, Anne, to Missoula—5 days and 3,000 miles.

Why? To campaign for us and in

1952

She got us elected to the U.S. Senate.

1977

We decided—after talking it over, to retire.

We did not owe anything to anybody—except the people of Montana—nor did anyone owe anything to us.

1977

President Carter asked me if we would be interested in becoming the U.S. Ambassador to Japan. Maureen thought we should accept and we did and when President Reagan called and asked us to stay, we did for almost 12 years.

1988

Around Xmas Maureen almost literally forced me to go to the Naval Hospital at Yokosuka, which sent me to the Army Hospital at Honolulu, which sent me directly to Walter Reed Army Hospital where I had heart bypass and prostate operations. Again it was Maureen.

1989

We came home.

1998

Illness began to take its toll on Maureen.

On September 13, 2000, less than 2 weeks ago, we observed—silently—our 68th Wedding Anniversary.

Maureen and I owe so much to so many that I cannot name them all but my family owes special thanks to Dr. William Gilliland, and his associates, who down through the last decade did so much to alleviate Maureen's pain and suffering at Walter Reed Army Medical Hospital—one of the truly great medical centers in our country.

We also owe special thanks to Gloria Zapata, Ana Zorilla and Mathilde Kelly Boyes and Ramona the ''round the clockers'' who took such loving care of Maureen for the last two years on a 24 hour day, seven day week basis.

MAUREEN MANSFIELD

She sat in the shadow—I stood in the limelight.

She gave all of herself to me.

I failed in recognition of that fact until too late—because of my obstinacy, self centeredness and the like.

She sacrificed much almost always in my favor—I sacrificed nothing.

She literally remade me in her own mold, her own outlook, her own honest beliefs. What she was, I became. Without her—I would have been little or nothing. With her—she gave everything of herself. No sacrifice was too little to ignore nor too big to overcome.

She was responsible for my life, my education, my teaching career, our elections to the House and Senate and our selection to the Embassy to Japan.

She gave of herself that I could thrive, I could learn, I could love, I could be secure, I could be understanding.

She gave of her time to my time so that together we could achieve our goals.

I will not say goodby to Maureen, my love, but only ''so long'' because I hope the Good Lord will make it possible that we will meet at another place in another time and we will then be together again forever.

SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The third quarter of FY2000 covers the period of April 1, 2000 through June 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000.

Mr. President, I ask unanimous consent to print the frank mail allocations in the RECORD.

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

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766	0	0	$0.00	0
Akaka	35,277	0	0	0.00	0
Allard	65,146	0	0	0.00	0
Ashcroft	79,102	0	0	0.00	0
Baucus	34,375	0	0	0.00	0
Bayh	80,377	0	0	0.00	0
Bennett	42,413	0	0	0.00	0
Biden	32,277	0	0	0.00	0
Bingaman	42,547	0	0	0.00	0
Bond	79,102	0	0	0.00	0
Boxer	305,476	0	0	0.00	0
Breaux	66,941	0	0	0.00	0
Brownback	50,118	0	0	0.00	0
Bryan	43,209	0	0	0.00	0
Bunning	63,969	0	0	0.00	0
Burns	34,375	0	0	0.00	0
Byrd	43,239	0	0	0.00	0
Campbell	65,146	0	0	0.00	0
Chafee, Lincoln	34,703	0	0	0.00	0
Cleland	97,682	0	0	0.00	0
Cochran	51,320	0	0	0.00	0
Collins	38,329	0	0	0.00	0
Conrad	31,320	0	0	0.00	0
Coverdell	97,682	0	0	0.00	0
Craig	36,491	3,100	0.00308	612.63	$0.00061
Crapo	36,491	4,270	0.00424	3,351.95	0.00333

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Daschle	32,185	0	0	0.00	0
DeWine	131,970	0	0	0.00	0
Dodd	56,424	0	0	0.00	0
Domenici	42,547	0	0	0.00	0
Dorgan	31,320	0	0	0.00	0
Durbin	130,125	0	0	0.00	0
Edwards	103,736	0	0	0.00	0
Enzi	30,044	0	0	0.00	0
Feingold	74,483	0	0	0.00	0
Feinstein	305,476	0	0	0.00	0
Fitzgerald	130,125	0	0	0.00	0
Frist	78,239	0	0	0.00	0
Gorton	81,115	320,000	0.06575	59,397.50	0.01220
Graham	185,464	0	0	0.00	0
Gramm	205,051	1,215	0.00007	955.70	0.00006
Grams	69,241	156,322	0.03573	31,676.86	0.00724
Grassley	52,904	0	0	0.00	0
Gregg	36,828	0	0	0.00	0
Hagel	40,964	0	0	0.00	0
Harkin	52,904	0	0	0.00	0
Hatch	42,413	0	0	0.00	0
Helms	103,736	0	0	0.00	0
Hollings	62,273	0	0	0.00	0
Hutchinson	51,203	0	0	0.00	0
Hutchison	205,051	0	0	0.00	0
Ihhofe	58,884	0	0	0.00	0
Inouye	35,277	0	0	0.00	0
Jeffords	31,251	0	0	0.00	0
Johnson	32,185	0	0	0.00	0
Kennedy	82,915	0	0	0.00	0
Kerrey	40,964	0	0	0.00	0
Kerry	82,915	1,135	0.00019	1,003.91	0.00017
Kohl	74,483	0	0	0.00	0
Kyl	71,855	0	0	0.00	0
Landrieu	66,941	0	0	0.00	0
Lautenberg	97,508	0	0	0.00	0
Leahy	31,251	16,630	0.02955	4,088.94	0.00727
Levin	114,766	0	0	0.00	0
Lieberman	56,424	0	0	0.00	0
Lincoln	51,203	1,530	0.00065	390.05	0.00017
Lott	51,320	1,515	0.00059	1,411.99	0.00055
Lugar	80,377	0	0	0.00	0
Mack	185,464	0	0	0.00	0
McCain	71,855	0	0	0.00	0
McConnell	63,969	0	0	0.00	0
Mikulski	73,160	0	0	0.00	0
Moynihan	184,012	0	0	0.00	0
Murkowski	31,184	0	0	0.00	0
Murray	81,115	0	0	0.00	0
Nickles	58,884	0	0	0.00	0
Reed	34,703	0	0	0.00	0
Reid	43,209	0	0	0.00	0
Robb	89,627	0	0	0.00	0
Roberts	50,118	6,042	0.00244	4,754.74	0.00192
Rockefeller	43,239	0	0	0.00	0
Roth	32,277	0	0	0.00	0
Santorum	139,016	0	0	0.00	0
Sarbanes	73,160	0	0	0.00	0
Schumer	184,012	0	0	0.00	0
Sessions	68,176	0	0	0.00	0
Shelby	68,176	0	0	0.00	0
Smith, Gordon	58,557	0	0	0.00	0
Smith, Robert	36,828	0	0	0.00	0
Snowe	38,329	0	0	0.00	0
Specter	139,016	0	0	0.00	0
Stevens	31,184	0	0	0.00	0
Thomas	30,044	0	0	0.00	0
Thompson	78,239	0	0	0.00	0
Thurmond	62,273	0	0	0.00	0
Torricelli	97,508	0	0	0.00	0
Voinovich	131,970	0	0	0.00	0
Warner	89,627	0	0	0.00	0
Wellstone	69,241	0	0	0.00	0
Wyden	58,557	0	0	0.00	0
Totals	7,594,942	511,759	0.14229	107,644.26	0.03350

CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, a letter from the National Governors' Association on September 27th to the majority leader of the Senate expresses the National Governors' Association's views that any final version of the Conservation and Reinvestment Act (CARA) legislation include stable funding and a strong commitment to the states by reinvesting Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and sharing a meaningful portion of these revenues with states and territories. In addition, the letter points out that the essential strengths of CARA are that it assures a dependable stream of funding which enables states to implement long-term capital investments and to develop cost-effective fiscal strategies.

I ask unanimous consent to print the letter in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, September 27, 2000.

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

DEAR SENATOR LOTT: The nation's Governors support legislation that both wisely reinvests Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and shares a meaningful portion of these revenues with states and territories. We have previously endorsed H.R. 701, the Conservation and Reinvestment Act (CARA), but recognize that alternatives are being considered. We urge that any final legislation allocating OCS revenues include stable funding and a strong commitment to the states.

As new proposals are floated, we hope that you will remember the essential strengths of CARA. CARA assures a dependable stream of funding. This enables states to implement long-term capital investments and to develop cost-effective fiscal strategies. Being subjected to the annual appropriations process will not provide the stability necessary for states to take advantage of low-interest bonds, enter into voluntary conservation agreements with private landowners, and invest in long-term programs to recover declining species. A one-year appropriation to state programs simply will not address concerns.

CARA also focuses on conserving and preserving both federal and state assets. Parks, estuaries, wildlife, and historical properties are not limited to federal lands. A meaningful share of the Outer Continental Shelf revenues should be shared with the states and territories so that investments in the conservation of America can occur in a comprehensive manner. This hallmark of CARA is the investment of resources and the empowerment of states to set their own priorities, particularly as they respond to federal mandates and fulfill state environmental goals. These fundamental elements must be incorporated into any final legislation.

As you know, Representative Norman D. Dicks (D-Wash.) recently proposed a ''Lands Legacy Trust'' fund amendment to the fiscal 2001 Interior appropriations conference report. Many Governors perceive the Dicks amendment as a departure from the principles of CARA. The Dicks amendment does not guarantee an increase in net funding or guarantee full funding for conservation programs.

The reported CARA compromise reached by congressional leaders on September 26th is an approach that more closely resembles the principles of CARA. This proposal has the support of the National Governors' Association (NGA) and should be strongly considered as a viable option as negotiations proceed.

On behalf of NGA, we urge that any final legislation allocating OCS revenues address the concerns we have raised. We appreciate your efforts to conserve the nation's most valuable resources by creating a lasting and comprehensive legacy for the American people and future generations.

Sincerely,

GOVERNOR THOMAS J. WILSACK,
Chair, Committee on Natural Resources.

GOVERNOR FRANK KEATING,
Vice Chair, Committee on Natural Resources.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 27, 2000, the Federal debt stood at $5,650,215,693,123.45, five trillion, six hundred fifty billion, two hundred fifteen million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents.

One year ago, September 27, 1999, the Federal debt stood at $5,641,248,000,000, five trillion, six hundred forty-one billion, two hundred forty-eight million.

Five years ago, September 27, 1995, the Federal debt stood at $4,955,603,000,000, four trillion, nine hundred fifty-five billion, six hundred three million.

Ten years ago, September 27, 1990, the Federal debt stood at $3,217,914,000,000, three trillion, two hundred seventeen billion, nine hundred fourteen million.

Fifteen years ago, September 27, 1985, the Federal debt stood at $1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million, which reflects a debt increase of close to $4 trillion—$3,827,112,693,123.45, three trillion, eight hundred twenty-seven billion, one hundred twelve million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents, during the past 15 years.

ADDITIONAL STATEMENTS

300TH ANNIVERSARY OF ST. DAVID'S CHURCH AND ST. PETER'S CHURCH

• Mr. SANTORUM. Mr. President, I rise today to recognize the 300th anniversary of St. David's Church in Berwyn, Pennsylvania and St. Peter's Church in the Great Valley, near Paoli, Pennsylvania. The two parishes were established in 1700 as mission churches of the historic Christ Church, Philadelphia to serve those that settled Chester County.

Philadelphia is where so many of our Founders came together to deliberate, sign the Declaration of Independence and fight in battles during the Revolutionary War. Both churches, now nationally registered landmarks, were involved in the war. St. David's parish sent forth General Anthony Wayne to fight with General Washington, and St. Peter's served as a field hospital for soldiers that were wounded.

For 300 years—longer than we have been a nation—these two churches have been vital elements of the communities in which they reside and serve. Governor Tom Ridge recently selected St. Peter's Church, a registered historical landmark, as the site for the signing of Pennsylvania's ''Growing Greener'' bill.

On October 21, 2000 these two churches will hold a combined anniversary celebration at St. Peter's Church in the Great Valley. The celebration will feature historic symposia, period food and

costume, and the burial of a time capsule. This event will enable people to gain insight into the lives of our historic forebears. I commend area leaders for initiating such a celebration and look forward to the upcoming festivities.

I am therefore pleased to celebrate the 300th anniversary of St. David's Church and St. Peter's Church. To honor this event, I put forward the following proclamation:

Whereas, 300 years ago, St. David's Church and St. Peter's Church in the Great Valley were founded as missions of the historic Christ Church, Philadelphia;

Whereas, the congregations of St. David's Church and St. Peter's Church in the Great Valley played a vital role in the early growth of historic Chester County, Pennsylvania;

Whereas, St. David's Church was the home parish and eventual burial site for General Anthony Wayne, a hero of the American Revolution;

Whereas, St. David's Church and its graveyard are registered as a National Historic Landmark;

Whereas, St. Peter's Church in the Great Valley is a registered National Historic Landmark which served recently as the site selected by the Governor of Pennsylvania for the signing of the ''Growing Greener'' land conservation bill;

Whereas, St. David's Church and St. Peter's Church in the Great Valley have sent their parishioners out into the larger community as public servants throughout their history;

Whereas, St. David's Church and St. Peter's Church in the Great Valley continue to serve their communities, their State and the Nation as strong civic partners in numerous programs to provide food, shelter, clothing, education, health care, and other forms of nurture to those in need;

Now therefore be it resolved by the United States Senate That St. David's Church and St. Peter's Church in the Great Valley be officially recognized and commended on the occasion of their 300th anniversary of worship, September 2, 2000.●

IN RECOGNITION OF WILLIAM HERNANDEZ

● Mr. TORRICELLI. Mr. President, I rise to recognize William Hernandez for his efforts as president of the Hispanic State Parade of New Jersey. His work has done a great deal for Hispanic-Americans, and it is an honor to acknowledge him today.

As president of the Hispanic State Parade of New Jersey, Mr. Hernandez has been able to honor the accomplishments of many prominent Hispanic-Americans. For the last three years he has also served as the president of DesFile Hispanoacericano of New Jersey. During that time, he has worked to arrange the first international cultural and health fair, and create unity and cultural pride among Hispanic-Americans.

Mr. Hernandez is an extremely talented and energetic individual. His work on behalf of Hispanic-Americans has been truly beneficial, and I am confident he will continue to work tirelessly for all Americans of Hispanic decent as well as all of society.●

CONGRATULATING MOUNT SAINT CHARLES ACADEMY

● Mr. L. CHAFEE. Mr. President, this past weekend, Mount Saint Charles Academy of Woonsocket, Rhode Island, was honored at a ceremony recognizing it as a Blue Ribbon School. I would like to commend them on this outstanding achievement.

''Mount,'' as it is called in Rhode Island has long been recognized nationally for its elite hockey program. In fact, the Mounties hockey team is so good that they have won the last 23 Rhode Island State Championships—a record—and during that stretch they skated their way to ten straight High School National Championships.

But in Rhode Island, Mount Saint Charles is best known for its excellent academic reputation. It is great to see ''Mount'' recognized nationally for its academic excellence, not just its hockey.

The Blue Ribbon School program rewards schools that excel in all areas of academic leadership, teaching and teacher development, and school curriculum. Schools are chosen through a competitive application process that rates each school on two areas. The first category, ''Conditions of Effective Schooling,'' includes teaching environment, curriculum and instruction, parent and community support, and student environment. The second category, ''Indicators of Success,'' includes student test performance, high attendance and graduation rates, as well as postgraduate pursuits.

I am proud to see a Rhode Island school recognized nationally for setting the bar high, and I applaud the teachers, principles, and students who have worked so hard to make Mount Saint Charles a Blue Ribbon School.●

TRIBUTE TO THE TURNER HILL BAPTIST CHURCH

● Mr. CLELAND. Mr. President, it is with great personal joy and pride that I come before you today to commemorate an anniversary that is of particular importance to my family and me. One hundred years ago, on October 13, 1900, in a borrowed school building at the intersection of McDaniel and Rockland Roads, sixteen original members of the Turner Hill Baptist Church convened for the first time.

The group enjoyed being together and quickly became a strong extended family. In fact, within months of their first meeting at the Old County Line School, the members decided to cement their closeness by constructing a permanent church building of their own. On land donated by E.L. Turner and as a result of its members' ingenuity and hard work, the beginning of 1901 marked the opening of Turner Hill Baptist Church, a wooden structure heated by one wood stove and lit by kerosene lamps.

Although the congregation moved to a new brick structure in 1954, the original wooden building and the work that went into its creation continue to embody the values of all those associated with the church. Despite the absence of Turner Hill's original sixteen members at today's centennial celebration, many of their descendants are delighted to take part. By the same token, some of the original nine families, including my own, who were present as the church opened in 1901 continue to attend regular services: Turner Hill has both fifth and sixth generation members. I am also proud to be related to both the church's current youngest and oldest members. While my father, Mr. Joseph Hugh Cleland, and Aunt, Mrs. Georgia Mae Cleland Johnston, are Turner Hill's most senior members, my cousin, Miss Jessica Wages is the newest addition to the 151 member congregation.

Over the years, the church itself and the faces in the pews have changed, but one thing has remained a constant—community. My friends and family at Turner Hill have pulled together in times of crisis and joined each other in celebration throughout the years. Behind the leadership of Reverend Farrell Wilkins and with God and family at the center of their lives, the members of my church today commemorate an historic anniversary. May their next hundred years be as prosperous as their first.●

IN RECOGNITION OF FATHER ALBERT R. CUTIE

● Mr. TORRICELLI. Mr. President, I rise today to recognize Father Albert R. Cutie, to whom the 25th Hispanic-American Parade of New Jersey Annual Banquet is being dedicated. This tremendous honor is being bestowed upon an individual who is a true example of the possibilities that are available to all in our great nation.

Father Albert's parents were forced, like many others, to flee from Cuba to Spain due to the atheist-communist dictatorship that took over their homeland. Fortunately, his family was reunited a few years later in San Juan, Puerto Rico, and was able to emigrate to the United States when he was seven years old. Here he has been able to pursue a life that would not have been possible in communist Cuba.

Father Albert has always been a talented and industrious soul. From a young age, he showed vibrant entrepreneurial skills by turning his love for music into his own business. During his High School years his experience in parish youth groups and spiritual retreats began to foster his great love for the Church and its mission. Hearing his calling, Father Albert entered the Seminary in 1987 and was ordained on May 13, 1995.

Since his ordination, countless individuals have benefitted from Father Albert's love and guidance. Not only does he continue to reach out to individuals, families, the sick, and those in need, but he works diligently to give

the youth of our society a better future.

We are truly fortunate to have an individual such as Father Albert as a member of our society. I am confident that our future is much brighter thanks to the efforts of Father Albert and other young Americans like him.●

RECOGNITION OF OUR LADY OF PROVIDENCE JUNIOR/SENIOR HIGH SCHOOL IN CLARKSVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

● Mr. BAYH. Mr. President, I rise proudly today to congratulate Our Lady of Providence Junior/Senior High School in Clarksville, Indiana for its selection by the U.S. Secretary of Education as one of the Nation's outstanding Blue Ribbon Schools. Our Lady of Providence is one of only two Indiana schools, and of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Our Lady of Providence met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students here effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Our Lady of Providence have shown a consistent commitment to academic excellence and community leadership. Our Lady of Providence has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.●

TRIBUTE TO JAN GORDON

● Mr. LEVIN. Mr. President, as the Senate nears adjournment I want to pay a special tribute to a special member of the Armed Services Committee's Minority staff. After a long and successful career in both the Executive and Legislative Branch, but mostly here in the United States Senate, Jan Gordon will be leaving our staff on November 30. Speaking not only for myself, but on behalf of the entire Committee and our staff, I can tell you that Jan will be sorely missed.

A native North Carolinian, in 1972 Jan Gordon was recruited by the Federal Bureau of Investigation to come to Washington, D.C. to work as an executive secretary in their Intelligence Division. While her heart always remained in North Carolina, her feet became firmly planted in Washington.

After four years at the FBI, Jan began her Senate career, working first on the staff of the Joint Atomic Energy Committee, and then nine and a half years for the Secretary of the Senate in the Office of National Security Information, which later became what is now the Office of Senate Security. Countless numbers of my colleagues and staff who attended classified briefings or conferences up in S–407 of the Capitol during that period have first hand knowledge of Jan Gordon's superior administrative abilities and organizational skills.

In 1987, Chairman Sam Nunn of the Armed Service Committee appointed Jan Gordon as a staff assistant, and she was charged with the very demanding task supporting the staff and work of the Strategic Subcommittee. Not surprisingly, Jan rose to the occasion. She met all of the needs of the Subcommittee, while at the same time she had sole responsibility for the processing and printing of typically 20–25 hearing transcripts per year, many of which were classified. Because her work was so excellent, Jan Gordon was the person Committee's Chief Clerk turned to when new staff assistants needed to be taught ''how to do things the right way.''

When I became Ranking Minority Member of the Committee in 1997 following Senator San Nunn's retirement from the Senate, one of the quickest and easiest decisions I made was to ask Jan to continue working for me and the rest of the Committee's Minority Members and staff. I was delighted that she accepted my offer, because Jan is a valuable and key member of the Minority Staff of the Armed Services Committee.

Jan Gordon's service on the staff of the Armed Services Committee has been remarkable. She has an uncompromising work ethic and a strong dedication to duty. Of the over 5,000 days she will have worked for the Armed Services Committee when she retires, she has only had seven sick days. Being late to work, cutting any corner for the sake of moving a project forward, or not being totally cooperative and responsive are foreign and unacceptable concepts to Jan. Her steadfast attention to detail is legendary around the Committee, as is her commitment to meeting the highest standards in everything she does.

Jan Gordon has always given completely of herself each and every day of the nearly fourteen years she has served on the staff of the Senate Armed Services Committee. When she departs the Committee staff, all of us will remember her for her professionalism, her enthusiasm, and the consistently high standard she set for herself. We are grateful for her service to the Senate and the Nation, and we wish her many years of health and happiness in the future.●

GEORGIA EARLY LEARNING INITIATIVE

● Mr. CLELAND. Mr. President, with a focus on the horizon and a knowledge of where we've been, I come before you today to laud a group that has dedicated its time and resources to Georgia's youth in attempts to secure a brighter future for us all. Throughout its existence, The Georgia Early Learning Initiative, a collaboration of business and labor leaders, health and human service providers, educators, and legislators, has sought to increase access to, and funding for, early education throughout our state.

As a reflection of today's fast-paced society, households increasingly boast two working parents who can neither afford to miss work nor pay the often exorbitant cost of childcare in our country. In fact, while only forty percent of children are cared for by a parent all day, sixty-seven percent of Georgia mothers with children under age six are in the workforce. Increasingly, many parents want to stay home, yet have no choice but to work. However, it takes a dedicated and selfless group of people to bring about results; there is no greater champion of Georgia's children and investment in the future than The Georgia Early Learning Initiative.

A child's pre-school years are more important than we have previously acknowledged. With 554,430 Georgia children currently enrolled in preschool, and the knowledge that ninety percent of human brain functions develop during the first three years of life, early learning and improved childcare are perhaps more important than ever before. It is our responsibility as a nation and leaders to support activists who are willing to fight for worthy causes, especially when those causes will benefit generations to come. We owe it to our children to provide equal access to early learning options which will place them on a secure footing and will allow them to excel in life. It is the mission of the dedicated men and women who comprise the Georgia Early Learning Initiative to increase childcare choices for parents and to extend the opportunity to succeed to all of America's children, no matter what their family's station in life. In the future, we will only be as strong as our children. As Pearl Buck said, ''If our American way of life fails the child, it fails us all.''

As I think back to where we have been and once again focus on the glorious horizon, I cannot help but feel optimistic about our future knowing that men and women like those working with the Georgia Early Learning Initiative continue to fight for a better tomorrow for all of our children.●

IN RECOGNITION OF THE HONORABLE JUDGE JULIO FUENTES

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of New Jersey's extremely talented and humble public servants, the Honorable Judge Julio Fuentes. This distinguished member of my State is being honored with the dedication of the 25th Hispanic-American Parade of New Jersey Annual Banquet in his name, and it

gives me great pleasure to recognize his accomplishments.

Judge Fuentes is a man of great intellect and a distinguished record of public service. He is constantly seeking to improve himself, as can be attested to by his pursuit of master's degrees in Latin American affairs and liberal arts during his time as a sitting judge. Those who have had the opportunity to work with Judge Fuentes universally praise his integrity as well as the depth and breadth of his knowledge of the law.

Through a great internal drive and determination, Judge Fuentes has risen from Newark Municipal Court Judge to his current post of judge for the 3rd U.S. Circuit Court of Appeals. Judge Fuentes also has the distinction of being the first Hispanic-American to sit on this prestigious court, an honor he has truly earned.

Judge Fuentes is a good, honest, decent man. He is an exemplar of the coveted American ideal of public service. It was truly an honor to be able to recommend his nomination to President Clinton. We are truly fortunate to have someone of his immense capabilities and desire for public service sitting as a judge on the U.S. Circuit Court of Appeals.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1795. An act to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 3100. An act to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

H.R. 5272. an act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Will House, and for other purposes.

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. An act granting the consent of the Congress to the Red River Boundary Compact.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 5:18 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed following enrolled bills and joint resolutions:

S. 1295. An Act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office.''

H.R. 2647. An Act to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.J. Res. 109. A joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5272. An act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, 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–10949. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the notice of delay relative to the report on secondary inventory and parts shortages; to the Committee on Armed Services.

EC–10950. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled ''Human Rights Abusers Act of 2000''; to the Committee on the Judiciary.

EC–10951. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled ''National Flood Insurance Act Amendments of 2000''; to the Committee on Banking, Housing, and Urban Affairs.

EC–10952. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a report entitled ''Audit of the Accounts And Operations of the Washington Convention Center Authority for Fiscal Years 1997 Through 1999''; to the Committee on Governmental Affairs.

EC–10953. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–10954. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimum Size Requirements for Dancy, Robinson, and Sunburst Tangerines'' (Docket Number: FV00–905–3 FR) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10955. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled ''Triallate, (S–2, 3, 3–trichloroally diisopropylthiocarbamate); Pesticide Tolerance'' (FRL #674408), ''Indoxacarb; Pesticide Tolerance'' (FRL #6747–8), ''Propamacarb hydrochloride; Pesticide Tolerance'' (FRL #6745–8), ''Dimethomorph, (E,Z) 4–[3–(4–Cholophenyl)-3-(3, 4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine; Pesticide Tolerance'' (FRL #6747–9), and ''Flucarbazone-sodium; Time-Limited Pesticide Tolerances'' (FRL #6745–9) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10956. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–46–BLS–LIFO Department Store Indexes—August 2000'' (Rev. Rul. 2000–46) received on September 27, 2000; to the Committee on Finance.

EC–10957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled ''Acquisition Regulation; Administrative Amendments'' (FRL #6878–9), ''Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry'' (FRL #6576–9), and ''Grant Conditions for Indian Tribes and Insular Area Recipients'' received on September 26, 2000; to the Committee on Environment and Public Works.

EC–10958. A communication from the Director of the Office of Small Business and Civil Rights, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN3150–AG43) received on September 27, 2000; to the Committee on Environment and Public Works.

EC–10959. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Late Season'' (RIN1018–AG08) received on September 27, 2000; to the Committee on Indian Affairs.

EC–10960. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Workforce Investment Act'' (RIN1205–AB20) received on September 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10961. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on September 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10962. A communication from the Attorney General, transmitting, pursuant to law, a notice relative to the mailing of truthful information or advertisements concerning certain lawful gambling operations; to the Committee on the Judiciary.

EC–10963. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Fingerprinting certain applicants for a replacement permanent resident card (Form I–551)'' (RIN1115–AF74) received on September 26, 2000; to the Committee on the Judiciary.

EC–10964. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Belgium, Greece, Japan, The Netherlands, and The United Kingdom; to the Committee on Foreign Relations.

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–625. a resolution adopted by the Ocean County Board of Chosen Freeholders, County of Ocean (New Jersey) relative to mud dumping; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3129: An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions (Rept. No. 106–425).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2962: A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes (Rept. No. 106–426).

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

S. 2594: A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes (Rept. No. 106–427).

S. 2691: A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. No. 106–428).

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

S. 2848: A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico (Rept. No. 106–429).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2942: A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia (Rept. No. 106–430).

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

S. 2951: A bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. (Rept. No. 106–431).

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

S. 3000: A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes. (Rept. No. 106–432).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1235: A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106–433).

H.R. 3236: A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106–434).

H.R. 3577: A bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho (Rept. No. 106–435).

H.R. 4115: A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes (Rept. No. 106–436).

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

H.R. 1162: A bill to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge''.

H.R. 1605: To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse''.

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

H.R. 2442: A bill to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

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

H.R. 4806: A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building''.

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

S. RES. 343: A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1898: A bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2621: A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2915: A bill to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2924: A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3072: A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Robert Mays Lyford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to be Republic of Tunsia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rust Macpherson Deming.

Post: Tunis.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Justine Deming Rodriguez and Mike Rodriguez, none. Katherine Deming Brodie, and John Brodie, none.

4. Parents: Olcott H. Deming: $20.00, 2/9/98, Mosely Brown; $30.00, 2/16/98, Barbara Boxer; $20.00, 2/16/98, Barbara Milkulski; $20, 3/15/98, Patty Murray. Louise M. Deming (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: John H. Deming, none.

7. Sisters and Spouses: Rosamond Deming, none.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Douglas Alan Hartwick.

Post: Ambassador to Laos.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Regina Z. Hartwick, none.

3. Children and Spouses: Kirsten and Andrea, none.

4. Parents: Tobias Hartwick and Mary Kathleen Hartwick, none.

5. Grandparents: Elmer Golden Thomas and Mary Hutchins Thomas; Tolley Hartwick and Emma Bensen Hartwick (all deceased).

6. Brothers and Spouses: Philip and Rachel Hartwick, none.

7. Sisters and Spouses: Marcia and Peter Mahoney, none.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Serevice, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald D. Godard.

Post: Ambassador to Guyana.

Contributions, Amount, Date, and Donee:

1. Self: Ronald D. Godard, none.

2. Spouse: Wesley Ann Godard: $100, 5/30/98, Dottie Lamm (Senatorial candidate, Colorado).

3. Children and Spouses, none.

4. Parents, none.

5. Grandparents, none.

6. Brothers and Spouses, none.

7. Sisters and Spouses, none.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Senko, Michael James.

Post: Marshall Islands and Kiribati.

Contributions, Amount, Date, and Donee:

1. Self: $30, 9/5/95, DNC; $30, 1/6/96, DNC.

2. Spouse: Editha Senko, none.

3. Children and Spouses: Fe (Stepdaughter) and husband Jonathan Dalida, none; Sharon (age 12), none.

4. Parents: Michael and Lucille Senko: $20, 1995, DNC; $20, 1996, DNC; $40, 1997, DNC.

5. Grandparents: Michael and Mary Senko (deceased).

6. Brothers and Spouses: John and Alice Senko, none.

7. Sisters and Spouses: Sharon and Alan Levin, none.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Howard Franklin Jeter.

Post: Ambassador to Nigeria. Nominated February 22, 2000.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Donice M. Jeter, none.

3. Children and Spouses: Malaika M. Jeter and Jason C. Jeter, none.

4. Parents: James W. Jeter, Jr. and Emma Maddox Jeter (deceased).

5. Grandparents: James W. Jeter, Sr. and Clara E. Jeter (deceased).

6. Brothers and Spouses: James R. Jeter and Jacqueline Jeter, none.

7. Sisters and spouses: Jacqueline P. Taylor and Fred D. Taylor, Jr., none.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lawrence George Rossin.

Post: Ambassador to Croatia.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Debra Jane McGowan, none.

3. Children and Spouses: Claire Veronica Rossin and Alec William Donald Rossin, none.

4. Parents: Don and Ruth Rossin, none.

5. Grandparents: (all deceased).

6. Brothers and Spouses, none.

7. Sisters and Spouses: Virginia and John Hargrave, none.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Brian Dean Curran.

Post: Ambassador to Haiti.

Contributions, Amount, Date and Donee:

1. Self, none.

2. Spouse, N/A.

3. Children and Spouses, N/A.

4. Parents: Dorothy Curran, none; Timothy Curran (deceased).

5. Grandparents: Wadsworth Harris Williams and Leila Williams (deceased).

6. Brothers and Spouses: M/M David Curran, none.

7. Sisters and Spouses: M/M Scott Smith, none.

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

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

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

Foreign Service nominations beginning John F. Aloia and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record on 7/26/00.

Foreign Service nominations beginning Guy Edgar Olson and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

Foreign Service nominations beginning James A. Hradsky and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

By Mr. THOMPSON for the Committee on Governmental Affairs:

George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006. (Reappointment)

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Fisher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. HATCH for the Committee on the Judiciary:

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

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. FEINGOLD (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. KOHL, and Mr. WELLSTONE):

S. 3128. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 3129. An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions; from the Committee on Foreign Relations; placed on the calendar.

By Mr. HATCH (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. MCCAIN, Mr. GRASSLEY, Mr. THURMOND, Mr. KYL, Mr. ABRAHAM, Mr. DEWINE, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. COLLINS, Mr. FITZGERALD, Mr. HELMS, Mr. SANTORUM, Mr. HAGEL, Mr. SHELBY, Mr. WARNER, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. BROWNBACK, Mr. GRAMS, Mr. BENNETT, Mr. COCHRAN, Mr. HUTCHINSON, and Mr. FRIST):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

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

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. HAGEL):

S. 3135. A bill to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN:

S. 3136. A bill for the relief of Edwardo Reyes, Dianelita Reyes, and their children, Susy Damaris Reyes, Danny Daniel Reyes, and Brandon Neil Reyes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BYRD, Mr. THURMOND, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, Mr. HATCH, Mr. LEAHY, Mr. LOTT, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BIDEN, Mr. HELMS, Mr. DODD, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. INHOFE, Mr. EDWARDS, Mr. VOINOVICH, Mr. BAYH, Mr. HAGEL, Mr. MILLER, Mr. ASHCROFT, Mr. DORGAN, Mr. ALLARD, Mr. CLELAND, Mr. COCHRAN, Mr. SHELBY, Mr. MACK, Mr. BUNNING, Mr. KYL, Mr. FEINGOLD, Mr. GREGG, Mr. REID, and Mr. DOMENICI):

S. 3137. A bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison; read the first time.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. FEINGOLD, and Mr. KENNEDY):

S. 3139. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Ms. MIKULSKI):

S.J. Res. 54. A joint resolution expressing the sense of the Congress with respect to the peace process in Northern Ireland; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Res. 362. A resolution recognizing and honoring Roberto Clemente as a great humanitarian and an athlete of unfathomable skill; to the Committee on the Judiciary.

By Mr. KERREY:

S. Res. 363. A resolution commending the late Ernest Burgess, M.D., for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

By Mr. INOUYE:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism; considered and agreed to.

By Mr. LOTT (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. KYL, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. BENNETT, and Mr. HUTCHINSON):

S. Con. Res. 140. A concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HATCH (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. MCCAIN, Mr. GRASSLEY, Mr. THURMOND, Mr. KYL, Mr. ABRAHAM, Mr. DEWINE, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. COLLINS, Mr. FITZGERALD, Mr. HELMS, Mr. SANTORUM, Mr. HAGEL, Mr. SHELBY, Mr. WARNER, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. BROWNBACK, Mr. GRAMS, Mr. BENNETT, Mr. COCHRAN, Mr. HUTCHINSON, and Mr. FRIST):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE INTEGRITY AND LAW ENFORCEMENT ASSISTANCE ACT

Mr. HATCH. Mr. President, in the last decade, DNA testing has become the most reliable forensic technique for identifying criminals when biological evidence of the crime is recovered. While DNA testing is standard in pretrial investigations today, the issue of post-conviction DNA testing has emerged in recent years as the technology for testing has improved. Because biological evidence, such as semen or hair from a rape, is often preserved by authorities years after trial, it is possible to submit preserved biological evidence for DNA testing. In cases that were tried before DNA technology existed, and in which biological evidence was preserved after conviction, post-conviction testing is feasible.

While the exact number is subject to dispute, post-conviction DNA testing has exonerated prisoners who were convicted of crimes committed before DNA technology existed. In some of these cases, the post-conviction DNA testing that exonerated a wrongly convicted person led to the apprehension of the actual criminal. In response to these cases, the Senate Judiciary Committee has examined various state post-conviction DNA statutes, held a hearing on post-conviction DNA testing, and sought the expertise of federal and state prosecutors and criminal defense lawyers.

To ensure that post-conviction DNA testing is available in appropriate cases, I, along with Senators LOTT, NICKLES, MACK, MCCAIN, THURMOND, GRASSLEY, KYL, ABRAHAM, DEWINE, SESSIONS, R. SMITH, G. SMITH, COLLINS, FITZGERALD, HELMS, SANTORUM, HAGEL,

SHELBY, WARNER, INHOFE, SNOWE, ALLARD, BROWNBACK, GRAMS, BENNETT, COCHRAN, T. HUTCHINSON, and FRIST are introducing the Criminal Justice Integrity and Law Enforcement Assistance Act today. This Act authorizes post-conviction DNA testing in federal cases and encourages the States, through a grant program, to authorize post-conviction DNA testing in a consistent manner in state cases. In addition, the Act provides $60 million in grants to help States reduce the backlog of DNA evidence to be analyzed and to conduct post-conviction DNA testing.

The Criminal Justice Integrity Act was based in large part on the successful post-conviction DNA testing statute in Illinois. The Illinois statute has worked particularly well, as Illinois has the most post-conviction DNA exonerations in the Nation. Like the Illinois statute, the Criminal Justice Integrity Act authorizes post-conviction DNA testing only in cases in which testing has the potential to prove the prisoner's innocence. This standard will allow testing in potentially meritorious cases without wasting scarce prosecutorial and judicial resources on frivolous cases. It is significant that the Illinois statute has worked well without overburdening the State's law enforcement or judicial systems.

Mr. President, given that post-conviction DNA testing is a complex legal issue, I would like to discuss the legal standard to obtain testing in the Illinois statute and in the Criminal Justice Integrity Act. While the Illinois statute is somewhat vague, several Illinois Court of Appeals decisions have interpreted the standard for obtaining post-conviction testing under the statute. See *People* v. *Gholston*, 697 N.E.2d 375 (1998); *People* v. *Dunn*, 713 N.E.2d 568 (1999); *People* v. *Savory*, 722 N.E.2d 220 (1999). As these decisions make clear, post-conviction testing is allowed under the Illinois statute only if the testing has ''the potential to establish the defendant's innocence.''

For example, in People v. Gholston, the defendant and five companions were convicted of raping a woman and assaulting and robbing her two male companions in 1981. In 1995, the defendant filed a motion to compel DNA testing of the victim's rape kit to prove that he did not participate in the gang rape. The trial court dismissed the motion for testing, and the appellate court affirmed.

In affirming the denial of testing, the court ruled that a ''negative DNA match would not exculpate defendant Gholston due to the multiple defendants involved, the lack of evidence regarding ejaculation by the defendant Gholston and defendant's own admission of guilt under a theory of accountability.'' Id. at 379.

In People v. Dunn, the defendant was convicted in 1979 of a rape in which there was only one attacker. The defendant petitioned for post-conviction relief, and the trial court dismissed the petition. On appeal, the court remanded the motion to determine whether post-conviction testing was appropriate under the Illinois statute.

In remanding the motion, the court distinguished the facts in Dunn from Gholston, noting that post-conviction testing was denied in Gholston because ''the test results could not have been conclusive of defendant's guilt or innocence.'' Id. at 571. Under the facts in Dunn, the court held that the decision in Gholston would not prevent post-conviction testing ''where DNA testing would be determinative'' of guilt or innocence. Id. The court remanded the motion to the trial court to determine ''whether any conclusive result is obtainable from DNA testing.'' Id.

The most extensive discussion of the standard for obtaining post-conviction testing under the Illinois statute occurred in People v. Savory. In Savory, the defendant was convicted of stabbing two people to death in 1977. In 1998, the defendant sought DNA testing of bloodstained pants that were recovered from his home. The trial court denied the motion for DNA testing, and the appeals court affirmed.

The court held that DNA testing on the bloodstained pants could not exonerate the defendant because a negative DNA match could merely indicate that the defendant did not wear those pants during the murders. At trial, Savory's father testified that the pants were his and that he, not the defendant, was responsible for the bloodstains. In addition, there was other, overwhelming evidence of the defendant's guilt.

The court in Savory noted that in Gholston, post-conviction testing was denied because ''DNA testing could not conclusively establish defendant's guilt or innocence.'' In discussing the Illinois statute, the court stated:

> Based on the plain language of [the Illinois statute] and on the interpretation of [the statute] in Gholston and Dunn, we believe that the legislature intended to provide a process of total vindication . . . [I]n using the term ''actual innocence,'' the legislature intended to limit the scope of the [Illinois statute], allowing for scientific testing only where it has the potential to exonerate a defendant. Id. at 224.

Under the facts in Savory, the court denied post-conviction testing because ''although DNA testing carries the possibility of weakening the State's original case against the defendant, it does not have the potential to prove him innocent.'' Id. at 225.

In short, post-conviction testing is allowed under the Illinois statute only where testing ''could be conclusive of the defendant's guilt or innocence''; only where ''DNA testing would be determinative''; only if ''any conclusive result is obtainable from DNA testing''; and only where post-conviction testing ''has the potential to exonerate a defendant.''

The Criminal Justice Integrity Act has a similar legal standard to obtain testing. The Act authorizes testing if the prisoner makes a ''prima facie showing'' that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. A ''prima facie showing'' is a lenient requirement that is defined as ''simply a sufficient showing of possible merit to warrant a fuller exploration by the district court.'' See *Bennett* v. *U.S.*, 119 F.3d 468 (7th Cir. 1997). Thus, under the Criminal Justice Integrity Act, post-conviction testing is ordered if the prisoner makes a ''sufficient showing of possible merit'' that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. In other words, the Act requires a showing that post-conviction testing has the potential to prove innocence. This is consistent with—and no more difficult than—the legal standard in the Illinois statute. If post-conviction DNA testing can establish a prisoner's innocence, such a prisoner can obtain testing under the Criminal Justice Integrity Act.

If post-conviction DNA testing is performed and produces exculpatory evidence, the Criminal Justice Integrity Act allows the prisoner to move for a new trial based on newly discovered evidence, notwithstanding the time limits on such motions applicable to other forms of newly discovered evidence. In so doing, the Act relies on established judicial procedures. In addition, the Criminal Justice Integrity Act prohibits authorities from destroying biological evidence which was preserved in cases in which identity was at issue for the duration of the Act, and it authorizes the court to appoint counsel for an indigent prisoner who seeks post-conviction testing.

Mr. President, the Criminal Justice Integrity and Law Enforcement Assistance Act is the only federal post-conviction DNA legislation that is supported by the law enforcement community. The Criminal Justice Integrity Act was unanimously endorsed by the bipartisan board of the National District Attorneys Association. In addition, the International Association of Chiefs of Police, the Fraternal Order of Police, and the National Sheriffs' Association have endorsed the bill. I am proud to have the support of the law enforcement community for this important legislation.

In closing, I would like to note that advanced DNA testing improves the just and fair implementation of the death penalty. While the Criminal Justice Integrity Act applies both to non-capital and capital cases, I think the Act is especially important in death penalty cases. While reasonable people can differ about capital punishment, it is indisputable that advanced DNA testing lends support and credibility to the accuracy and integrity of capital cases. For example, earlier this year, Texas Governor George W. Bush, granted a temporary reprieve to a death row inmate, Ricky McGinn, to allow post-conviction DNA testing on evidence recovered from the victim. In 1995, McGinn was convicted of raping and murdering his 12-year-old stepdaughter. McGinn's lawyers had argued

that additional DNA testing could prove that McGinn did not rape the victim, and therefore, was not eligible for the death penalty.

The DNA testing was recently completed, and the test results confirmed that McGinn raped the victim, in addition to murdering her. In short, as the McGinn case demonstrates, we are in a better position than ever before to ensure that only the guilty are executed. All Americans—supporters and opponents of the death penalty alike—should recognize that DNA testing provides a powerful safeguard in capital cases. We should be thankful for this amazing technological development.

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

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

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Albuquerque, NM, July 5, 2000.

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

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to advise you of our strong support of legislation you intend to introduce entitled the ''Criminal Justice integrity and Law Enforcement Assistance Act.''

Political opponents of the death penalty have renewed their assault wrongly citing ''mistakes'' in the justice system which leads to the execution of innocent persons. One of their ploys in their effort to suspend the practice indefinitely calls for post-conviction DNA testing, a relative new technology. We find it very sad that political considerations are intruding in such a way that real justice is thwarted, not furthered.

The FOP vehemently opposes the thinly veiled political attempts to end capital punishment, like S. 2073, offered by Ranking Member Patrick J. Leahy (D–VT). This legislation would require expensive, post conviction testing in thousands of unnecessary cases such as those in which no exculpatory evidence is likely to be found. The bill places vital law enforcement funds like the Community Oriented Policing Services (COPS), the Edward J. Byrne and DNA Identification grant programs in jeopardy by requiring all states to adopt this standard. His bill would prohibit the death penalty for Federal crimes committed in certain states and provide Federal grants to nonprofit organizations subsidizing the American Civil Liberties Union's (ACLU) representation of defendants in capital cases. In essence, Senator Leahy's bill is an effort to kill the death penalty.

The legislation which you shared with us would authorize post-conviction DNA testing for a thirty (30) month period and only in a narrow class of cases where the identity of the perpetrator was at issue during trial and, assuming exculpatory results, would establish the innocence of the defendant. The FOP strongly approves of the time limitation because the issue of post-conviction testing involves only past cases where the technology was not available. DNA testing is now standard in pretrial investigations.

Your proposed legislation would also provide $60 million to the states in an effort to reduce the nationwide backlog of unanalyzed DNA samples from convicted offenders and crime scenes. In order to qualify for these grants, states must allow post-conviction testing in a manner consistent with the procedures established by this bill.

The FOP has confidence in our nation's justice system and yet recognizes that no system is ever perfect. For this reason, we support a time-limited window for post-conviction DNA testing in those few cases where innocence might be proved.

I want to thank you for sharing this draft with us and we look forward to working with you and your staff to get this legislation enacted.

Sincerely,

GILBERT G. CALLEGOS,
National President.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 16, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: The National District Attorneys Association, with over 7,000 members, represents the local prosecutors of this nation. Our members try, by far, the majority of criminal cases in this country and our expertise in prosecuting violent criminals is second to none—as is our dedication to protecting the innocent. In keeping with this charge, the Board of Directors of the National District Attorneys Association has voted, unanimously, to support the ''Criminal Justice Integrity and Law Enforcement Assistance Act,'' for which you serve as the primary sponsor.

New technologies, such as DNA testing, can assist in establishing guilt or innocence in cases when used appropriately. In the application of any new technology, post conviction testing must be reserved for those defendants who can actually benefit from the application of the advance of science and not merely raise spurious claims.

Testing DNA, or any other scientific evidence, is costly and requires trained technicians to collect the evidence, conduct analyses of the samples and provide the requisite records and testimony to the court. Advancing unfounded demands for post conviction tests would not only delay on going investigations and trials but also deny those truly deserving of a reassessment of the evidence in their case a timely review.

Adhering to these principles we believe that post conviction testing must be reserved for:

defendants who have consistently maintained their innocence—if the defendant has voluntarily confessed to the offense or has pled guilty then they should not have the requisite standing to challenge their guilt; and

have contested the issue of identification at tiral—DNA testing goes to the issue of identification, nothing else; and

who can make a prima facie showing that a favorable test would demonstrate their innocence.

The latter point is most crucial. In many cases an individual can be guilty of a crime, in which DNA evidence may be available, yet not have been the individual who left the evidence. For instance an individual can be convicted of rape by holding down a victim even though he never actually has intercourse or they may never have ejaculated; in a like fashion the driver of a ''get away'' car can be convicted of murder even though she never enters the convenience store.

The federal government does have a vital role to play in this effort to hasten appropriate post conviction relief in fostering the use of DNA testing but cannot, and must not, usurp state prerogatives in preserving the sanctity of their respective systems of criminal justice. If post conviction testing DNA evidence indicates potentially favorable results, the issue should be addressed, under state criminal procedures, as a timely claim of newly discovered evidence and be accorded review under normal state standards.

The legitimate role of the federal government in this effort is to encourage and assist the states in developing the means to conduct post conviction testing of scientific evidence. Given the serious, and continuing, backlog of DNA cases in particular, federal help can, and must be directed towards exponential increases in the capabilities of the state laboratory systems.

Withholding critical funding or mandating how states must use federal programs is counterproductive to the effort to obtain viable post conviction relief. Federal assistance must be devoted to permitting each state to apply resources to support and reinforce their respective systems. Moreover federal assistance must be incorporated, by the individual states, into efforts to upgrade laboratory capabilities across the board.

To be meaningful, DNA testing, and post conviction relief measures, must be truly dispositive of a defendant's guilt or innocence and not merely a pretext to stymie justice—for himself or others. The ''Criminal Justice Integrity and Law Enforcement Assistance Act'' provides for this balance of resources and we most strongly urge that it be passed by the Congress.

Sincerely,

ROBERT M.A. JOHNSON,
County Attorney, Anoka County, Minnesota, President, National District Attorneys Association.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, June 21, 2000.

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

DEAR MR. CHAIRMAN: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the Criminal Justice Integrity and Law Enforcement Assistance Act of 2000. As you know, the IACP is world's oldest and largest association of law enforcement executives with more than 18,000 members in 100 countries.

The use of DNA evidence represents the logical next step in technological advancement of criminal investigations and is in keeping with law enforcement's obligation to use the most advanced and accurate methods of investigating crime and proving criminal activity in a court of law. The IACP strongly supports the collection and use of DNA evidence and has consistently called for legislation that would promote greater use of DNA technology and include funding to analyze both convicted offender and crime scene DNA samples. The provisions of the Criminal Justice Integrity and Law Enforcement Assistance Act advance these goals.

Currently, more than 700,000 DNA samples taken from convicted felons and recovered from crime scenes remain unanalyzed due to the limited resources of state and local law enforcement agencies. This backlog severely threatens the timeliness of quality forensic examinations that are critical to solving crimes. By authorizing $60 million to assist states in reducing the current backlog of DNA samples the Criminal Justice Integrity and Law Enforcement Assistance Act will greatly increase the ability of state and local law enforcement agencies to make efficient and effective use of DNA evidence.

In addition, by limiting post conviction DNA tests to only those cases where the results have the potential to conclusively establish an individual's innocence of the

crime for which they were convicted, this act properly ensures that justice is served without burdening the court system and forensic laboratories with thousands of cases.

Thank you for your continued support of the nation's law enforcement agencies. We look forward to working with you on this issue of vital importance.

Sincerely,

MICHAEL D. ROBINSON,
President.

Mr. SMITH of Oregon. I am very pleased that the distinguished Senator from Utah has recognized the need to address the important issue of post-conviction DNA testing at the federal level and am proud to join his efforts. Senator HATCH's Criminal Justice Integrity and Law Enforcement Assistant Act is an excellent bill that has the strong support from law enforcement officials. It will provide much-needed funds for law enforcement authorities to analyze convicted offender DNA samples and DNA evidence gathered from crime scenes.

However, it has become abundantly clear over recent years that funding is not the only problem in the post-conviction DNA testing debate. In determining guilt and innocence, our criminal justice system occasionally makes mistakes. It is our responsibility to take every reasonable measure to prevent miscarriages of justice. Perhaps the gravest injustice that could occur is wrongful imprisonment of an innocent person. Ensuring that all defendants have access to competent counsel would go a long way to minimize the risk of unjust incarceration.

Some will say that there is no problem, or that it is so rare as to be negligible, or that we do not yet know the true extent of the problem and should not introduce legislation until we do. I strongly disagree. Although officers of America's courts and law enforcement work extremely hard to ensure that the true perpetrators of heinous crimes are caught and convicted, there have been errors that have sent innocent men to death row—innocent people like you and me who did not deserve to be there. While some states, like my home State of Oregon, work hard to ensure that defendants are represented by competent counsel, other states clearly do not. Without a federal standard, there is a real risk that innocent people tried in states without adequate standards for defense counsel could be unjustly incarcerated, or in rate cases, even sentenced to death. Setting federal standards for competent counsel for all defendants is a very reasonable step to make sure that our system of criminal justice operates fairly regardless of where you live.

Senator LEAHY and I have introduced the Innocence Protection Act, which would address the vital issue of competency of counsel, among other things. Although the Criminal Justice Integrity Act, as introduced, does not address the issue of competency of counsel, Senator HATCH has promised to work with me and others to consider this issue when any post-conviction DNA testing legislation is considered in the Senate. I commend Senator HATCH for his interest in this matter, and for his willingness to work with me to produce a bill that will truly make a good system even better.

Mr. HATCH. I promise the distinguished Senator from Oregon that I will take up this issue in the months ahead. The issue of competency of counsel for indigents in state capital cases is a difficult issue for several reasons. First, it is not clear that this is a nationwide problem. For example, in Utah and Oregon, there does not appear to be a problem concerning the representation of indigents in capital cases. Second, the anecdotal examples cited in the media of poor capital representation occurred many years ago. For example, the death penalty trial of Gary Graham, which has been repeatedly mentioned in the press, occurred in 1981. Third, the States that seem to have a problem in this area recently made improvements. In 1995, Texas Governor George W. Bush signed legislation that provided indigent capital defendants the right to have two attorneys represent them at trial. Just this year, Alabama passed a law that compensates lawyers who represent indigents in capital trials at $100 per hour.

In short, I would like to know more about the extent of this problem before I introduce legislation. Thankfully, the Bureau of Justice Statistics is releasing a comprehensive study of state indigent legal defense services in December. I am hopeful that this study will provide the information necessary to evaluate the extent of this problem. I look forward to working with Senator SMITH in the months ahead.

Mr. MURKOWSKI (for himself and Mr. ABRAHAM):

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

MEDICARE BILLING AND EDUCATION ACT

Mr. MURKOWSKI. Mr. President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For this reason, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

These providers are the physicians, the therapists, the nurses, and the allied health professionals who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians and access to quality care is already severely limited. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Health Care Financing Administration and its network of contractors, have built up a system designed to block care and micro-manage independent practices. Providers simply can't afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am introducing the ''Medicare Billing and Education Act of 2000.'' Cosponsored by Senator ABRAHAM, this legislation will restore fairness to the Medicare system. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within HCFA. Currently, a provider charged with receiving an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, a provider who chooses to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right—to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a HCFA contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

Under my bill, providers will be allowed to retain their appeal rights should they choose to first submit additional evidence to mitigate the charge. Many providers receive an overpayment as the result of a simple administrative mistake. For cases not involving fraud, a provider will be able

to return that overpayment within twelve months without fear of prosecution. This is a common sense approach, and will not lead to any additional costs to the Medicare system.

To bring additional fairness to the system, my bill will prohibit the retroactive application of regulations, and allow providers to challenge the constitutionality of HCFA regulations. Further, it will prohibit the crippling recovery of overpayments during an appeal, and bar the unfair method of withholding valid future payments to recover past overpayments. These common sense measures maintain the financial viability of medical practices during the resolution of payment controversies, and restore fundamental fairness to the dispute resolution procedures existing within HCFA.

Like many of our nation's problems, the key to improvement is found in education. For this reason, I have included language that stipulates that at least ten percent of the Medicare Integrity Program funds, and two percent of carrier funds, must be devoted to provider education programs.

providers cannot be expected to comply with the endless number of Medicare regulations if they are not shown how to submit clean claims. We must ensure that providers are given the information needed to eliminate future billing errors, and improve the responsiveness of HCFA.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads me to introduce the ''Medicare Billing and Education act of 2000.'' This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 3131

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 ''Medicare Billing and Education Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—REGULATORY REFORM

Sec. 101. Prospective application of certain regulations.
Sec. 102. Requirements for judicial and regulatory challenges of regulations.
Sec. 103. Prohibition of recovering past overpayments by certain means.
Sec. 104. Prohibition of recovering past overpayments if appeal pending.

TITLE II—APPEALS PROCESS REFORMS

Sec. 201. Reform of post-payment audit process.
Sec. 202. Definitions relating to protections for physicians, suppliers, and providers of services.
Sec. 203. Right to appeal on behalf of deceased beneficiaries.

TITLE III—EDUCATION COMPONENTS

Sec. 301. Designated funding levels for provider education.
Sec. 302. Advisory opinions.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.

TITLE V—STUDIES AND REPORTS

Sec. 501. GAO audit and report on compliance with certain statutory administrative procedure requirements.
Sec. 502. GAO study and report on provider participation.
Sec. 503. GAO audit of random sample audits.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE AUTHORITY.—The term ''applicable authority'' has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) CARRIER.—The term ''carrier'' means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term ''extrapolation'' has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) FISCAL INTERMEDIARY.—The term ''fiscal intermediary'' means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given the term ''eligible provider'' in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PREPAYMENT REVIEW.—The term ''prepayment review'' has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.''.

SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

''APPLICATION OF CERTAIN PROVISIONS OF TITLE II

''SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

''(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

''(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

''(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

''(B) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

''(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.''.

(b) CONSTRUCTION OF HEARING RIGHTS RELATING TO DETERMINATIONS BY THE SECRETARY REGARDING AGREEMENTS WITH PROVIDERS OF SERVICES.—Section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) is amended by adding at the end the following new paragraph:

''(3) For purposes of applying paragraph (1), an institution or agency dissatisfied with a

determination by the Secretary described in such paragraph shall be entitled to a hearing thereon regardless of whether—

''(A) such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864; or

''(B) the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination.''.

SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

(a) Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) Exception to this section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

TITLE II—APPEALS PROCESS REFORMS

SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) COMMUNICATIONS TO PHYSICIANS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

''(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians' services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

''(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

''(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

''(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

''(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

''(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

''(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

''(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

''(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

''(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

''(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician's place of business during regular business hours and shall—

''(i) identify the billing anomaly;

''(ii) inform the physician of how to address the anomaly; and

''(iii) describe the type of coding or documentation that is required for the claim.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

''Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

''(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

''(1) APPLICABLE AUTHORITY.—The term 'applicable authority' means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

''(2) EXTRAPOLATION.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

''(3) PREPAYMENT REVIEW.—The term 'prepayment review' means the carriers' and fiscal intermediaries' practice of withholding claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.''.

SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

TITLE III—EDUCATION COMPONENTS

SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.

(a) EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) EDUCATION PROGRAMS.—The term 'education programs' means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

''(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

''(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

''(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

''(2) ELIGIBLE PROVIDERS.—The term 'eligible provider' means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

''(b) CONDUCT OF EDUCATION PROGRAMS.—

''(1) IN GENERAL.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

''(2) ELIGIBLE PROVIDER EDUCATION.—

''(A) SUBMISSION OF CLAIMS AND RECORDS.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

''(B) PROHIBITION OF EXTRAPOLATION.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

''(c) SAFE HARBOR.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

''(3) TREATMENT OF IMPROPER CLAIMS.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

''(A) CORRECTION OF PROBLEMS.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

''(i) remit the actual overpayment; or

''(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

''(B) REPAYMENT.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

''(4) PROHIBITION OF ELIGIBLE PROVIDER TRACKING.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.''.

(b) FUNDING OF EDUCATION PROGRAMS.—

(1) MEDICARE INTEGRITY PROGRAM.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: ''No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.''.

(2) CARRIERS.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

''(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.''.

(3) FISCAL INTERMEDIARIES.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking ''; and'' and inserting a comma; and

(C) by adding at the end the following new subparagraph:

''(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 302. ADVISORY OPINIONS.

(a) STRAIGHT ANSWERS.—

(1) IN GENERAL.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) WRITTEN REQUESTS.—

(A) IN GENERAL.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) USE OF WRITTEN STATEMENT.—

(i) IN GENERAL.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) EXTRAPOLATION PROHIBITION.—Subject to clause (iii), no claim submitted under this section shall be subject to extrapolation.

(iii) LIMITATION ON APPLICATION.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) SAFE HARBOR.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) EXTENSION OF EXISTING ADVISORY OPINION PROVISIONS OF LAW.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a–7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

''(C) SAFE HARBOR.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request.''; and

(2) in paragraph (6), by striking, '' and before the date which is 4 years after such date of enactment''.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) IN GENERAL.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking ''SPECIFICATION OF GROWTH RATE.—The sustainable growth rate'' and inserting ''SPECIFICATION OF GROWTH RATE.—

''(A) IN GENERAL.—The sustainable growth rate''; and

(3) by adding at the end the following new subparagraphs:

''(B) INCLUSION OF SGR REGULATORY COSTS.—The Secretary shall include in the estimate established under clause (iv)—

''(i) the costs for each physicians' service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

''(ii) the costs described in subparagraph (C).

''(C) INCLUSION OF OTHER REGULATORY COSTS.—The costs described in this subparagraph are any per procedure costs incurred by each physicians' practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

''(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

TITLE V—STUDIES AND REPORTS

SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.se

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2000

Mr. WARNER. Mr. President, the man who would later become America's first president, George Washington, was born at Popes Creek Plantation on the banks of the Potomac River in 1732. Although most Americans are familiar with his later residence at Mt. Vernon, fewer people know that George Washington's childhood was spent on this sprawling 550 acre plantation in Westmoreland County, Virginia.

The Washington family first settled at Popes Creek in 1656 when John Washington, great-grandfather of George Washington, acquired the property. Although he later moved to Mt. Vernon, most historians agree George Washington returned on a regular basis to his birthplace. Located on the property is the Washington family cemetery that is the final resting place for

George Washington's father, grandfather, and great-grandfather. To this day, Washington family descendants continue to live in the area.

In 1930, Congress recognized the historic importance of this site to the nation and created the George Washington Birthplace National Monument. The park is truly a national treasure which tells of George Washington's formative years. In addition to providing an excellent example of colonial life, the park contains acres of woodlands, wetlands, and agricultural fields. I am told numerous bald-eagles now call the park home.

In this age of rapid development, it is remarkable that despite the passage of two hundred and sixty-eight years, the Popes Creek area is remarkably unchanged since the time of George Washington's birth. The 131,099 annual visitors to the park can still experience a rural, pastoral countryside that George Washington would recognize. Much of the credit for this bucolic atmosphere is due to the efforts of the owners of the private property surrounding the park. They have done their best to avoid developing the property adjacent to the park. But, as these landowners gradually decide they wish to sell their property, I believe the Park Service should acquire the surrounding property to preserve this historic setting for future generations. The alternative is to risk development that could forever scar this beautiful national landmark.

Today, I am introducing legislation to expand the boundary of the George Washington Birthplace National Monument by allowing the U.S. Park Service to acquire portions of the surrounding property from willing sellers. As a nation, it is our duty to preserve America's heritage for future generations. I urge my colleagues to support the preservation of George Washington's birthplace.

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

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

WHEAT PROTEIN MISMEASUREMENT COMPENSATION ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the bill which will provide long-overdue compensation to agricultural producers in my state and across the country. The ''Wheat Protein Mismeasurement Compensation Act'' provides a legislative remedy for producers who suffered a loss due to the U.S. Department of Agriculture's erroneous underestimation of their wheat protein content for wheat sold between May 2, 1993 and January 24, 1994.

In May 1993, the Secretary of Agriculture, acting through the Federal Grain Inspection Service, required the use of new technology for determining the protein content of wheat. However, the calibrations provided by the Secretary for the new protein measurement instruments were erroneous and resulted in protein determinations that were lower than those produced by the technology in use before use of the new technology was required.

As a result of this miscalibration and the USDA's failure to provide adequate notice and opportunity for comment, hundreds of wheat producers in my state were forced to adjust their protein measurement and pricing system in order to protect themselves on resale. The result was a significant loss of revenue from the sale of high-protein wheat.

Mr. President, I have worked on this issue for several years—first as a case for my injured Montana producers. In a perfect this world, this problem would have been resolved by the USDA at an administrative level immediately after the miscalibration was identified and readjusted. Instead, it has lagged on and on and on. Unfortunately this matter for technical sovereign immunity reasons cannot be resolved in the courts. That is why we in Congress are their last chance at getting this resolved once and for all.

It is clearly, however, that these wheat producers by no fault of their own were injured by the USDA's implementation of a flawed system. But for that error, they would have received a fair price for their wheat. At a time when the agricultural community continues to suffer from record low prices and disastrous weather conditions, this continued injustice is simply unacceptable. We must do all in our power to correct this problem and justly compensate our producers for their losses.

I urge my colleagues to assist us in the expeditious passage of this legislation.

Mr. BURNS. Mr. President I rise today to join my colleague from Montana in introducing the Wheat Protein Mismeasurement Compensation Act. In 1993 the Federal Grain Inspection Service changed the technology used to determine the protein content of wheat. As a result a number of producers were harmed.

The issue has had our attention for a number of years, and has cumulated in a recent exercise over the past few months to find a resolution. The simple fact is that the USDA has failed to work with the farmers harmed so we can determine the actual financial impact to all producers. However, I am very confident we can address the losses shouldered by Montana's producers with the $465 million cap in this legislation.

My number one priority is to ensure that those producers who were harmed by the Federal Government's miscalculation are fully reimbursed for their losses. As we work this bill through the legislative process I believe we may need to readdress the section on the amount of compensation for the attorneys, but only time will tell. I believe this bill is a good step forward, and I welcome a process that will make USDA sit down face to face with these producers and compensate those that were harmed by the mismeasurements.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

RURAL HERITAGE CONSERVATION ACT

Mr. BAUCUS. Mr. President, our nation's agricultural heritage is a rich tradition, which encompasses much of what we are about as a people; hard work, common sense, and a deep respect for the land.

In Montana, and in too many communities across America, our agricultural heritage is at risk. Productive farms and ranches that have been in the same family for generations are being forced to turn their back on the land they love in order to make ends meet.

I applaud our current conservation easement system and the many fine non-profit organizations that have worked with landowners across America to protect millions of acres of land. The successes have been great, but so too have the lessons.

What we have learned is that the current system does not work particularly well for working farmers and ranchers. That's why I've introduced the Rural Heritage Conservation Act, a creative approach that provides farmers and ranchers with a real incentive to preserve their, and our, agricultural heritage.

Over the past twenty-five years, over 3 million acres of agricultural land have been lost to development in Montana alone. Many of these acres were lost when family farms, hit hard by tough times, chose to give up their generations of old farming operations and sell to developers in order to pay their outstanding debts.

The measure proposed in this legislation will expand the current conservation easement tax incentive program with an eye toward making the system work better for the bulk of real, working farmers and ranchers who would like to preserve their land for future generations but for whom the current system does not provide any meaningful incentive.

Let me give you a real-life example that was presented by my good friend Jerry Townsend of Highwood Montana before the Senate Finance Committee's subcommittee on Tax and IRS oversight.

Mr. Townsend testified that when he gave a conservation easement to the Montana Land Reliance, the value of his deduction was $524,000. However, under current law, over the last five years he has only been able to save $1,858 in federal taxes. Not much of an incentive, particularly when you factor

in the $2,500 he paid for the appraisal required to complete the conservation easement process.

The Rural Heritage Conservation Act will do three things.

First, it will create a targeted, limited tax credit for farm and ranch filers who donate a conservation easement to a qualified land trust. Mr. Townsend's example is all too familiar a story to farmers and ranchers throughout America. The relatively small deduction they can obtain under current law does not in any way equate to either the potential income they have forfeited or the value the public has gained from the donation. As a result, fewer and fewer farmers and ranchers are donating conservation easements and protecting their land for future generations.

To protect against abuse, the bill calls for a cap on the total tax credit available under the program and requires that a majority of the income for the qualifying filer be from farm and ranch operations.

Second, this legislation will level the playing field for all types of agricultural filers. Current law allows C-Corps to deduct up to 10 percent of their income compared to the 30% allowed for other business types including Limited Liability Companies, Sole Proprietorships and Limited Liability Partnerships.

According to figures presented by the Montana Land Reliance, there are some 40,000 acres of land in Montana alone owned by C-Corporations, in most cases family held, that have identified the 10 percent limit as a barrier to their contributing an easement.

Third, the bill would eliminate the current provision that limits additional estate tax relief to landowners only within a 25 mile radius of a metropolitan area.

As we have discussed at some length in this very chamber, estate tax is a significant issue for many Americans, including those who live in farm and ranch households. The current radius restriction works to the financial disadvantage of people who live in states with sparse populations.

Elimination of the radius will be a significant improvement to current law and will enable many rural families to pass along to future generations family farms and ranches that are so much a part of the very heart of America.

Protecting our agricultural heritage and the land that makes it possible is good public policy. I believe that the Agricultural Heritage Preservation Act is a creative, common sense approach to improving the current conservation easement program and making it work better to meet this important goal. I'm not claiming that this approach is the ''perfect'' approach, or the only way to accomplish our goals. But it's clear that the current system does not work effectively for small farmers and ranchers and we must do more. I hope that the introduction of this bill will initiate an informed, intelligent discussion of this important matter. We must find the best way to solve this problem that threatens the conservation of our agricultural lands and rural way of life.

I hope that as we consider other land conservation initiatives and other measures to make significant changes to the estate tax system, that the changes I'm proposing in the Rural Heritage Conservation Act will be a key part of the discussion.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

HELPING AMERICAN FAMILIES

Mr. GRAMS. Mr. President, I will talk for a couple of minutes about one of the issues about which I am most passionate, and that is taxes, or the overtaxation of the American people in a time of surpluses, and the refusal of this Congress, this President, to even make an attempt to have meaningful tax cuts or meaningful tax relief before the end of this Congress.

In 1997, the Congress passed and the President signed into law my $500-per-child tax credit legislation. As a result, today about 40 million children in this country receive this tax credit every year, and it returns a total of about $20 billion a year in tax savings to families. That is money that families can use for savings for their children's education, for day care, for tutors, for braces, a new washer, dryer—anything—a family vacation. But it is what the family decides to spend their hard-earned money on, rather than waiting for a handout from Washington.

In fact, for the first time since the 1980s, this tax credit and other Republican-initiated tax cuts have reduced the tax burden for low- and middle-income families. I have heard many of my colleagues on the other side of the aisle bragging about how some people in the United States are paying less taxes today—and that is true—but it is mainly true because of the $500-per-child tax credit, nothing else that this administration or this Congress has done.

Despite this tax credit, the total tax burden is still way too high for working Americans. Today, let's look at an average two-income family. The median two-income family pays $26,759 in Federal, State, and local taxes. Let's compare this with back in 1992. Those taxes were $21,320 a year—a 26-percent increase in the tax burden for average families in just the last 8 years of the Clinton administration. That is according to the Nonpartisan Tax Foundation. To date, $26,759; 8 years ago, $21,320.

That shows the increase in taxes to the median-income family—not the rich of this country. They are paying more in taxes, as well. But it is the average working family that is paying the brunt of the tax increases imposed by this administration. Again, that is according to the Nonpartisan Tax Foundation. Total taxes nationwide claim 39 percent of hard-earned income, and that is more than the typical family in this country pays for food, clothing, shelter, and transportation combined.

In the past few years, over 20 million Americans earning between $30,000 and $50,000 have been pushed from the 15-percent tax bracket into the 28-percent tax bracket due to our unfair tax system. They are paying almost twice as much for those incomes, pushed from the 15-percent to the 28-percent tax bracket. As low-income and minimum wage workers work harder and pay more, their payroll taxes also increase, taking a huge bite out of their hard-earned dollars—dollars that I believe are desperately needed to keep those families above the poverty line.

Taxes collected by the Federal Government have reached 20.6 percent of all national income. That is the highest level since World War II. The government takes one-fifth of every dollar produced in this country every year. In the next 10 years, working Americans will pay taxes that will contribute to an over $2.2 trillion non-Social Security surplus. This non-Social Security surplus will be $2.2 trillion and that is even after assuming government spending is increasing along with the level and rate of inflation. This non-Social Security surplus comes from increased personal taxes and the realization of our capital gains taxes.

I believe this money should be returned to working Americans in the form of some tax relief, debt reduction, and also Social Security reform. Yes, overtaxed American families still need tax relief today. I believe using some of the non-Social Security surplus to expand the $500-per-child tax credit is one of the right things to do because Washington, again, is taking more taxes from American families at a time when it doesn't need the money as bad as families do.

I have repeatedly argued in this Chamber that the family has been and will continue to be the bedrock of our society. Strong families make strong communities, strong communities make for a strong America, and our tax policies should strengthen families and should be there to reestablish the value of families.

Between 1960 and 1985, Federal taxes on American families increased significantly. For families with 4 children, the Federal income tax rate increased 223 percent; for families with two children the rate increased 43 percent. The inflation-adjusted median income for families with children also decreased between 1973 and 1994. So its income was going down and taxes were still going up.

While the 1997 Taxpayer Relief Act, which included my $500-per-child tax

credit, has helped to change this situation, there is still room for improvement, a lot of room for a lot of improvement. For example, combined with the dependent exemption, the tax benefits for families raising children still falls well below both the inflation-adjusted value of the original dependent exemption, and also the actual cost of raising children according to Minnesota's Children Defense Fund.

In addition, this child tax credit and the income threshold for families qualifying for credit are not indexed for inflation. As a result, the value of this child tax credit would also shrink in the future and fewer families would qualify for the credit.

That is why I am introducing tonight legislation aimed at expanding the tax credit. My legislation would increase the tax credit from $500 per child to $1,000, and it would be adjusted for inflation every year. It would also index the income threshold for families qualifying for this tax credit.

While I strongly support this increase as well as the marriage penalty repeal and getting rid of the death tax, the only way we will achieve meaningful tax relief is to reform our entire tax system completely. Even my legislation today, I look at as just an interim step toward this very essential goal of having a tax system that is simple, fair, and easy to understand.

With these proposed improvements we would allow overtaxed working families with children to keep a little bit more of their own money—give them the opportunity to spend it on their own priorities, not looking for a handout from Washington, not saying they need another program from Washington, not that they want another big government approach—but allowing them to keep some of their dollars so they can make the determination on how they want to spend their money, a little bit more of their own money, to spend on their own priorities. I urge my colleagues to support this legislation.

Mr. SESSIONS. Mr. President, I say to Senator GRAMS, I think this is another insightful bit of tax relief policy you are promoting. I look forward to studying it. People think sometimes this is not possible. I don't think we stop to celebrate enough the wonderful thing that happened when, under your leadership and that of a lot of others who worked on it, we were able to provide a $500-per-child tax credit to working families in America. A mother with two children will now have, today, $1,000 more a year—nearly $80 a month with which they can buy shoes or fix the muffler on the car, take the kids on a trip or to a movie or out for a meal. It is the kind of thing that was really great. People said it could not be done and it was done.

I think these other proposals the Senator makes are realistic and also can be done.

We need to continue to work at this. The question is whether the American people are going to be able to keep this money or are we going to allow more and more to come to Washington as it grows more and more powerful and the power and wealth and independence of American citizens grows weaker and weaker.

Mr. GRAMS. The Senator from Alabama is right. If we look at it, at a time of overtaxation, when American workers are getting up every morning, working hard, and sending this money to Washington, and then it is overtaxed—we are not talking about cutting taxes at all. We are talking right now about returning some of the surplus to make sure those people who worked hard and produced this windfall get it back.

We tell our children: If you find a wallet on the street with $1,000 dollars in it, the first thing you should do is try to return it to the owner. Make sure you give the money back. Washington has found a wallet with $2.2 trillion in it, and they won't give it back. They are trying to find a way to spend it. I think our hard-working families deserve some tax credit along with debt reduction and securing Social Security, rather than leaving it for the big spenders in Washington to decide how they want to divvy up and dole out their money.

Mr. SESSIONS. I think my colleague also makes an excellent point about this percentage of the total gross domestic product. People say we cannot afford a tax cut, but we have reached record levels of a total gross domestic product that is being taken by the Government. These suggestions the Senator makes are worthwhile. We need to be working on that and the marriage penalty and the estate tax and a lot of other things around here which we can afford. I thank my colleague.

Mr. GRAMS. I thank the Senator from Alabama for his support.

Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

KENTUCKY NATIONAL FOREST LAND TRANSFER ACT OF 2000

Mr. MCCONNELL. Mr. President, I rise today to introduce the Kentucky National Forest Land Transfer Act of 2000. The purpose of this legislation is to provide an equitable solution to a problem that exists in Kentucky—specifically, to allow the Tennessee Valley Authority (TVA) to donate mineral rights, which it owns, to the Forest Service in exchange for compensation through the sale of other mineral rights in the Federal land inventory.

Mr. President, I would like to take a moment to give my colleagues some background on this issue and why this is necessary. During the 1960's, TVA purchased coal mineral rights on land that was later designated as the Daniel Boone National Forest. Today, TVA owns 40,000 acres of mineral rights under the forest.

This past July, TVA announced that it no longer had a need for these extensive mineral rights, and announced that after a 15-day comment period, it intended to auction the rights to a coal operator to mine the land. In TVA's view, this was a way to get much needed funds to pay down the $26 billion debt which they have amassed over the years. Since TVA originally had purchased the land with ratepayer funds, they were unwilling simply to donate the land, and consequently defended their proposal to auction off their rights to a coal operator by arguing that they currently have the ability to mine the land since they owned the mineral rights before the forest was created.

As you can imagine, Mr. President, this proposal hit a nerve with Kentuckians, who were quick to express their outrage at the proposition that TVA could allow mining in the Daniel Boone National Forest. The Courier-Journal, in an editorial published on August 7, 2000, wrote that TVA's proposal was a ''rush to judgment'' that failed to take the public interest into consideration. The editorial went on to say that ''the best outcome, obviously, would be for the U.S. Forest Service to control the mineral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them.'' Mr. President, that is essentially what my legislation will achieve. I would like to submit the editorial for the RECORD.

Well, Mr. President, both Congress and TVA responded to the public outcry. First, Senator BUNNING offered an amendment to the Energy and Water Appropriations bill requiring TVA to conduct an Environmental Impact Study (EIS) before it could move forward on its proposal to auction off mineral rights. In response to that, a week later, TVA withdrew its auction plan, citing its concern that the proposal had sent the wrong signals. Despite these developments, the interested parties continued to press their case for transferring the mineral rights to the Forest Service, and again, I say, Mr. President, that is exactly what my bill will do.

My bill is a compromise solution that will protect the forest and protect TVA's ratepayers, by compensating TVA. This legislation is narrowly crafted to require TVA to donate the mineral rights under the Daniel Boone to the Forest Service in exchange for the right to sell other mineral rights owned by the Interior Department. Under this agreement, TVA will receive fair market value from the sale, which it can then use to reduce its burgeoning debt.

My bill has the support of TVA and the Forest Service, and is necessary in

order to implement the compromise which we have worked to achieve. This solution is based on the Mt. St. Helens National Volcanic Monument Completion Act (P.L. 105–279), which allowed for the acquisition of private mineral rights within the Monument through a swap. That legislation passed the Senate by unanimous consent. It is my hope that my colleagues will recognize the merits of my legislation and pass it with similar support.

Mr. President, we are in the waning days of the 106th Congress and time is running out to implement this carefully crafted solution, which is in the best interest of Kentucky's citizens and TVA's ratepayers. This is a win-win proposition and I urge the Senate to expeditiously consider and pass this important legislation. Mr. President, I yield the floor.

I ask unanimous consent that a copy of the bill and an editorial be printed in the RECORD.

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

S. 3140

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 ''Kentucky National Forest Land Transfer Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States owns over 40,000 acres of land and mineral rights administered by the Tennessee Valley Authority within the Daniel Boone National Forest in the State of Kentucky;

(2) the land and mineral rights were acquired by the Tennessee Valley Authority for purposes of power production using funds derived from ratepayers;

(3) the management of the land and mineral rights should be carried out in accordance with the laws governing the management of national forests; and

(4) the Tennessee Valley Authority, on behalf of the ratepayers of the Authority, should be reasonably compensated for the land and mineral rights of the Authority transferred within the Daniel Boone National Forest.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture; and

(2) to compensate the Tennessee Valley Authority for the reasonable value of the transfer of jurisdiction.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED LAND.—

(A) IN GENERAL.—The term ''covered land'' means all land and interests in land owned or managed by the Tennessee Valley Authority within the boundaries of the Daniel Boone National Forest in the State of Kentucky that are transferred under this Act, including surface and subsurface estates.

(B) EXCLUSIONS.—The term ''covered land'' does not include any land or interest in land owned or managed by the Tennessee Valley Authority for the transmission of water, gas, or power, including power line easements and associated facilities.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER COVERED LAND.

(a) IN GENERAL.—All covered land is transferred to the administrative jurisdiction of the Secretary to be managed in accordance with the laws (including regulations) pertaining to the National Forest System.

(b) AUTHORITY OF SECRETARY OF INTERIOR OVER MINERAL RESOURCES.—The transfer of the covered land shall be subject to the authority of the Secretary of the Interior with respect to mineral resources underlying National Forest System land, including laws pertaining to mineral leasing and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(c) SURFACE MINING.—No surface mining shall be permitted with respect to any covered land except as provided under section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)(2)).

SEC. 5. MONETARY CREDITS.

(a) IN GENERAL.—In consideration for the transfer provided under section 4, the Secretary of the Interior shall provide to the Tennessee Valley Authority monetary credits with a value of $4,000,000 that may be used for the payment of—

(1) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the contiguous 48 States under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(2) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the State of Alaska under the laws referred to in paragraph (1);

(3) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the contiguous 48 States issued under the laws referred to in paragraph (1); or

(4) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the State of Alaska issued under the laws referred to in paragraph (1).

(b) VALUE OF CREDITS.—The total amount of credits provided under subsection (a) shall be considered equal to the fair market value of the covered land.

(c) ACCEPTANCE OF CREDITS.—

(1) IN GENERAL.—The Secretary of the Interior shall accept credits provided under subsection (a) in the same manner as cash for the payments described under subsection (a).

(2) USE OF CREDITS.—The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this section.

(d) TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.—All credits accepted by the Secretary of the Interior under subsection (c) for the payments described in subsection (a) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) EXCHANGE ACCOUNT.—

(1) ESTABLISHMENT.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall establish an exchange account for the Tennessee Valley Authority for the monetary credits provided under subsection (a).

(2) ADMINISTRATION.—The account shall—

(A) be established with the Minerals Management Service of the Department of the Interior; and

(B) have an initial balance of credits equal to $4,000,000.

(3) USE OF CREDITS.—

(A) IN GENERAL.—The credits shall be available to the Tennessee Valley Authority for the purposes described in subsection (a).

(B) ADJUSTMENT OF BALANCE.—The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior under subsection (c).

(f) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—The Tennessee Valley Authority may transfer or sell any credits in the account of the Authority to another person or entity.

(2) USE OF TRANSFERRED CREDITS.—Credits transferred or sold under paragraph (1) may be used in accordance with this subsection only by a person or entity that is qualified to bid on, or that holds, a mineral, oil, or gas lease under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) NOTIFICATION.—

(A) IN GENERAL.—Not later than 30 days after the transfer or sale of any credits, the Tennessee Valley Authority shall notify the Secretary of the Interior of the transfer or sale.

(B) VALIDITY OF TRANSFER OR SALE.—The transfer or sale of any credit shall not be valid until the Secretary of the Interior has received the notification required under subparagraph (A).

(4) TIME LIMIT ON USE OF CREDITS.—

(A) IN GENERAL.—On the date that is 5 years after the date on which an account is established for the Tennessee Valley Authority under subsection (e), the Secretary of the Interior shall terminate the account.

(B) UNUSED CREDITS.—Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under this subsection, shall expire.

SEC. 6. EXISTING AUTHORIZATIONS.

(a) IN GENERAL.—Nothing in this Act affects any valid existing rights under any lease, permit, or other authorization by the Tennessee Valley Authority on covered land in effect before the date of enactment of this Act.

(b) RENEWAL.—Renewal of any existing lease, permit, or other authorization on covered land shall be at the discretion of the Secretary on terms and conditions determined by the Secretary.

SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) DEFINITIONS.—In this section:

(1) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term ''environmental law'' means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural or cultural resources, or the environment.

(B) INCLUSIONS.—The term ''environmental law'' includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) HAZARDOUS SUBSTANCE, POLLUTANT OR CONTAMINANT, RELEASE, AND RESPONSE ACTION.—The terms ''hazardous substance'', ''pollutant or contaminant'', ''release'', and ''response action'' have the meanings given the terms in section 101 and other provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the covered land.

(2) ADDITIONAL DOCUMENTATION.—The Tennessee Valley Authority shall provide the Secretary with any additional documentation and information regarding the environmental condition of the covered land as such documentation and information becomes available.

(c) ACTION REQUIRED.—

(1) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on covered land.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes that action is required under any environmental law with respect to any portion of the covered land, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of understanding that—

(A) provides for the performance by the Tennessee Valley Authority of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(d) DOCUMENTATION DEMONSTRATING ACTION.—The Tennessee Valley Authority shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on covered land.

(e) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of covered land under this Act, and the requirements of this section, shall not affect the responsibilities and liabilities of the Tennessee Valley Authority under any environmental law.

(2) ACCESS.—The Tennessee Valley Authority shall have access to the property that may be reasonably required to carry out a responsibility or satisfy a liability referred to in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer of covered land under this Act as the Secretary considers to be appropriate to protect the interest of the United States concerning the continuation of any responsibilities and liabilities under any environmental law.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Nothing in this Act affects, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(f) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations on covered land resulting in the release or threatened release of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay—

(1) the costs of related response actions; and

(2) the costs of related actions to remediate petroleum products or their derivatives.

[From the Courier-Journal, Aug. 7, 2000]

TVA'S PROPOSAL TO AUCTION BOONE FOREST MINERAL RIGHTS STINKS

The period for comment on the Tennessee Valley Authority's auction of more than 40,000 acres in mineral rights under Eastern Kentucky's Daniel Boone National Forest has just closed. But for what it's worth, we'll comment anyway: It stinks.

Talk about a rush to judgment. Comment was shut off just 15 days after TVA revealed its plan to sell.

Given that it's at least a quasi-public entity, TVA certainly ought to keep the broad public interest in mind when it makes major business decisions. TVA should be able to say what public good will result from selling these mineral rights to the highest bidder, as if they were some tax evader's living room furniture being auctioned on the courthouse steps.

TVA environmental engineer Steve Hillenbrand defends the sellout (and we do mean to invoke the word ''sellout'' in both its meanings, the ordinary and the pejorative) by saying the agency needs money. But on that basis just about any outrage could be rationalized. Obviously there needs to be some better justification.

Hillenbrand also said TVA wants out because these mineral deposits are not in the Tennessee Valley.

Odd. The distance between Eastern Kentucky's coalfields and the utility's service area never discouraged TVA's interest, or its coal buyers, before. Indeed, for decades the Kentucky River coalfield was stripped and augered, its watersheds compromised, its resources depleted, its people victimized, for coal to feed the power plants of TVA.

The story of coal barons and their work in Appalachia, on behalf of TVA, would make a great book, if Upton Sinclair or Ida Tarbell were still around to write it.

How can TVA simply turn its back on that history and depart, with the proceeds of its auction?

One newspaper story about the auction said TVA wants at least $3.5 million, and will sell only to those who agree not to strip mine. But the legalities are unclear, and protection for all the national forest land against stripping is not a sure thing. Nor would such a restriction address the potential impact of deep mining or oil-and-gas exploration, which could be devastating.

The best outcome, obviously, would be for the U.S. Forest Service to control the mineral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them.

Selling mineral rights to the highest bidder is not a responsible policy. The National Citizens' Coal Law Project is right to oppose it, right to call for a full Environmental Impact Statement on the plan instead of some half-baked assessment, and right to urge that, if all else fails, only those with exemplary mining and reclamation records be allowed to bid.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999''.

S. 61

At the request of Mr. DEWINE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 190

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 693

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 695

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 695, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area.

S. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the

Act, to modernize programs and services for older individuals, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) 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. 2450

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2450, a bill to terminate the Internal Revenue Code of 1986.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2787

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Texas (Mrs. HUTCHISON) 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. 2937

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2937, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2938, supra.

S. 3007

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Washington (Mr. GORTON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3049

At the request of Mr. FITZGERALD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3049, a bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor 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. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as ''National Teach For America Week.''

SENATE CONCURRENT RESOLUTION 139—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DEDICATION OF THE JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. INOUYE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term ''event'' means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term ''sponsor'' means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

SENATE CONCURRENT RESOLUTION 140—EXPRESSING THE SENSE OF CONGRESS REGARDING HIGH-LEVEL VISITS BY TAIWANESE OFFICIALS TO THE UNITED STATES

Mr. LOTT (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. KYL, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. BENNETT, and Mr. HUTCHINSON); submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs:

S. CON. RES. 140

Whereas Taiwan is the seventh largest trading partner of the United States and plays an important role in the economy of the Asia-Pacific region;

Whereas Taiwan routinely holds free and fair elections in a multiparty system, as evidenced most recently by Taiwan's second democratic presidential election of March 18, 2000, in which Mr. Chen Shui-bian was elected as president of the 23,000,000 people of Taiwan;

Whereas Members of Congress, unlike executive branch officials, have long had the freedom to meet with leaders of governments with which the United States does not have formal relations—meetings which provide a vital opportunity to discuss issues of mutual concern that directly affect United States national interests;

Whereas several Members of Congress expressed interest in meeting with President Chen Shui-bian during his 16-hour layover in Los Angeles, California, en route to Latin America and Africa on August 13, 2000;

Whereas the meeting with President Chen did not take place because of pressure from Washington and Beijing;

Whereas Congress thereby lost the opportunity to communicate directly with President Chen about developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan when he visited Los Angeles;

Whereas there could not be a more important time to find opportunities to talk to Taiwan's new leaders given the enormous economic, security, and political interests we share with both Taiwan and the People's Republic of China, as well as the results of the recent election in Taiwan which provided for the first party leadership change in Taiwan's history;

Whereas Congress must continue to play an independent oversight role on United States policy toward Taiwan, and try to find ways to reduce the threat of war between Taiwan and the People's Republic of China, and in particular, to counteract China's buildup of missiles pointed at Taiwan;

Whereas the United States continues to cling to its policy of more than 20 years, which prohibits high-ranking Taiwan leaders from making official visits to the United States, forcing Members of Congress to choose whether to rely solely upon indirect assessments provided by the administration or to travel to Taiwan to obtain this information firsthand, and denying Taiwan's democratically elected officials the respect they deserve;

Whereas by bestowing upon President Chen the respect his office deserves, the United States would have demonstrated to the people of both Taiwan and the People's Republic of China United States support for democracy; and

Whereas the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) provides that the President of Taiwan shall be welcome in the United States at any time to discuss a host of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is in the interest of Congress and the executive branch of the United States to communicate directly with elected and appointed top officials of Taiwan, including its democratically elected president; and

(2) the United States should end restrictions on high-level visits by officials of Taiwan to the United States.

SENATE RESOLUTION 362—RECOGNIZING AND HONORING ROBERTO CLEMENTE AS A GREAT HUMANITARIAN AND AN ATHLETE OF UNFANTHOMABLE SKILL

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 362

Whereas Roberto Clemente's athletic legacy has been honored by the City of Pittsburgh with a 14 foot bronze statue and the naming of a bridge over the Allegheny River located just outside the centerfield gate of the new baseball stadium in Pittsburgh;

Whereas Roberto Clemente led the Pittsburgh Pirates to World Championship titles in 1960 and 1971, winning the Series Most Valuable Player Award in 1971 when he batted .414 with two home runs against Baltimore;

Whereas during his 18 year career with the Pittsburgh Pirates, Roberto Clemente won four National League batting crowns, the 1966 National League Most Valuable Player award, and ended his career with a .317 lifetime average, 240 homers, and 1,305 runs batted in;

Whereas on September 30, 1972, Roberto Clemente became the 11th Major League Baseball player to record 3,000 hits with a 4th inning double off of New York Mets left hander Jon Matlack;

Whereas Roberto Clemente was one of the first Latin American baseball players in the Major Leagues, and as such he faced language barriers and racial segregation throughout his career;

Whereas Roberto Clemente worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American baseball players thrust into a new culture and language;

Whereas in August of 1973, Roberto Clemente became just the second player to have the mandatory five-year waiting period waived as he was inducted posthumously into the National Baseball Hall of Fame;

Whereas in 1984, Roberto Clemente became the second baseball player to be honored for his athletic and philanthropic achievements with an appearance on a United States postage stamp;

Whereas Roberto Clemente devoted himself to improving the lives of inner city youth in Puerto Rico and throughout the United States, putting into action his belief that sport could be a stepping stone to a better life for underprivileged youth;

Whereas Roberto Clemente tragically died in an airplane crash on December 31, 1972 as he accompanied relief supplies to Nicaragua to aid the victims of the devastating 1972 Managua earthquake;

Whereas Roberto Clement's humanitarian legacy continues to this day, embodied by the Roberto Clemente Sports City in Puerto Rico, which creates an environment for the development of the human spirit though sport, and promotes community, education, and awareness of human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Roberto Clemente was a great humanitarian and an athlete of unfathomable skill;

(2) Roberto Clemente should be honored for his contributions to the betterment of society; and,

(3) all Americans should honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts toward their fellow man.

Mr. SANTORUM. Mr. President, as the last baseball games are about to be played in Pittsburgh's Three Rivers Stadium, a stadium referred to as the ''House that Clemente Build,'' I am reminded of Roberto Clemente, one of the greatest athletes and humanitarians of all time. Every baseball fan can recite Roberto's achievements during his professional career as a Pittsburgh Pirate—from hitting a remarkable .317 over 18 seasons and collecting 3,000 hits, to his 12 Gold Glove awards and 12 National League All Star Game appearances. However, it was his philanthropic gestures which truly represent Roberto Clemente's invaluable legacy.

As many people know, Roberto Clemente died tragically on December 31, 1972, after he and four others boarded a small DC–7 to deliver food, clothing and medicine to Nicaragua, to aid victims of a devastating earthquake. The four-engine plane, with a

questionable past and an overload of cargo, crashed into the Atlantic Ocean, killing all aboard. What is not well known is that, upon hearing rumors that Nicaraguan government officials were delaying the delivery of relief supplies, Roberto Clemente left his New Year's celebration with family and friends to travel to Nicaragua in order to personally oversee the delivery of the Puerto Rican relief supplies to the individuals devastated by the Managua earthquake. On that fateful New Year's Eve night in 1972, the world lost not just a great athlete, arguably the greatest in the history of the Pittsburgh Pirates, but a humanitarian, a cultural icon, and a hero.

Mr. President, over the years, Roberto Clemente's dedication to his fellow man became legendary. As one of the first Latin America baseball players in the Major Leagues, Roberto Clemente faced language barriers and racial segregation throughout his career. He worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American ballplayers thrust into a new culture and language as they start their baseball careers.

However, his concern for is fellow man did not stop at the foul lines. throughout his career, Roberto Clemente expressed his concern for the troubled lives faced by urban youth both in the United States and Puerto Rico. In a 1966 interview with Myron Cope for ''Sports Illustrated,'' Roberto Clemente discussed his desire to help youth by stoking their interest in sports. Roberto Clemente believed that sports could bring families together in an athletic setting while providing a stage for youngsters to excel. In what would be the final months of his life, Roberto Clemente conducted a series of baseball clinics for Puerto Rican youth in addition to fundraising efforts for a large sports facility dedicated to the youth of the world.

Mr. President, Robert Clemente's humanitarian legacy continues to this day with the Roberto Clemente Sports City in Puerto Rico. Established March 18, 1973, when the Commonwealth of Puerto Rico's government granted 304 acres of land for development, the Roberto Clemente Sports City commemorates Roberto Clemente's commitment of a better life for children through sports, education and community service by creating an environment for the development of the human spirit through sports, involving community, education and human rights. This sports facility provides high quality recreational and sports facilities for children, youth and the general public such as: baseball, volleyball, basketball, tennis, swimming, track and field, batting cages, a golf range, tae kwondo, camping and social and cultural activities. The Roberto Clemente Sports City provides Puerto Rico with learning and training facilities, to include tutoring, mentoring and professional development programs in sports and life.

As eloquently stated by Bowie Kuhn in his 1973 eulogy to Clemente, ''he made the world 'superstar' seem inadequate. He had about him the touch of royalty.'' With all of this in mind, Mr. President, I ask my colleagues to support the resolution I am offering with Senator SPECTER which urges our fellow Americans to honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts towards their fellow man.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD, immediately following my statement.

SENATE RESOLUTION 363—COMMENDING THE LATE ERNEST BURGESS, M.D., FOR HIS SERVICE TO THE NATION AND THE INTERNATIONAL COMMUNITY, AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

AMENDMENTS SUBMITTED—SEPTEMBER 27, 2000

PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999

LEAHY AMENDMENT NO. 4218

(Ordered referred to the Committee on the Judiciary)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill (S. 855) to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Professional Standards for Government Attorneys Act of 2000''.

SEC. 2. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

Section 530B of title 28, United States Code, is amended to read as follows:

''SEC. 530B. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

''(a) DEFINITION.—In this section, the term 'Government attorney'—

(1) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Assistant Attorneys General for, and any attorney employed in, the Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, and Tax Division; the Chief Counsel for the Drug Enforcement Administration and any attorney employed in the DEA Office of Chief Counsel; the General Counsel of the Federal Bureau of Investigation and any attorney employed in the FBI Office of General Counsel; any attorney employed in, or head of, any other legal office in a Department of Justice agency; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

(2) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

''(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

''(1) for conduct in connection with a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of that court;

''(2) for conduct in connection with a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was impanelled; and

''(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his official duties.

''(c) DISCIPLINARY AUTHORITY.—

''(1) IN GENERAL.—With respect to conduct that is governed by the standards of professional responsibility of a Federal court pursuant to subsection (b)—

''(A) a Government attorney is not subject to the disciplinary authority of any disciplinary body other than a Federal court or the Department of Justice's Office of Professional Responsibility unless the attorney is referred by a Federal court;

''(B) a Federal court shall not refer a Government attorney to any disciplinary body except upon finding reasonable grounds to believe that the attorney may have violated the applicable standards of professional responsibility; and

''(C) in any exercise of disciplinary authority by any disciplinary body under this subsection—

''(i) the standards of professional responsibility to be applied shall be the standards applicable pursuant to subsection (b); and

''(ii) the disciplinary body shall, whenever possible, seek to promote Federal uniformity in the application of such standards.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to abridge, enlarge, or modify the disciplinary authority of the Federal courts or the Office of Professional Responsibility of the Department of Justice.

''(d) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

(2) shall not be required to be a member of the bar of any particular State.

''(e) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking ''Ethical standards for attorneys for the Government'' and inserting ''Professional standards for Government attorneys''.

(c) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KENNEDY AMENDMENTS NOS. 4219–4223

(Ordered to lie on the table.)

Mr. KENNEDY submitted five amendments intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

AMENDMENT NO. 4219

At the appropriate place, add the following:

RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

''(I) The employer certifies that the employer—

''(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

''(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

''(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

''(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H–1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.''.

AMENDMENT NO. 4220

At the appropriate place, add the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4221

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be ''22 percent''; the figure on page 12, line 25 deemed to be ''4 percent''; and the figure on page 13 line 2 is deemed to be ''2 percent''.

AMENDMENT NO. 4222

At the appropriate place, add the following:

PARTNERSHIP CONSIDERATIONS.

Consideration in the awarding of grants shall be given to any partnership that involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs.

AMENDMENT NO. 4223

At the appropriate place, add the following:

IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer any that is a primary or secondary education institution, an institution of the higher education, as defined in section 101(a) of the Higher Education Act Of 1965 (20 U.S.C. 1001(a)), a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

KENNEDY (AND OTHERS) AMENDMENT NO. 4224

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

TITLE ____—LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Latino and Immigrant Fairness Act of 2000''.

Subtitle A—Central American and Haitian Parity

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the ''Central American and Haitian Parity Act of 2000''.

SEC. ___12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. ___13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. ___14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of this Act.

SEC. ___15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

(E) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

(6) by adding at the end the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the

alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

(F) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. ___21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. ___31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

SEC. ___32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

Subtitle D—Extension of Registry Benefits

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Date of Registry Act of 2000''.

SEC. ___42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking ''January 1, 1972'' and inserting ''January 1, 1986''; and

(2) by striking ''JANUARY 1, 1972'' in the heading and inserting ''JANUARY 1, 1986''.

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(c) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking ''January 1, 1986'' each place it appears and inserting ''January 1, 1987''.

(B) PERIOD BEGINNING JANUARY 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking ''January 1, 1987'' each place it appears and inserting ''January 1, 1988''.

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking ''January 1, 1988'' each place it appears and inserting ''January 1, 1989''.

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking ''January 1, 1989'' each place it appears and inserting ''January 1, 1990''.

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking ''January 1, 1990'' each place it appears and inserting ''January 1, 1991.''

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986''.

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.''.

(c) EFFECTIVE DATE.—THE AMENDMENTS MADE BY THIS SECTION SHALL TAKE EFFECT ON JANUARY 1, 2001, AND THE AMENDMENT MADE BY SUBSECTION (A) SHALL APPLY TO APPLICATIONS TO RECORD LAWFUL ADMISSIN FOR PERMANENT RESIDENCE THAT ARE FILED ON OR AFTER JANUARY 1, 2001.

CONRAD AMENDMENT NO. 4225

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H–1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KERRY AMENDMENT NO. 4226

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

NATIONAL ENERGY SECURITY ACT OF 2000

BINGAMAN (AND OTHERS) AMENDMENT NO. 4227

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BYRD, Mr. BAUCUS, Mr. LEVIN, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. BAYH, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill (S. 2045) protecting the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Energy Security Tax and Policy Act of 2000'.

(b) AMENDMENT OF 1986 CODE—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

Sec. 101. Incentive for Distributed Generation.
Sec. 102. Credit for energy-efficient property used in business, including hybrid vehicles.
Sec. 103. Energy Efficient Commercial Building Property Deduction.

TITLE II—NONBUSINESS ENERGY SYSTEMS

Sec. 201. Credit for certain nonbusiness energy systems.

TITLE III—ALTERNATIVE FUELS

Sec. 301. Allocation of alcohol fuels credit to patrons of a cooperative.

TITLE IV—AUTOMOBILES

Sec. 401. Extension of credit for qualified electric vehicles.
Sec. 402. Additional Deduction for Cost of Installation of Alternative Fueling Stations.
Sec. 403. Credit for Retail Sale of Clean Burning Fuels as Motor Vehicle Fuel.
Sec. 404. Exception to HOV Passenger Requirements for Alternative Fuel Vehicles.

TITLE V—CLEAN COAL TECHNOLOGIES

Sec. 501. Credit for investment in qualifying clean coal technology.
Sec. 502. Credit for production from qualifying clean coal technology.
Sec. 503. Risk pool for qualifying clean coal technology.

TITLE VI—METHANE RECOVERY

Sec. 601. Credit for capture of coalmine methane gas.

TITLE VII—OIL AND GAS PRODUCTION

Sec. 701. Credit for production of re-refined lubricating oil.
Sec. 702. Oil and gas from marginal wells.
Sec. 703. Deduction for delay rental payments.
Sec. 704. Election to expense geological and geophysical expenditures.

TITLE VIII—RENEWABLE POWER GENERATION

Sec. 801. Modifications to credit for electricity produced from renewable resources.
Sec. 802. Credit for capital costs of qualified biomass-based generating system.
Sec. 803. Treatment of facilities using bagasse to produce energy as solid waste disposal facilities eligible for tax-exempt financing.
Sec. 804. Federal renewable portfolio standard.

TITLE IX—STEELMAKING

Sec. 901. Extension of credit for electricity to production from steel congeneration.

TITLE X—ENERGY EMERGENCIES

Sec. 1001. Energy Policy and Conservation Act Amendments.
Sec. 1002. Energy Conservation Programs for Schools and Hospitals.
Sec. 1003. State Energy Programs.
Sec. 1004. Annual Home Heating Readiness.
Sec. 1005. Summer Fill and Fuel Budgeting Programs.
Sec. 1006. Use of Energy Futures for Fuel Purchases.
Sec. 1007. Increased Use of Alternative Fuels by Federal Fleets.
Sec. 1008. Full Expensing of Home Heating Oil and Propane Storage Facilities.

TITLE XI—ENERGY EFFICIENCY

Sec. 1101. Energy Savings Performance Contracts.
Sec. 1102. Weatherization.
Sec. 1103. Public Benefits System.
Sec. 1104. National Oil Heat Research Alliance Act.

TITLE XII—ELECTRICITY

Sec. 1201. Comprehensive Indian Energy Program.
Sec. 1202. Interconnection.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

SEC. 101. INCENTIVE FOR DISTRIBUTED GENERATION.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code (classifying certain property as 15-year property) is amended by striking ''and'' at the end of clause (ii), striking the period at the end of clause (iii) and inserting '', and'' and by adding the following new clauses:

''(iv) any distributed power property.''.

(b) CONFORMING AMENDMENTS.—(1) Section 168(i) is amended by adding at the end following new paragraph:

''(15) DISTRIBUTED POWER PROPERTY.—The term 'distributed power property' means property—

''(A) which is used in the generation of electricity for primary use—

''(i) in nonresidential real or residential rental property used in the taxpayer's trade or business, or

''(ii) in the taxpayer's industrial manufacturing process of plant activity, with a rated total capacity in excess of 500 kilowatts,

''(B) which also may produce usable thermal energy or mechanical power for use in a hearing or cooling application, as long as at least 40 percent of the total useful energy produced consists of—

''(i) with respect to assets described in subparagraph (a)(i), electrical power (whether sold or used by the taxpayer), or

''(ii) with respect to assets described in subparagraph (A)(ii), electrical power (whether sold or used by the taxpayer) and thermal or mechanical energy used in the taxpayer's industrial manufacturing process or plant activity,

''(C) which is not used to transport primary fuel to the generating facility or to distribute energy within or outside of the facility, and

''(D) where it is reasonably expected that not more than 50 percent of the produced electricity will be sold to, or used by, unrelated persons.

For purposes of subparagraph (B), energy output is determined on the basis of expected annual output levels, measured in British thermal units (Btu), using standard conversion factors established by the Secretary.''.

(2) Subparagraph (B) of section 168(g)(3) is amended by inserting after the item relating to subparagraph (E)(iii) in the table contained therein the following new line:

''(E)(iv) 22''.

(c) EFFECTIVE DATE.—The amendments made by this section are effective for property placed in service on or after December 31, 2000.

SEC. 102. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

''SEC. 48A. ENERGY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

''(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

''(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

''(b) ENERGY PERCENTAGE.—

''(1) IN GENERAL.—The energy percentage is—

''(A) except as otherwise provided in this subparagraph, 10 percent,

''(B) in the case of energy property described in clauses (i), (iii), (vi), and (vii) of subsection (c)(1)(A), 20 percent,

''(C) in the case of energy property described in subsection (c)(1)(A)(v), 15 percent, and

''(D) in the case of energy property described in subsection (c)(1)(A)(ii) relating to a high risk geothermal well, 20 percent.

''(2) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

''(c) ENERGY PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

''(A) which is—

''(i) solar energy property,

''(ii) geothermal energy property,

''(iii) energy-efficient building property,

''(iv) combined heat and power system property,

''(v) low core loss distribution transformer property,

''(vi) qualified anaerobic digester property, or

''(vii) qualified wind energy systems equipment property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) which can reasonably be expected to remain in operation for at least 5 years,

''(D) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(E) which meets the performance and quality standards (if any) which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

''(ii) are in effect at the time of the acquisition of the property.

''(2) EXCEPTIONS.—

''(A) PUBLIC UTILITY PROPERTY.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), except for property described in paragraph (1)(A)(iv).

''(B) CERTAIN WIND EQUIPMENT.—Such term shall not include equipment described in paragraph (1)(A)(vii) which is taken into account for purposes of section 45 for the taxable year.

'(d) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat.

''(B) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include property with respect to which expenditures are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

''(C) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

''(2) GEOTHERMAL ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

''(B) HIGH RISK GEOTHERMAL WELL.—The term 'high risk geothermal well' means a geothermal deposit (within the meaning of section 613(e)(2)) which requires high risk drilling techniques. Such deposit may not be located in a State or national park or in an area in which the relevant State park authority or the National Park Service determines the development of such a deposit will negatively impact on a State or national park.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—

''(A) IN GENERAL.—The term 'energy-efficient building property' means—

''(i) a fuel cell that—

''(I) generates electricity and heat using an electrochemical process,

''(II) has an electricity-only generation efficiency greater than 35 percent, and

''(III) has a minimum generating capacity of 5 kilowatts,

''(ii) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater under standards prescribed by the Secretary of Energy,

''(iii) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(iv) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.60 for cooling,

''(v) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(vi) an advanced natural gas water heater that—

''(I) increases steady state efficiency and reduces standby and vent losses, and

''(II) has an energy factor of at least 0.65,

''(vii) an advanced natural gas furnace that achieves a 95 percent AFUE, and

''(viii) natural gas cooling equipment—

''(I) that has a coefficient of performance of not less than .60, or

''(II) that uses desiccant technology and has an efficiency rating of 40 percent.

''(B) LIMITATIONS.—The credit under subsection (a)(1) for the taxable year may not exceed—

''(i) $500 in the case of property described in subparagraph (A) other than clauses (i) and (iv) thereof,

''(ii) $500 for each kilowatt of capacity in the case of a fuel cell described in subparagraph (A)(i), and

''(iii) $1,000 in the case of a natural gas heat pump described in subparagraph (A)(iv).

''(4) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—The term 'combined heat and power system property' means property—

''(i) comprising a system for using the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with steam, heat, or other forms of useful energy,

''(ii) that has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities, and

''(iii) that produces at least 20 percent of its total useful energy in the form of both thermal energy and electrical or mechanical power.

''(B) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(5) LOW CORE LOSS DISTRIBUTION TRANSFORMER PROPERTY.—The term 'low core loss distribution transformer property' means a distribution transformer which has energy savings from a highly efficient core of at least 20 percent more than the average for power ratings reported by studies required under section 124 of the Energy Policy Act of 1992.

''(6) QUALIFIED ANAEROBIC DIGESTER PROPERTY.—The term 'qualified anaerobic digester property' means an anaerobic digester for manure or crop waste that achieves at least 65 percent efficiency measured in terms of the fraction of energy input converted to electricity and useful thermal energy.

''(7) QUALIFIED WIND ENERGY SYSTEMS EQUIPMENT PROPERTY.—The term 'qualified wind energy systems equipment property' means wind energy systems equipment with a turbine size of not more than 50 kilowatts rated capacity.

''(e) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2).—

''(1) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

''Applicable percentage greater than or equal to—(percent)	Less than—(percent)	Credit amount is:
5	10	$500
10	20	1,000
20	30	1,500
30		2,000

''(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in atypical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

''Applicable percentage Greater than or equal to—(percent)	Less than—(percent)	Credit amount increase is:
20	40	$250
40	60	500
60		1,000

''(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle means an automobile that meets all regulatory requirements applicable to gasoline-powered automobiles and that can draw propulsion energy from both of the following on-board sources of stored energy:

''(A) A consumable fuel.

''(B) A rechargeable energy storage system, provided that the automobile is at least 33% more efficient than the average vehicle in its vehicle characterization as defined by EPA.

''(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

''(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

''(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

''(A) any property for which a credit is allowed under section 25B or 30,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(6) REGULATIONS.—

''(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

''(B) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

''(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

''(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

''(i) subsidized energy financing, or

''(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103, the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

''(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

''(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

''(ii) the denominator of which is the basis of the property.

''(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

''(2) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(g) APPLICATION OF SECTION.—

''(1) IN GENERAL.—Except as provided by paragraph (2) and subsection (e), this section shall apply to property placed in service after December 31, 2000, and before January 1, 2004.

''(2) EXCEPTIONS.—

''(A) SOLAR ENERGY AND GEOTHERMAL ENERGY PROPERTY.—Paragraph (1) shall not apply to solar energy property or geothermal energy property.

''(B) FUEL CELL PROPERTY.—In the case of property that is a fuel cell described in subsection (d)(3)(A)(i), this section shall apply to property placed in service after December 31, 2000, and before January 1, 2005.''

(e) CONFORMING AMENDMENTS.—

(1) Section 48 is amended to read as follows:

''SEC. 48. REFORESTATION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 20 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

''(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.''

(2) Section 39(d) is amended by adding at the end the following:

''(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.''

(3) Section 280C is amended by adding at the end the following:

''(d) CREDIT FOR ENERGY PROPERTY EXPENSES.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the expenses for energy property (as defined in section 48A(c)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 48A(a).

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—

''(A) the amount of the credit allowable for the taxable year under section 48A (determined without regard to section 38(c)), exceeds

''(B) the amount allowable as a deduction for the taxable year for expenses for energy property (determined without regard to paragraph (1)), the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

''(3) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection.''

(4) Section 29(b)(3)(A)(i)(III) is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48A(f)(1)(C)''.

(5) Section 50(a)(2)(E) is amended by striking ''section 48(a)(5)'' and inserting ''section 48A(f)(2)''.

(6) Section 168(e)(3)(B) is amended—

(A) by striking clause (vi)(I) and inserting the following:

''(I) is described in paragraph (1) or (2) of section 48A(d) (or would be so described if ''solar and wind'' were submitted for ''solar'' in paragraph (1)(B)),'', and

(B) in the last sentence by striking ''section 48(a)(3)'' and inserting ''section 48A(c)(2)(A)''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

''Sec. 48. Reforestation credit.
''Sec. 48A. Energy credit.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 103. ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION.

''(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the sum of the energy efficient commercial building amount determined under subsection (b).

''(b)(1) DEDUCTION ALLOWED.—For purposes of subsection (a)—

''(A) IN GENERAL.—The energy efficient commercial building property deduction determined under this subsection is an amount equal to energy efficient commercial building property expenditures made by a taxpayer for the taxable year.

''(B) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient commercial

building property expenditures taken into account under subparagraph (A) shall not exceed an amount equal to the product of—

''(i) $2.25, and

''(ii) the square footage of the building with respect to which the expenditures are made.

''(C) YEAR DEDUCTION ALLOWED.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction of the building is completed.

''(2) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY EXPENDITURES.—For purposes of this subsection, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

''(A) for which depreciation is allowable under section 167,

''(B) which is located in the United States, and

''(C) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1–1999 (described in paragraph (3)). Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(3) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—For purposes of paragraph (2)—

''(A) IN GENERAL.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under subparagraph (B) and certified by qualified professionals as provided under paragraph (6).

''(B) METHODS OF CALCULATION.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential ACM Manual. These procedures shall meet the following requirements:

''(i) In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

''(ii) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

''(I) the expenses taken into account under paragraph (1) shall not occur until the date designs for all energy-using systems of the building are completed,

''(II) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1–1999, or

''(III) the expenses taken into account under paragraph (1) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with clause (iii)

''(iii) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

''(iv) The calculational methods under this subparagraph need not comply fully with section 11 of such Standard 90.1–1999.

''(v) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the hearing source is a gas or oil furnace or an electric heat pump.

''(vi) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1–1999 or in the 1998 California Nonresidential ACM Manual, including the following:

''(I) Natural ventilation.

''(II) Evaporative cooling.

''(III) Automatic lighting controls such as occupancy sensors, photocells, and timeclocks.

''(IV) Daylighting.

''(V) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

''(VI) Improved fan system efficiency, including reductions in static pressure.

''(VII) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

''(VIII) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

''(C) COMPUTER SOFTWARE.—

''(i) IN GENERAL.—Any calculation under this paragraph shall be prepared by qualified computer software.

''(ii) QUALIFIED COMPUTER SOFTWARE.—For purposes of this subparagraph, the term 'qualified computer software' means software—

''(I) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

''(II) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this subsection, and

''(III) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

''(4) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficiency commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the tax payer for purposes of this subsection.

''(5) NOTICE TO OWNER.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(C)(ii)(III).

''(6) CERTIFICATION.—

''(A) IN GENERAL.—Except as provided in this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 25B(c)(7).

''(B) QUALIFIED INDIVIDUALS.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

''(C) PROFICIENCY OF QUALIFIED INDIVIDUALS.—The Secretary shall consult with nonprofit organizations and State agencies with expertise in energy efficiency calculations and inspections to develop proficiency tests and training programs to qualify individuals to determine compliance.

''(g) TERMINATION.—This section shall not apply with respect to—

''(1) any energy property placed in service before December 31, 2000 and after December 31, 2006, and

''(2) any energy efficient commercial building property expenditures in connection with property—

''(A) the plans for which are not certified under subsection (f)(6) on or before December 31, 2006, and

''(B) the construction of which is not completed on or before December 31, 2008.''.

TITLE II—NONBUSINESS ENERGY SYSTEMS

SEC. 201. CREDIT FOR CERTAIN NONBUSINESS ENERGY SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

''SEC. 25B. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

''(B) the credit amount (determined under section 48A(e)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(e)(2)), and

''(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

''Column A—Description In the case of:	Column B—Credit Amount The credit amount is:	Column C—Period For the period:	
		Beginning on:	Ending on:
30 percent property	$1,000	1/1/2001	12/31/2002
50 percent property	2,000	1/1/2001	12/31/2004''

In the case of any new, highly energy-efficient principal residence, the credit amount shall be zero for any period for which a credit amount is not specified for such property in the table under subparagraph (C).

''(2) APPLICABLE PERCENTAGE.—

''(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

Column A—Description In the case of:	Column B—Applicable Percentage is:	Column C—Period For the period:	
		Beginning on:	Ending on:
20% energy-eff. bldg. prop	20	1/1/2001	12/31/2004
10% energy-eff. bldg. prop	10	1/1/2001	12/31/2002
Solar water heating property	15	1/1/2001	12/31/2007
Photovoltaic property	15	1/1/2001	12/31/2007

''(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

Description of property item:	Maximum allowable credit amount is:
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property: fuel cell described in section 48A(d)(3)(A)(i)	$500 per each kw/hr of capacity.
Natural gas heat pump described in section 48A(d)(3)(D)(iv)	$1,000.
10 percent energy-efficient building property	$250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

''(2) COORDINATION OF LIMITATION.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the on site preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) solar water heating property, and

''(iii) photovoltaic property.

''(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (B) and (C) of section 48A(d)(1) shall apply.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by section 48A(e)(3).

''(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

''(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means property which, when installed in connection with a structure, uses a solar photovoltaic process to generate electricity for use in such structure.

''(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

''(i) such property is located in the United States,

''(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

''(iii) such property is certified before such use commences as being 50 percent property or 30 percent property.

''(B) 50 OR 30 PERCENT PROPERTY.—

''(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property or 30 percent property if the projected energy usage of such property is reduced by 50 percent or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

''(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

''(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

''(IV) APPROVAL OF SOFTWARE SUBMISSION.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

''(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identify of the person for whom which determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

''(D) COMPLIANCE.—

''(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

''(E) PRINCIPAL RESIDENCE.—The term 'principal' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as the taxpayer's principal residence.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and use during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amounts of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the

term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

''(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

''(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

''(A) any property for which a credit is allowed under section 30 or 48A,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48A(f)(1)(C)).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(9) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating property, such property is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of photovoltaic property, such property meets appropriate fire and electric code requirements.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following:

''SEC. 25B. Nonbusiness energy property.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2000.

TITLE III—ALTERNATIVE FUELS

SEC. 301. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

''(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

''(A) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage divided for the taxable year referred to in subparagraph (A) is includable in gross income.

''(C) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part.''

(b) TECHNICAL AMENDMENT.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

''(k) CROSS REFERENCE.—

''For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE IV—AUTOMOBILES

SEC. 401. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 (relating to termination) is amended by striking 'December 31, 2004' and inserting ''December 31, 2006''.

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 (relating to special rules) is amended by adding at the end the following:

''(5) NO DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(a)(2).''

(2) Paragraph (3) of section 30(d) (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(3) Paragraph (5) of section 179A(e) (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

SEC. 402. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

''(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

''(i) with respect to costs not described in clause (ii); the excess (if any) of—

''(I) $100,000, over

''(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

''(ii) the lesser of—

''(I) the cost of the installation of such property, or

''(II) $30,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2000.

SEC. 403. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to properl any qualified motor vehicle.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CLEAN BURNING FUEL.—The term ''clean burning fuel'' means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

''(2) GASOLINE GALLON EQUIVALENT.—The term ''gasoline gallon equivalent'' means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

''(3) QUALIFIED MOTOR VEHICLE.—The term ''qualified motor vehicle'' means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

''(4) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term ''sold at retail'' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(c) NO DOUBLE BENEFIT.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

''(d) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2007.''.

''(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the clean burning fuel retail sales credit determined under section 404A(a).''.

(c) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 40A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the Clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 2000.''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D or part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

''SEC. 40A. Credit for retail sale of cleaning burning fuels as motor vehicle fuel.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after December 31, 2000, in taxable years ending after such date.

SEC. 404. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting ''(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, and alternative fuel (as defined) in section 301 of Public Law 102–486 (42 U.S.C. 1321(2)))'' after ''required''.

TITLE V—CLEAN COAL TECHNOLOGIES

SEC. 501. CREDIT FOR INVESTMENT IN QUALIFYING CLEAN COAL TECHNOLOGY.

(a) ALLOWANCE OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following:

''(4) the qualifying clean coal technology facility credit.''

(b) AMOUNT OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 101(a), is amended by inserting after section 48A the following:

SEC. 48B. QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying clean coal technology facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in a qualifying clean coal technology facility for such taxable year.

''(b) QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'qualifying clean coal technology facility' means a facility of the taxpayer—

''(A)(i)(I) which replaces a conventional technology facility of the taxpayer and the original use of which commences with the taxpayer, or

''(II) which is a retrofitted or repowered conventional technology facility, the retrofitting or repowering of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such retrofitting or repowering), or

''(ii) that is acquired through purchase (as defined by section 179(d)(2)),

''(B) that is depreciable under section 167,

''(C) that has a useful life of not less than 4 years,

''(D) that is located in the United States, and

''(E) that uses qualifying clean coal technology.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) QUALIFYING CLEAN COAL TECHNOLOGY—FOR PURPOSES OF PARAGRAPH (1)(A)—

''(A) IN GENERAL.—The term 'qualifying clean coal technology' means, with respect to clean coal technology—

''(i) applications totaling 1,000 megawatts of advanced pulverized coal or atmospheric fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,750 Btu's per kilowatt hour,

''(ii) applications totaling 1,500 megawatts of pressurized fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,400 Btu's per kilowatt hour,

''(iii) applications totaling 1,500 megawatts of integrated gasification combined cycle technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,550 Btu's per kilowatt hour, and

''(iv) applications totaling 2,000 megawatts or equivalent of technology for the production of electricity installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a carbon emission rate that is not more than 85 percent of conventional technology.

''(B) EXCEPTIONS.—Such term shall not include clean coal technology projects receiving or scheduled to receive funding under the Clean Coal Technology Program of the Department of Energy.

''(C) CLEAN COAL TECHNOLOGY.—The term 'clean coal technology' means advanced technology that utilizes coal to produce 50 percent or more of its thermal output as electricity including advanced pulverzied coal or atmospheric fludized bed combustion, pressurized fludized bed combustion, integrated gasification combined cycle, and any other technology for the production of electricity that exceeds the performance of conventional technology.

''(D) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional technology' means—

''(i) coal-fired combustion technology with a design average net heat rate of not less than 9,300 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.53 pounds of carbon per kilowatt hour; or

''(ii) natural gas-fired combustion technology with a design average net heat rate of not less than 7,500 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.24 pound of carbon per kilowatt hour.

''(E) DESIGN AVERAGE NET HEAT RATE.—The term 'design average net heat rate' shall be based on the design average annual heat input to and the design average annual net electrical output from the qualifying clean coal technology (determined without regard to such technology's co-generation of steam).

''(F) SELECTION CRITERIA.—Selection criteria for clean coal technology facilities—

''(i) shall be established by the Secretary of Energy as part of a competitive solicitation,

''(ii) shall include primary criteria of minimum design average net heat rate, maximum design average thermal efficiency, and lowest cost to the government, and

''(iii) shall include supplemental criteria as determined appropriate by the Secretary of Energy.

''(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualifying clean coal technology facility placed in service by the taxpayer during such taxable year.

''(d) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a qualifying clean coal technology facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefore are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credit to such property.

''(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2014.''

(c) RECAPTURE.—Section 50(a) (relating to other special rules) is amended by adding at the end the following:

''(6) SPECIAL RULES RELATING TO QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48B, the following shall apply:

'(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualifying clean coal technology facility (as defined by section 48B(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying clean coal technology facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualifying clean coal technology facility property shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualifying clean coal technology facility under section 48B, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying clean coal technology facility.''

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 101(b)(2), is amended by adding at the end the following:

''(10) NO CARRYBACK OF SECTION 48B CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying clean coal technology facility credit determined under section 48B may be carried back to a taxable year ending before the date of the enactment of section 48B.''

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following:

''(iv) the portion of the basis of any qualifying clean coal technology facility attributable to any qualified investment (as defined by section 48B(c)).''

(2) Section 50(a)(4) is amended by striking ''and (2)'' and inserting '', (2), and (6)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 101(d), is amended by inserting after the item relating to section 48A the following:

''Sec. 48B. Qualifying clean coal technology facility credit.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2000, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 502. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

''(a) GENERAL RULE.—For purposes of section 38, the qualifying clean coal technology production credit of any taxpayer for any taxable year is equal to the applicable amount for each kilowatt hour—

''(1) produced by the taxpayer at a qualifying clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service, and

''(2) sold by the taxpayer to an unrelated person during such taxable year.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount with respect to production from a qualifying clean coal technology facility shall be determined as follows:

''(1) In the case of a facility originally placed in service before 2007, if—

''The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is: For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 8400	$.0130	$.0110
More than 8400 but not more than 8550	.0100	.0085
More than 8550 but not more than 8750	.0090	.0070

''(2) In the case of a facility originally placed in service after 2006 and before 2011, if—

''The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is: For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7770	$.0100	$.0080
More than 7770 but not more than 8125	.0080	.0065
More than 8125 but not more than 8350	.0070	.0055

''(3) In the case of a facility originally placed in service after 2010 and before 2015, if—

''The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is: For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7720	$.0085	$.0070
More than 7720 but not more than 7380	.0070	.0045

''(c) INFLATION ADJUSTMENT FACTOR.—Each amount in paragraphs (1), (2), and (3) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the amount is applied. If any amount as increased under the preceding sentence is not a multiple of 0.01 cent, such amount shall be rounded to the nearest multiple of 0.01 cent.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) any term used in this section which is also used in section 48B shall have the meaning given such term in section 48B,

''(2) the rules of paragraphs (3), (4), and (5) of section 45 shall apply,

''(3) the term ''inflation adjustment factor'' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1998, and

''(4) the term ''GDP implicit price deflator'' means the most recent revision of the implicit price deflator for the gross domestic product as computed by the Department of Commerce before March 15 of the calendar year.''

''(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the qualifying clean coal technology production credit determined under section 45D(a).''

(c) TRANSITIONAL RULE.—Section 39(d) (relating to transitional rules), as amended by section 501(d), is amended by adding at the end the following:

''(11) NO CARRYBACK OF CERTAIN CREDITS BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credits allowable under any section added to this subpart by the amendments made by the Energy Security Tax and Policy Act of 2000 may be carried back to a taxable year ending before the date of the enactment of such Act.''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45D. Credit for production from qualifying clean coal technology.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to production after December 31, 2000.

SEC. 503. RISK POOL FOR QUALIFYING CLEAN COAL TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a financial risk pool which shall be available to any United States owner of qualifying clean coal technology (as defined in section 48B(b)(3) of the Internal Revenue Code of 1986) to offset for the first 3 three years of the operation of such technology the costs (not to exceed 5 percent of the total cost of installation) for modifications resulting from the technology's failure to achieve its design performance.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

TITLE VI—METHANE RECOVERY

SEC. 601. CREDIT FOR CAPTURE OF COALMINE METHANE GAS.

(a) CREDIT FOR CAPTURE OF COALMINE METHANE GAS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 502(a), is amended by adding at the end the following:

SEC. 45E. CREDIT FOR CAPTURE OF COALMINE METHANE GAS.

''(b) DEFINITION OF COALMINE METHANE GAS. The term 'Coalmine Methane Gas' as used in this section means any methane gas which is being liberated, or would be liberated, during coal mine operations or as a result of past coal mining operations, or which is extracted up to ten years in advance of coal mining operations as part of specific plan to mine a coal deposit.''

For the purpose of section 38, the coalmine methane gas capture credit of any taxpayer for any taxable year is $1.21 for each one million British thermal units of coalmine methane gas captured by the taxpayer and utilized as a fuel source or sold by or on behalf of the taxpayer to an unrelated person during such taxable year (within the meaning of section 45).''

Credits for the capture of coalmine methane gas shall be earned upon the utilization as a fuel source or sale and delivery of the coalmine methane gas to an unrelated party, except that credit for coalmine methane gas which is captured in advance of mining operations shall be claimed only after coal extraction occurs in the immediate area where the coalmine methane gas was removed.

(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 502(b), is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '',plus'', and by adding at the end the following:

''(14) the coalmine methane gas capture credit determined under section 45E(a).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 502(d), is amended by adding at the end the following:

''Sec. 45E. Credit for the capture of coalmine methane gas.;;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the capture of coalmine methane gas after December 31, 2000 and on or before December 31, 2006.

TITLE VII—OIL AND GAS PRODUCTION

SEC. 701. CREDIT FOR PRODUCTION OF RE-REFINED LUBRICATING OIL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 601(a), is amended by adding at the end the following:

SEC. 45F. CREDIT FOR PRODUCING RE-REFINED LUBRICATING OIL.

''(a) GENERAL RULE.—For purposes of section 38, the re-refined lubricating oil production credit of any taxpayer for any taxable year is equal to $4.05 per barrel of qualified re-refined lubricating oil production which is attributable to the taxpayer (within the meaning of section 29(d)(3)).

''(b) QUALIFIED RE-REFINED LUBRICATING OIL PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified re-refined lubricating oil production' means a base oil manufactured from at least 95 percent used oil and not more than 2 percent of previously unused oil by a re-refining process which effectively removes physical and chemical impurities and spent and unspent additives to the extent that such base oil meets industry standards for engine oil as defined by the American Petroleum Institute document API 1509 as in effect on the date of the enactment of this section.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—Re-refined lubricating oil produced oil produced during any taxable year shall not be treated as qualified re-refined lubricating oil production but only to the extent average daily production during the taxable year exceeds 7,000 barrels.

''(3) BARREL.—The term 'barrel' has the meaning given such term by section 613A(e)(4).

''(c) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, the dollar amount contained in subsection (a) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 29(d)(2)(B) by substituting '2000' for '1979').''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by section 601(b), is amended by striking 'plus' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ', plus', and by adding at the end the following:

''(15) the re-refined lubricating oil production credit determined under section 45F(a).''

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 601(c), is amended by adding at the end the following:

''Sec. 45F. Credit for producing re-refined lubricating oil.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production after December 31, 2000.

SEC. 702. OIL AND GAS FROM MARGINAL WELLS. ''SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS

(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2000' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in

which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.'

''(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking 'plus' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ', plus', and by adding at the end the following new paragraph:

''(13) the marginal oil and gas well production credit determined under section 45D(a).''

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (II)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the marginal oil and gas well production credit'' after ''employment credit''.

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.''

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there''.

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

''Sec. 45D. Credit for producing oil and gas from marginal wells.''

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2000.

SEC. 703. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (i) the following new subsection:

''(j) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.''

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(j),'' after ''263(i),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

SEC. 704. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (j) the following new subsection:

''(k) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(k),'' after ''263(j),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2000.

TITLE VIII—RENEWABLE POWER GENERATION

SEC. 801. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking ''and'' at the end of subparagraph (B), by striking subparagraph (C), and by adding at the end the following:

''(C) biomass (other than closed-loop biomass), or

''(D) poultry waste.''

(2) DEFINITIONS.—Section 45(c) is amended by redesignating paragraph (3) as paragraph (4) and by striking paragraphs (2) and (4) and inserting the following:

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) closed-loop biomass, and

''(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

''(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(II) waste pellets, crates, and dunnage, manufacturing and construction wood wastes, landscape or right-of-way tree trimmings, and municipal solid waste but not including paper that is destined for recycling, or

''(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.

''(3) POULTRY WASTE.—The term 'poultry waste' means poultry manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.''

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (4) of section 45(c), as redesignated by subsection (a), is amended to read as follows:

''(4) QUALIFIED FACILITY.—

''(A) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993.

''(B) CLOSED-LOOP BIOMASS FACILITY.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which:

''(i) is originally placed in service after December 31, 1992 and before January 1, 2005, or

''(ii) is originally placed in service after December 31, 2000, and modified to use closed loop biomass to co-fire with coal after such date and before January 1, 2005.

''(C) BIOMASS FACILITY.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means:

''(i) any facility owned by the taxpayer which is originally placed in service after December 31, 2000 and before January 1, 2005, or

''(ii) is originally placed in service before December 31, 2000 and modified to co-fire biomass with coal after such date and before January 1, 2005.

''(D) POULSTRY WASTE FACILITY.—In the case of a facility using poultry waste to produce electricity, the term 'qualified facility' means:

''(i) any facility of the taxpayer which is originally placed in service after December 31, 1999 and before January 1, 2005, or

''(ii) is originally placed in service before December 31, 2000 and modified to co-fire poultry waste with coal after such date and before January 1, 2005.

''(E) SPECIAL RULES.—

''(i) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using biomass to produce electricity and other biobased products such as renewable based chemicals and fuels.

''(ii) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (B), (C) or (D)—

''(I) the 10-year period referred to in subsection (a) shall be treated as beginning upon the date the taxpayer first applies for the credit, and

''(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.'

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—Paragraph (1) of section 45(a) (relating to general rule) is amended to inserting (1.0 cents in the case of electricity produced from biomass, other than closed loop biomass, co-fired in a facility which produces electricity from coal) after ''1.5 cents''.

(d) COORDINATION WITH OTHER CREDITS.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following:

''(8) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any production with respect to which the clean coal technology production credit under section 45(b) is allowed unless the taxpayer elects to waive the application of such credit to such production.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after December 31, 2000.

SEC. 802. CREDIT FROM CAPITAL COSTS OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM.

(a) ALLOWANCE OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.—Section 46 (relating to amount of credit), as amended by section 501(a), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) the qualified biomass-based generating system facility credit.''

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 501(b), is amended by inserting after section 48C the following:

SEC. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualified biomass-based generating system facility credit for any taxable year is an amount equal to 20 percent of the qualified investment in a qualified biomass-based generating system facility for such taxable year.

''(b) QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified biomass-based generating system facility' means a facility of the taxpayer—

''(A)(i) the original use of which commences with the taxpayer or the reconstruction of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such reconstruction), or

''(ii) that is acquired through purchase (as defined by section 179(d)(2)),

''(B) that is depreciable under section 167,

''(C) that has a useful life of not less than 4 years, and

''(D) that uses a qualified biomass-based generating system.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) QUALIFIED BIOMASS-BASED GENERATING SYSTEM.—For purposes of paragraph (1)(D), the item 'qualified biomass-based generating system' means a biomass-based integrated gasification combined cycle (IGCC) generating system which has an electricity-only generation efficiency greater than 40 percent.

''(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualified biomass-based generating system facility placed in service by the taxpayer during such taxable year.

''(d) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which—

''(A) cannot reasonably be expected to be completed in less than 18 months, and

''(B) it is reasonable to believe will qualify as a qualified biomass-based generating system facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxabale year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property.''

(c) RECAPTURE.—Section 50(a) (relating to other special rules), as amended by section 501(c), is amended by adding at the end the following:

''(7) SPECIAL RULES RELATING TO QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48C, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualified biomass-based generating system facility (as defined by section 48C(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualified biomass-based generating system facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualified biomass-based generating system facility shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified biomass-based generating system facility under section 48C, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualified biomass-based generating system facility.''

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) as amended by section 501(d), is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 48C CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualified biomass-based generating system facility credit determined under section 48C may be carried back to a taxable year ending before the date of the enactment of section 48C.''

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by section 501(e), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following:

''(v) the portion of the basis of any qualified biomass-based generating system facility attributable to any qualified investment (as defined by section 48C(c)).''

(2) Section 50(a)(4), as amended by section 501(e), is amended by striking ''and (6)'' and inserting '', (6) and (7)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 501(e), is amended by inserting after the item relating to section 48B the following:

''Sec. 48C. Qualified biomass-based generating system facility credit.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 803. TREATMENT OF FACILITIES USING BAGASSE TO PRODUCE ENERGY AS SOLID WASTE DISPOSAL FACILITIES ELIGIBLE FOR TAX-EXEMPT FINANCING.

(a) IN GENERAL.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following:

''(k) SOLID WASTE DISPOSAL FACILITIES.—For purposes of subsection (a)(6), the term 'solid waste disposal facilities' includes property located in Hawaii and used for the collection, storage, treatment, utilization, processing, or final disposal of bagasse in the manufacture of ethanol.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 804. FEDERAL RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—(1) For each calendar year beginning with 2003, a retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

''(b) REQUIRED ANNUAL PERCENTAGE.—

''(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2);

''(2) For calendar years 2005 through 2015, the required annual percentage shall be determined by the Secretary, but no less than 2.5 percent of the retail electric supplier's base amount by the year 2007 increasing to 5.0 percent by the year 2012 continuing through 2015.

''(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

''(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any previous calendar year;

''(B) renewable energy credits obtained by purchase or exchange under subsection (e);

''(C) renewable energy credits borrowed against future years under subsection (f); or

''(D) any combination of credits under subparagraphs (A), (B), and (C).

''(2) A credit may be counted toward compliance with subsection (a) only once.

''(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

''(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

''(A) the type of renewable energy resource used to produce the electricity,

''(B) the State in which the electric energy was produced, and

''(C) any other information the Secretary determines appropriate.

''(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates through the use of a renewable energy resource in any State in 2001 and any succeeding year through 2015.

''(B) For incremental hydropower the credits shall be calculated based on normalized water flows, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroproject not directly associated with the efficiency improvements or capacity additions.

''(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated through the use of a renewable energy resource in any State in 2001 and any succeeding year, if the generating facility is located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

''(D) To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type of generation and by the State in which the generating facility is located.

''(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit or does not exceed five percent of the dollar value of the credit, whichever is lower. The Secretary shall retain the fee and use it to pay these administrative costs.

''(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

''(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

''(f) CREDIT BORROWING.—At any time before the end of the calendar year, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

''(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable to retail electric supplier to meet the requirements of subsection (a) for the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for the calendar year involved.

''(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted.

''(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

''(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(j) EXEMPTION FOR ALASKA AND HAWAII.—This section shall not apply to any retail electric supplier in Alaska or Hawaii.

''(k) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

''(l) DEFINITIONS.—For purposes of this section—

''(1) The term 'incremental hydropower' means additional generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

''(2) The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo or rancheria,

''(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

''(C) any dependent Indian community, and

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

''(3) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(5) The term 'renewable energy resource' means solar thermal, photovoltaic, wind, geothermal, biomass (including organic waste, but not unsegregated municipal solid waste), or incremental hydropower facility or modification to an existing facility to cofire biomass or to expand electricity production from an existing renewable facility that is placed in service on or after January 1, 2001.

''(6) The term 'retail electric supplier' means a person, State agency, or Federal agency that sells electric energy to an electric consumer.

''(7) The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by solar energy, wind, geothermal, biomass, or hydroelectric facility placed in service prior to January 1, 2001.

''(m) SUNSET.—Subsection (a) of this section expires December 31, 2015.''.

TITLE IX—STEELMAKING

SEC. 901. EXTENSION OF CREDIT FOR ELECTRICITY TO PRODUCTION FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources), as amended by section 507 of P.L. 106–170, is amended by striking ''and'' at

the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''and'', and by adding at the end the following:

''(E) steel cogeneration.''

(b) STEEL COGENERATION.—Section 45(c), is amended by adding at the end the following:

''(5) STEEL COGENERATION.—The term 'steel cogeneration' means the production of electricity and steam (or other form of thermal energy) from any or all waste sources in subparagraphs (A), (B), and (C) within an operating facility that produces or integrates the production of coke, direct reduced iron ore, iron, or steel provided that the cogeneration meets any regulatory energy-efficiency standards established by the Secretary, and only to the extent that such energy is produced from—

''(A) gases or heat generated from the production of metallurgical coke,

''(B) gases or heat generated from the production of direct reduced iron ore or iron, from blast furnace or direct ironmaking processes, or

''(C) gases or heat generated from the manufacture of steel.''

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(4) (defining qualified facility), as amended by Section 507 of P.L. 106–170, is amended by adding at the end the following:

''(F) STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 2000, and before January 1, 2006. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit under this section for more than 10 years of production.''

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting ''and waste energy'' after ''renewable''.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 is amended by inserting ''and waste energy'' after ''renewable.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE X—ENERGY EMERGENCIES

SEC. 1001. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting ''through 2003'' after ''2000.''

(b) In section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003.''

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(a) In section 256(h) (42 U.S.C. 6276(h)), by striking the last sentence and inserting the following, ''For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary.''

(b) In section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

PART D—NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) for the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey.

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

''(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

''AUTHORITY

''SEC. 182. to the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services'

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States; and

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) FINDING.—The Secretary may sell product from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

''(1) a dislocation in the heating oil market has resulted from such interruption; or

''(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

''(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

''(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report' or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more than 60% over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

''(2) The price differential continues to increase during the most recent week for which price information is available.

''(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

''(d) After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that:

''(1) The Secretary may—

''(A) sell petroleum distillate from the Reserve through a competitive process, or

''(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

''(2) In all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

''(3) The Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

''(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

''(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

''(6) actions to ensure quality of the petroleum distillate in the Reserve.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.''.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 186. There are authorized to be appropriated for fiscal year 2001, 2002, and 2003 such sums as may be necessary to implement this part.''.

SEC. 1002. ENERGY CONSERVATION PROGRAMS FOR SCHOOLS AND HOSPITALS.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended as follows:

Sec. 365 (f) For the purpose of carrying out this part there are authorized to be appropriated such sums as may be necessary.

SEC. 1003. STATE ENERGY PROGRAMS.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended as follows:

Sec. 397. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary.

''SEC. 1004. ANNUAL HOME HEATING READINESS PROGRAM

''(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

ANNUAL HOME HEATING READINESS.

''(a) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Energy Information Agency, shall coordinate with all interested states on an annual basis a program to assess the adequacy of supplies for natural gas, heating oil and propane and develop joint recommendations for responding to regional shortages or price spikes.

''(b) On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(c) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per MMBtu or gallon of natural gas, heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the natural gas, heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(d) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''Sec. 107. Major fuel burning stationary source.

''Sec. 108. Annual home heating readiness report.'';

and

(2) in section 107 (42 U.S.C. 6215), by striking 'SEC. 107. (a) No Governor' and inserting the following:

''SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor''.

''SEC. 1005. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) IN GENERAL.—Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

''(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

''(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

''(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

''(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

''(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2001; and

''(2) such sums as are necessary for each fiscal year thereafter.

''(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

''Sec. 273. Summer fill and fuel budgeting programs.''.

SEC. 1006. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study—

(1) to ascertain if the use of energy futures and options contracts could provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for governments, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey); and

(2) to ascertain how these entities may be most effectively educated in the prudent use of energy futures and options contracts to maximize their purchasing effectiveness, protect themselves against sudden or unanticipated surges in the price of heating oil, and minimize long-term heating oil costs.

(b) REPORT.—The Secretary, no later than 180 days after appropriations are enacted to carry out this Act, shall transmit the study required in this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

(c) PILOT PROGRAM.—If the study required in subsection (a) indicates that futures and options contracts can provide cost-effective protection from sudden surges in heating oil prices, the Secretary shall conduct a pilot program, commencing not later than 30 days after the transmission of the study required in subsection (b), to educate such governmental entities, consumer cooperatives, and other organizations on the prudent and cost-effective use of energy futures and options contracts to increase their protection against sudden or unanticipated surges in the price of heating oil and increase the efficiency of their heating oil purchase programs.

(d) AUTHORIZATION.—There is authorized to be appropriated $3 million in fiscal year 2001 to carry out this section.

SEC. 1007. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS

Title IV of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows: In SEC. 400AA(a)(3)(E), insert the following sentence at the end,

''Except that, no later than fiscal year 2003 at least 50 percent of the total annual volume of fuel used must be from alternative fuels.'', and

In SEC. 400AA(g)(4)(B), after the words, ''solely on alternative fuel'', insert the words '', including a three wheeled enclosed electric vehicle having a VIN number''.

SEC. 1008. FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following—

''(5) FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES.—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil or liquefied petroleum gas.''

TITLE XI—ENERGY EFFICIENCY

SEC. 1101. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Section 801(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(1)) is amended by—

(1) inserting ''and water'' after ''energy'' the first place it appears;

(2) striking ''that purpose'' and inserting ''these purposes'';

(3) inserting ''or water'' after ''energy'' the second place it appears;

(4) inserting ''or water conservation'' after ''energy'' the third place it appears; and

(5) inserting ''or water'' after ''energy'' the fourth place it appears.

(b) Section 801(a)(2) (A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(A)) is amended by—

(1) inserting ''or water'' after ''energy'' the first place it appears; and

(2) inserting ''or water conservation'' after ''energy'' the next two places it appears.

(c) Section 801(a)(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(B)) is amended by—

(1) inserting ''or water'' after ''energy'' each place it appears; and

(2) inserting ''energy or'' before ''utilities'' the second place it appears.

(d) Section 801(a)(2)(D)(iii) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended by striking ''$750,000'' and inserting ''$10,000,000''.

(e) Section 801(b)(1)(A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(1)(B)) is amended by inserting ''and water'' after ''energy''.

(f) Section 801(b)(1)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(1)(B)) is amended by—

(1) inserting ''or water'' after ''energy'' the first place it appears; and

(2) inserting ''or water'' after ''energy'' the second place it appears.

(g) Section 801(b)(2)(A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(2)(A)) is amended by inserting ''or water'' after ''energy'' each place it appears.

(h) Section 801(b)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(2)(C)) is amended by inserting ''or water'' after ''energy'' each place it appears.

(i) Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by inserting ''or water'' after ''energy''.

(j) Section 801(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)(1)) is repealed.

(k) Section 801(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by inserting ''or water'' after ''energy'' each place it appears.

(l) Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a.) is amended by inserting ''and water'' after ''energy''.

(m) Section 803 of the National Energy Conservation Policy Act (42 U.S.C. 8287b.) is amended by inserting '''and water'' after ''energy''.

(n) Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(2)) is amended in paragraph (a)(2) by inserting ''or water'' after ''energy'' each place it appears.

(o) Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(3)) is amended in paragraph (a)(3) by inserting ''or water'' after ''energy''.

(p) Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(3)) is amended to read as follows:

''(4) The term ''energy or water conservation measure'' includes an ''energy conservation measure'' as defined in section 551(4), or a ''water conservation measure,'' which is a measure applied to a Federal building that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities.''.

(q) The seventh paragraph under the heading ''Administrative Provisions, Department of Energy,'' in title II of the Act Making Appropriation for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 1999 is amended by inserting ''and water'' after ''energy'' each place it appears.

(r) Section 101(e) of Public Law 105–277 is amended by—

(1) inserting ''and water conservation'' after ''efficiency'' in the title.

(2) inserting ''and water'' after ''energy'' each place it appears.

SEC. 1102. WEATHERIZATION.

(a) Section 414 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended by inserting the following sentence in subsection (a) the following sentence. ''The application shall contain the state's best estimate of matching funding available from state and local governments and from private sources,'' after the words ''assistance to such persons''. And, by inserting the words, ''without regard to availability of matching funding'', after the words ''low-income persons throughout the States,''

(b) Section 415 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking ''(A)'',

(B) striking ''approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan'' and inserting ''establish'', and (C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking ''paragraphs (3) and (4)'' and inserting ''paragraph (3)'',

(B) striking ''$1600'' and inserting ''$2500'',

(C) striking ''and'' at the end of subparagraph (C),

(D) striking the period and inserting ''; and'' in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph: ''(E) the cost of making heating and cooling modifications, including replacement.'';

(4) in subsection (c)(3) by—

(A) striking ''1991, the $1600 per dwelling unit limitation'' and inserting ''2000, the $2500 per dwelling unit average'',

(B) striking ''limitation'' and inserting ''average'' each time it appears, and

(C) inserting ''the'' after ''beginning of'' in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 1103. PUBLIC BENEFITS FUND.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''eligible public purpose program'' means a State or tribal program that—

(A) assists low-income households in meeting their home energy needs;

(B) provides for the planning, construction, or improvement of facilities to generate, transmit, or distribute electricity to Indian tribes or rural and remote communities;

(C) provides for the development and implementation of measures to reduce the demand for electricity; or

(D) provides for—

(i) new or additional capacity, or improves the efficiency of existing capacity, from a wind, biomass, geothermal, solar thermal, photovoltaic, combined heat and power energy source, or

(ii) additional generating capacity achieved from increased efficiency at existing hydroelectric dams or additions of new capacity at existing hydroelectric dams;

(2) the term ''fiscal agent'' means the entity designated under subsection (b)(2)(B);

(3) the term ''Fund'' means the Public Benefits Fund established under subsection (b)(2)(A);

(4) the term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(5) the term ''State'' means each of the States and the District of Columbia.

(b) PUBLIC BENEFITS FUND.—There is established in the Treasury of the United States a separate fund, to be known as the Public Benefits Fund. The Fund shall consist of amounts collected by the fiscal agent under subsection (e). The fiscal agent may disburse amounts in the Fund, without further appropriation, in accordance with this section.

(c) FISCAL AGENT.—The Secretary shall appoint a fiscal agent shall collect and disburse the amounts in the Fund in accordance with this section.

(d) SECRETARY.—The Secretary shall prescribe rules for:

(1) the determination of charges under subsection (e);

(2) the collection of amounts for the Fund, including provisions for overcollection or undercollection;

(3) the equitable allocation of the Fund among States and Indian tribes based upon—

(A) the number of low-income households in such State or tribal jurisdiction; and

(B) the average annual cost of electricity used by households in such State or tribal jurisdiction; and

(4) the criteria by which the fiscal agent determines whether a State or tribal government's program is an eligible public purpose program.

(e) PUBLIC BENEFITS CHANGE.—(1) As a condition of existing or future interconnection with facilities of any transmitting utility, each owner of an electric generating facility whose nameplate capacity exceeds five megawatts shall pay the transmitting utility a public benefits charge determined under paragraph (2), even if the generation facility and the transmitting facility are under common ownership or are otherwise affiliated. Each importer of electric energy from Canada or Mexico, as a condition of existing or future interconnection with facilities of any transmitting utility in the United States, shall pay this same charge for imported electric energy. The transmitting utility shall pay the amounts collected to the fiscal agent at the close of each month, and the fiscal agent shall deposit the amounts into the Fund as offsetting collections.

(2)(A) The Commission shall calculate the rate for the public benefits charge for each calendar year at an amount—

(i) equal to $3 billion per year, divided by the estimated kilowatt hours of electric energy to be generated by generators subject to the charge, but

(ii) not to exceed 1 mill per kilowatt-hour.

(B) Amounts collected in excess of $3 billion in a fiscal year shall be retained in the fund and the assessment in the following year shall be reduced by that amount.

(f) DISBURSAL FROM THE FUND.—

(1) The fiscal agent shall disburse amounts in the Fund to participating States and tribal governments as a block grant to carry out eligible public purpose programs in accordance with this subsection and rules prescribed under subsection (d).

(2)(A) The fiscal agent shall disburse amounts for a calendar year from the Fund to a State or tribal government in twelve equal monthly payments beginning two months after the beginning of the calendar year.

(B) The fiscal agent shall make distributions to the State or tribal government or to an entity designated by the State or tribal government to receive payments. The State or tribal government may designate a nonregulated utility as an entity to receive payments under this section.

(C) A State or tribal government may use amounts received only for the eligible public purpose programs the State or tribal government designated in its submission to the fiscal agent and the fiscal agent determined eligible.

(g) REPORT.—One year before the date of expiration of this section, the Secretary shall report to Congress whether a public benefits fund should continue to exist.

(h) SUNSET.—This section expires at midnight on December 31, 2015.''.

SEC. 1104. NATIONAL OIL HEAT RESEARCH ALLIANCE ACT

SEC. 101. DEFINITIONS.

In this section:

(1) ALLIANCE.—The term ''Alliance'' means a national oil heat research alliance established under section 104.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

''(7) OILHEAT.—The term 'oilheat' means—

''(A) No. 1 distillate; and

''(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

''(8) OILHEAT INDUSTRY.—

''(A) IN GENERAL.—The term 'oilheat industry' means—

''(i) persons in the production, transportation, or sale of oilheat; and

''(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

''(B) EXCLUSION.—The term 'oilheat industry' does not include ultimate consumers of oilheat.

''(9) PUBLIC MEMBER.—The term 'public member' means a member of the Alliance described in section 105(c)(1)(F).

''(10) QUALIFIED INDUSTRY ORGANIZATION.—The term 'qualified industry organization' means the National Association for Oilheat Research and Education or a successor organization.

''(11) QUALIFIED STATE ASSOCIATION.—The term 'qualified State association' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

''(12) RETAIL MARKETER.—The term 'retail marketer' means a person engaged primarily in the sale of oilheat to ultimate consumers.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(14) WHOLESALE DISTRIBUTOR.—The term 'wholesale distributor' means a person that—

''(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

''(ii) imports No. 1 distillate or No. 2 dyed distillate; or

''(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

''(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

''(15) STATE.—The term 'State' means the several States, except the State of Alaska.

''SEC. 102. REFERENDA.

''(a) CREATION OF PROGRAM.—

''(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

''(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

''(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

''(4) VOTING RIGHTS.—

''(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

''(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

''(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

''(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

''(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

''(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

''(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

''(c) TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

''(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

''(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

''(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

''(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

''SEC. 103. MEMBERSHIP.

''(a) SELECTION.—

''(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State form a list of nominees submitted by the qualified State association in the State.

''(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

''(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

''(1) interstate and intrastate operators among retail marketers;

''(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

''(3) large and small companies among wholesale distributors and retail marketers; and

''(4) diverse geographic regions of the country.

''(c) NUMBER OF MEMBERS.—

''(1) IN GENERAL.—The membership of the Alliance shall be as follows:

''(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

''(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

''(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

''(D) 5 additional representatives of retail marketers.

''(E) 21 representatives of wholesale distributors.

''(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

''(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

''(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

''(e) TERMS.—

''(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

''(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

''(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

''(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 104. FUNCTIONS.

''(a) IN GENERAL.—

''(1) PROGRAMS, PROJECTS, CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

''(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

''(i) to enhance consumer and employee safety and training;

''(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

''(iii) for consumer education; and

''(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 107.

''(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide delivery of services and to avoid unnecessary duplication of activities.

''(3) ACTIVITIES.—

''(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

''(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

''(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

''(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

''(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

''(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

''(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

''(1) research, development, and demonstration;

''(2) safety;

''(3) consumer education; and

''(4) training.

''(c) ADMINISTRATION.—

''(1) OFFICERS, COMMITTEES; BYLAWS.—The Alliance—

''(A) shall select from among its members a chairperson and other officers as necessary;

''(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

''(C) shall adopt bylaws for the conduct of business and the implementation of this title.

''(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

''(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

''(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 107) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

''(2) REIMBURSEMENT OF THE SECRETARY.—

''(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

''(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

''(e) BUDGET.—

''(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

''(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

''(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

''(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

''(f) RECORDS; AUDITS—

''(1) RECORDS.—The Alliance shall—

''(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

''(B) make the records available to the public.

''(2) AUDITS—

''(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 107(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

''(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

''(C) POLICIES AND PROCEDURES—

''(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

''(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

''(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS—

''(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

''(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

''(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

''(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

''(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

''(2) details the allocation of Alliance resources for each such program and project.

SEC. 105. ASSESSMENTS.

''(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

''(b) COLLECTION RULES—

''(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

''(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

''(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

''(B) shall provide to the Alliance certification of the volume of fuel sold.

''(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

''(4) FAILURE TO RECEIVE PAYMENT—

''(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

''(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

''(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

''(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

''(B) shall provide to the Alliance certification of the volume of fuel imported.

''(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

''(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

''(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

''(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

''(1) in obligations of the United States or any agency of the United States;

''(2) in general obligations of any State or any political subdivision of a State;

''(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

''(4) in obligations fully guaranteed as to principal and interest by the United States.

''(e) STATE, LOCAL, AND REGIONAL PROGRAMS—

''(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

''(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS—

''(A) IN GENERAL—

''(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

''(ii) ADDITIONAL AMOUNT.—

''(I) IN GENERAL.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

''(II) REQUEST REQUIREMENTS.—A request under this clause shall—

''(aa) specify the amount of funds requested;

''(bb) describe in detail the specific uses for which the requested funds are sought;

''(cc) include a commitment to comply with this title in using the requested funds; and

''(dd) be made publicly available.

''(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

''(IV) MONITORING; TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

''(aa) monitor the use of funds provided under this clause; and

''(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

''SEC. 106. MARKET SURVEY AND CONSUMER PROTECTION.

''(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

''(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

''SEC. 107. COMPLIANCE.

''(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 107.

''(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

''SEC. 108. LOBBYING RESTRICTIONS.

''No funds derived from assessments under section 107 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

''SEC. 109. DISCLOSURE.

''Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

''SEC. 110. VIOLATIONS.

''(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 107, that includes—

''(1) a reference to a private brand name;

''(2) a false or unwarranted claim on behalf of oil heat or related products; or

''(3) a reference with respect to the attributes or use of any competing product.

''(b) COMPLAINTS—

''(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

''(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

''(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State allocation undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

''(A) the complaint is withdrawn; or

''(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

''(c) RESOLUTION BY PARTIES—

''(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

''(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

''(d) JUDICIAL REVIEW—

''(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

''(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

''(A) the complaint is withdrawn; or

''(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

''(e) ATTORNEY'S FEES—

''(a) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

''(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

''(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

''SEC. 111. SUNSET.

''This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.''

TITLE XII—ELECTRICITY

SEC. 1201. COMPREHENSIVE INDIAN ENERGY PROGRAM.

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following new section—

''SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

''(a) Definitions.—For purposes of this section—

''(1) ''Director'' means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

''(2) ''Indian land'' means—

''(A) any land within the limits of an Indian reservation, pueblo, or ranchera;

''(B) any land not within the limits of an Indian reservation, pueblo, or ranchera whose title on the date of enactment of this section was held—

''(i) in trust by the United States for the benefit of an Indian tribe,

''(ii) by an Indian tribe subject to restriction by the United States against alienation, or

''(iii) by a dependent Indian community; and

''(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

''(b) Indian Energy Education, Planning and Management Assistance.—(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to

assist Indian tribes to meet their energy education, research and development, planning, and management needs.

''(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

''(A) renewable, energy efficiency, and conservation programs;

''(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities; and

''(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities.

''(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

''(A) total number of acres of Indian land owned by an Indian tribe;

''(B) total number of households on the tribe's Indian land;

''(C) total number of households on the Indian tribe's Indian land that have no electricity service or are underserved; and

''(D) financial or other assets available to the tribe from any source.

''(4) In making a grant under paragraph (2)(E), the Director shall give priority to an application received from an Indian tribe that is not served or served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

''(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

''(c) Application of Buy Indian Act.—(1) An agency or department of the United States Government may give, in the purchase and sale of electricity, oil, gas, coal, or other energy product or by-product produced, converted, or transferred on Indian lands, preference, under section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the ''Buy Indian Act''), to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by an Indian, a tribal government, or a business, enterprise, or operation of the American Indian Tribal Governments.

''(2) In implementing this subsection, an agency or department shall pay no more for energy production than the prevailing market price and shall obtain no less than existing market terms and conditions.

''(d) This section does not—

''(1) limit the discretion vested in an Administrator of a Federal Power Administration to market and allocate Federal power, or

''(2) alter Federal laws under which a Federal Power Administration markets, allocates, or purchases power.''.

(b) Office of Indian Policy and Programs. Title II of the Department of Energy Organization Act is amended by inserting the following after section 216:

''OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

''SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code. The Director shall perform the duties assigned the Director under the Comprehensive Indian Energy Act and this section.

''(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

''(1) promote tribal energy efficiency and utilization;

''(2) modernized and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

''(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

''(4) lower or stabilize energy costs; and

''(5) electrify tribal members' homes and tribal lands.

''(c) The Director shall carry out the duties assigned the Secretary under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).''.

(c) Conforming Amendment. Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

''(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.''

(b) The table of contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

''217. Office of Indian Energy Policy and Programs.''.

(c) Section 5315 of title 5, United States Code, is amended by inserting ''Director, Office of Indian Energy Policy and Programs, Department of Energy.'' after ''Director, Office of Science, Department of Energy.''.

SEC. 1202. INTERCONNECTION.

Title II of the Federal Power Act is further amended by adding after section 210 (16 U.S.C. 824i) the following:

''SEC. 210A. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES.

''(a) RULEMAKING AUTHORITY.—Not later than one year after the date of enactment of this section, the Commission shall adopt rules to ensure the interconnection of distributed generation facilities to local distribution facilities of an electric utility.

''(b) INTERCONNECTION AUTHORITY.—Upon the application of the owner or operator of a distributed generation facility, the Commission may issue an order requiring the physical connection of the local distribution facilities of an electric utility with the distributed generation facility of the applicant.

''(c) STATE AUTHORITY.—Any interconnection ordered under this section shall be subject to regulation by the appropriate State commission.

''(d) DEFINITION.—As used in this section, the term ''distributed generation facility'' means—

''(1) a small-scale electric power generation facility that is designed to serve customers at or near the facility, or

''(2) a facility using a single fuel source to produce at the point of use either electric or mechanical power and thermal energy.''.

MIKULSKI (AND OTHERS) AMENDMENTS NOS. 4228–4229

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4228

At the appropriate place, insert the following:

SEC. ___. COMMUNITY TECHNOLOGY CENTERS.

Part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.) is amended by adding at the end the following:

''Subpart 5—Community Technology Centers

''SEC. 3161. PURPOSE; PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

''(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

''(2) provide technical assistance and support to community technology centers.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

''(A) creating or expanding community technology centers; or

''(B) providing technical assistance and support to community technology centers.

''(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

''(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

''SEC. 3162. ELIGIBILITY AND APPLICATION REQUIREMENTS.

''(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

''(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

''(2) be—

''(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

''(B) an institution of higher education;

''(C) a State educational agency;

''(D) a local educational agency; or

''(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

''(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

''(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

''(2) a demonstration of—

''(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

''(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

''(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

''(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

''SEC. 3163. USES OF FUNDS.

''(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

''(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

''(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

''(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

''(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

''(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

''(B) Adult education and family literacy activities through technology and the Internet, including—

''(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

''(ii) introduction to computers;

''(iii) intergenerational activities; and

''(iv) lifelong learning opportunities.

''(C) Career development and job preparation activities, such as—

''(i) training in basic and advanced computer skills;

''(ii) resume writing workshops; and

''(iii) access to databases of employment opportunities, career information, and other online materials.

''(D) Small business activities, such as—

''(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

''(ii) access to information on business start-up programs that is available online, or from other sources.

''(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

''SEC. 3164. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. ___. SCHOOL TECHNOLOGY RESOURCE GRANTS.

Section 3114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6814(a)) is amended by adding at the end the following:

''(3) TEACHER TRAINING IN TECHNOLOGY.—In addition to any other funds appropriated to carry out subpart 2, there are authorized to be appropriated $127,000,000 to carry out subpart 2 (other than section 3136) for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this paragraph shall be used to carry out teacher training in technology in accordance with subpart 2 (other than section 3136).''.

SEC. ___. NEW TEACHER TRAINING.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions to train students entering the teaching workforce to use technology effectively in the classroom.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $150,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

AMENDMENT NO. 4229

At the appropriate place, insert the following:

SEC. ___. COMMUNITY TECHNOLOGY CENTERS.

Part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.) is amended by adding at the end the following:

''Subpart 5—Community Technology Centers

''SEC. 3161. PURPOSE; PROGRAM AUTHORITY.

''(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

''(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

''(2) provide technical assistance and support to community technology centers.

''(b) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

''(A) creating or expanding community technology centers; or

''(B) providing technical assistance and support to community technology centers.

''(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

''(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

''SEC. 3162. ELIGIBILITY AND APPLICATION REQUIREMENTS.

''(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

''(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

''(2) be—

''(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

''(B) an institution of higher education;

''(C) a State educational agency;

''(D) a local educational agency; or

''(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

''(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

''(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

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''(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

''(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

''(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

''(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

''(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

''SEC. 3163. USES OF FUNDS.

''(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

''(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

''(2) evaluating the effectiveness of the project.

''(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

''(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

''(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

''(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

''(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

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''(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

''(ii) introduction to computers;

''(iii) intergenerational activities; and

''(iv) lifelong learning opportunities.

''(C) Career development and job preparation activities, such as—

''(i) training in basic and advanced computer skills;

''(ii) resume writing workshops; and

''(iii) access to databases of employment opportunities, career information, and other online materials.

''(D) Small business activities, such as—

''(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

''(ii) access to information on business start-up programs that is available online, or from other sources.

''(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

''SEC. 3164. AUTHORIZATION OF APPROPRIATIONS.

''For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. ___. SCHOOL TECHNOLOGY RESOURCE GRANTS.

Section 3114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6814(a)) is amended by adding at the end the following:

''(3) TEACHER TRAINING IN TECHNOLOGY.—In addition to any other funds appropriated to carry out subpart 2, there are authorized to be appropriated $127,000,000 to carry out subpart 2 (other than section 3136) for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this paragraph shall be used to carry out teacher training in technology in accordance with subpart 2 (other than section 3136).''.

SEC. ___. NEW TEACHER TRAINING.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions to train students entering the teaching workforce to use technology effectively in the classroom.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $150,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

CONRAD AMENDMENT NO. 4230

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H–1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KENNEDY AMENDMENTS NOS. 4231–4237

(Ordered to lie on the table.)

Mr. KENNEDY submitted seven amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4231

At the appropriate place, add the following:

IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer any that is a primary or secondary education installation, an institution of the higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

AMENDMENT NO. 4232

At the appropriate place, add the following:

RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

''(I) The employer certifies that the employer—

''(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

''(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

''(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

''(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H–1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.''.

AMENDMENT NO. 4233

At the appropriate place, add the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4234

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be ''22 percent''; the figure on page 12, line 25 deemed to be ''4 percent''; and the figure on page 13 line 2 is deemed to be ''2 percent''.

AMENDMENT NO. 4235

At the appropriate place, add the following:

PARTNERSHIP CONSIDERATIONS.

Consideration in the awarding of grants shall be given to any partnership that involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs.

AMENDMENT NO. 4236

Notwithstanding any other provisions, section (g)(5) is null and void and the following section shall apply in lieu thereof:

Section 214(g) of the Immigration and nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end of the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

(iii) a nonprofit research organization or a government research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be ''200,000''; the figure on page 2, line 4 is deemed to be ''200,000''; and the figure on page 2, line 5 is deemed to be ''200,000''.

AMENDMENT NO. 4237

Notwithstanding any other provisions, section (g)(5) is null and void and the following section shall apply in lieu thereof:

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

''(iii) a nonprofit research organization or a governmental research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be ''200,000''; the figure on page 2, line 4 is deemed to be ''200,000''; and the figure on page 2, line 5 is deemed to be ''200,000''.

KENNEDY (AND OTHERS) AMENDMENT NO. 4238

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

TITLE ____—LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Latino and Immigrant Fairness Act of 2000''.

Subtitle A—Central American and Haitian Parity

SEC. ____11. SHORT TITLE.

This subtitle may be cited as the ''Central American and Haitian Parity Act of 2000''.

SEC. ____12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. ____13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ____12 and ____15 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. ____14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ____12 and ____15 of this Act.

SEC. ____15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

(E) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

(6) by adding at the end the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

(F) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. ___21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.— Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the

former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. ___31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

SEC. ___32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

Subtitle D—Extension of Registry Benefits

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Date of Registry Act of 2000''.

SEC. ___42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking ''January 1, 1972'' and inserting ''January 1, 1986''; and

(2) by striking ''JANUARY 1, 1972'' in the heading and inserting ''JANUARY 1, 1986''.

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking ''January 1, 1986'' each place it appears and inserting ''January 1, 1987''.

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking ''January 1, 1987'' each place it appears and inserting ''January 1, 1988''.

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning January 1, 2004, section 249 of such Act is amended by striking ''January 1, 1988'' each place it appears and inserting ''January 1, 1989''.

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking ''January 1, 1989'' each place it appears and inserting ''January 1, 1990''.

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking ''January 1, 1990'' each place it appears and inserting ''January 1, 1991''.

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986''.

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

HATCH AMENDMENT NO. 4239

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

On page 1 of the amendment, line 10, strike ''(vi)'' and insert ''(vii)''.

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

On page 2 of the amendment, line 6, strike ''FISCAL YEAR 1999.—'' and insert ''FISCAL YEARS 1999 AND 2000.—''.

On page 2 of the amendment, line 7, strike ''Notwithstanding'' and insert ''(A) Notwithstanding''.

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 12 of the amendment, line 3, strike ''used'' and insert ''use''.

On page 12 of the amendment, line 21, strike ''this'' and insert ''the''.

On page 15 of the amendment, beginning on line 18, strike ''All training'' and all that follows through ''demonstrated'' on line 20 and insert the following: ''The need for the training shall be justified''.

On page 18 of the amendment, line 10, strike ''that are in shortage''.

On page 18 of the amendment, line 23 and 24, strike ''H–1B skill shortage.'' and insert ''single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.''.

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike ''and''.

On page 21 of the amendment, line 2, strike the period and insert ''; and''.

On page 21 of the amendment, between lines 2 and 3, insert the following:

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).''.

On page 21 of the amendment, after line 25, insert the following new section:

SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

On page 22 of the amendment, line 1, strike ''**SEC. 12.**''. and insert ''**SEC. 13.**''.

On page 27 of the amendment, line 1, strike ''**SEC. 13.**''. and insert ''**SEC. 14.**''.

ABRAHAM AMENDMENTS NOS. 4240–4259

(Ordered to lie on the table.)

Mr. ABRAHAM submitted 20 amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4240

On page 1 of the amendment, line 10, strike ''(vi)'' and insert ''(vii)''.

AMENDMENT NO. 4241

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

AMENDMENT NO. 4242

On page 2 of the amendment, line 6, strike ''FISCAL YEAR 1999.—'' and insert ''FISCAL YEARS 1999 AND 2000.—''.

AMENDMENT NO. 4243

On page 2 of the amendment, line 7, strike ''Notwithstanding'' and insert ''(A) Notwithstanding''.

AMENDMENT NO. 4244

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

AMENDMENT NO. 4245

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

''(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,''.

AMENDMENT NO. 4246

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

AMENDMENT NO. 4247

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

AMENDMENT NO. 4248

On page 12 of the amendment, line 3, strike ''used'' and insert ''use''.

AMENDMENT NO. 4249

On page 12 of the amendment, line 21, strike ''this'' and insert ''the''.

AMENDMENT NO. 4250

On page 15 of the amendment, beginning on line 18, strike ''All training'' and all that follows through ''demonstrated'' on line 20 and insert the following: ''The need for the training shall be justified''.

AMENDMENT NO. 4251

On page 16 of the amendment, line 6, insert ''section 116(b) or'' before ''section 117''.

AMENDMENT NO. 4252

On page 16 of the amendment, line 20, strike ''; and'' and insert the following: '': *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832)''.

AMENDMENT NO. 4253

On page 18 of the amendment, line 10, strike ''that are in shortage''.

AMENDMENT NO. 4254

On page 18 of the amendment, line 23 and 24, strike ''H–1B skill shortage.'' and insert ''single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.''.

AMENDMENT NO. 4255

On page 19 of the amendment, strike lines 1 through 6.

AMENDMENT NO. 4256

On page 20 of the amendment, line 23, strike ''and''.

AMENDMENT NO. 4257

On page 21 of the amendment, line 2, strike the period and insert ''; and''.

AMENDMENT NO. 4258

On page 21 of the amendment, between lines 2 and 3, insert the following:

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).''.

AMENDMENT NO. 4259

On page 21 of the amendment, after line 25, insert the following new section:

SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

CLELAND AMENDMENTS NOS. 4260–4261

(Ordered to lie on the table.)

Mr. CLELAND submitted two amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4260

At the end, add the following:

SEC. ___. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Immigrants to New Americans Act''.

(b) FINDINGS.—Congress finds the following:

(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of ''life, liberty, and the pursuit of happiness'' has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(c) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(d) DEFINITIONS.—

(1) IMMIGRANT.—In this section, the term ''immigrant'' has the meaning given the term in section 101 of the Immigration and Nationality Act.

(2) OTHER TERMS.—The terms used in this section have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(e) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

(f) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

(A) shall include—

(i) at least 1 local educational agency; and

(ii) at least 1 community-based organization; and

(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

(A) a list of the organizations entering into the partnership;

(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

(i) the native languages of the students to be served;

(ii) the proficiency of the students in English and the native languages;

(iii) achievement data for the students in—

(I) reading or language arts (in English and in the native languages, if applicable); and

(II) mathematics; and

(iv) the previous schooling experiences of the students;

(C) a description of the goals of the program;

(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

(E) a description of activities that will be pursued by the partnership through the program, including a description of—

(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

(ii) how the activities will further the academic achievement of immigrant students served through the program;

(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

(iv) methods of coordinating comprehensive community social services to assist immigrant families;

(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

(I) any other information that the Secretary may require.

(g) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed

in the applications submitted under subsection (f), taking into consideration such factors as—

(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

(B) the quality of the activities proposed by a partnership;

(C) the extent of parental, student, and community involvement;

(D) the extent to which the partnership will ensure the coordination of comprehensive community social services with the program;

(E) the quality of the plan for measuring and assessing success; and

(F) the likelihood that the goals of the program will be achieved.

(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

(h) EVALUATION AND PROGRAM DEVELOPMENT.—

(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

(B) prepare and submit to the Secretary a report containing the results of the evaluation.

(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

(A) data on the partnership's progress in achieving the goals of the program;

(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

(D) such other information as the Secretary may require.

(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

AMENDMENT NO. 4261

At the end, add the following:

SEC. ___. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Immigrants to New Americans Act''.

(b) FINDINGS.—Congress finds the following:

(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of ''life, liberty, and the pursuit of happiness'' has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(c) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(d) DEFINITIONS.—

(1) IMMIGRANT.—In this section, the term ''immigrant'' has the meaning given the term in section 101 of the Immigration and Nationality Act.

(2) OTHER TERMS.—The terms used in this section have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(e) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

(f) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

(A) shall include—

(i) at least 1 local educational agency; and

(ii) at least 1 community-based organization; and

(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

(A) a list of the organizations entering into the partnership;

(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

(i) the native languages of the students to be served;

(ii) the proficiency of the students in English and the native languages;

(iii) achievement data for the students in—

(I) reading or language arts (in English and in the native languages, if applicable); and

(II) mathematics; and

(iv) the previous schooling experiences of the students;

(C) a description of the goals of the program;

(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

(E) a description of activities that will be pursued by the partnership through the program, including a description of—

(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

(ii) how the activities will further the academic achievement of immigrant students served through the program;

(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

(iv) methods of coordinating comprehensive community social services to assist immigrant families;

(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

(I) any other information that the Secretary may require.

(g) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (f), taking into consideration such factors as—

(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

(B) the quality of the activities proposed by a partnership;

(C) the extent of parental, student, and community involvement;

(D) the extent to which the partnership will ensure the coordination of comprehensive community social services with the program;

(E) the quality of the plan for measuring and assessing success; and

(F) the likelihood that the goals of the program will be achieved.

(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

(h) EVALUATION AND PROGRAM DEVELOPMENT.—

(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

(B) prepare and submit to the Secretary a report containing the results of the evaluation.

(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

(A) data on the partnership's progress in achieving the goals of the program;

(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

(D) such other information as the Secretary may require.

(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

FEINGOLD AMENDMENT NO. 4262

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

At the end of the substitute, add the following:

SECTION 12. TRAFFIC STOPS STATISTICS STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Traffic Stops Statistics Study Act of 2000''.

(b) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(c) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

(d) GRANT PROGRAM.—In order to complete the study described in subsection (b), the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in subsection (b) to the appropriate agency as designated by the Attorney General.

(e) LIMITATION ON USE OF DATA.—Information released pursuant to this section shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

(f) DEFINITIONS.—For purposes of this section:

(1) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

FEINGOLD AMENDMENT NO. 4263

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the amendment No. 4177 proposed by Mr. LOTT to the bill, S. 2045, supra; as follows:

At the end of the matter proposed to be inserted, add the following:

SECTION 12. TRAFFIC STOPS STATISTICS STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Traffic Stops Statistics Study Act of 2000''.

(b) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), the

Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(c) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

(d) GRANT PROGRAM.—In order to complete the study described in subsection (b), the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in subsection (b) to the appropriate agency as designated by the Attorney General.

(e) LIMITATION ON USE OF DATA.—Information released pursuant to this section shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

(f) DEFINITIONS.—For purposes of this section:

(1) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

HUTCHISON AMENDMENT NO. 4264

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2045, supra; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'International Patient Act of 2000'.

SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

''(2) PERIOD.—

''(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

''(B) 3-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

''(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B)) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

''(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

''(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

''(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

''(ii) who—

''(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

''(II) entered the United States accompanying, and with the same status as, such principal alien.

''(C) WAIVER LIMITATIONS—

''(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

''(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

''(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one audit may be granted a waiver under subparagraph (B)(ii).

''(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

''(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

''(bb) one such adult is age 55 or older or is physically handicapped.

''(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY—

''(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

''(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.''.

FEINSTEIN AMENDMENTS NOS. 4265–4266

(Ordered to lie on the table.)

Mr. DASCHLE (for Mrs. FEINSTEIN) submitted two amendments intended to be proposed by her to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4265

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

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

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it

needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

AMENDMENT NO. 4266

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

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

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

FEINSTEIN AMENDMENTS NOS. 4267–4268

(Ordered to lie on the table.)

Mr. DASCHLE (for Mrs. FEINSTEIN) submitted two amendments to be proposed by her to amendment No. 4183 proposed by Mr. LOTT (for Mr. CONRAD) to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4267

On line 9, strike ''waivers).'', and insert the following:

waivers and authority to change status).

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

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

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have

averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

AMENDMENT NO. 4268

On line 9, strike ''waivers).'', and insert the following:

waivers and authority to change status).

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

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

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

LOTT AMENDMENT NO. 4269

Mr. LOTT proposed an amendment to the instructions of the motion to recommit the bill, S. 2045, supra; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

LOTT AMENDMENT NO. 4270

Mr. LOTT proposed an amendment to amendment No. 4269 proposed by himself tothe bill S. 2045, supra; as follows:

In lieu of the matter proposed insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A)

shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of

1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

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

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to

help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after the effective date.

DISTRICT OF COLUMBIA APPROPRIATIONS 2001

HUTCHISON (AND DURBIN) AMENDMENT NO. 4271

Mr. LOTT (for Mrs. HUTCHISON (for herself and Mr. DURBIN)) proposed an amendment to the bill (S. 3041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 8 at line 21, strike ''acquisition,''.

On page 8 line 22, strike ',lease, maintenance,''.

On page 8 at line 22, strike ''operation'' and insert ''hire''.

On page 9 at line 2, strike ''108,527,000'' and insert ''112,527,000'' and strike ''65,018,000'' and insert ''67,521,000''.

On page 9 at line 6, strike ''18,487,000'' and insert ''18,778,000''.

On page 9 at line 8, strike ''25,022,000'' and insert ''26,228,000''.

On page 10 following line 9 insert the following:

''FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

''For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: *Provided,* That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the eleven acres of real property under the jurisdiction of the District of Columbia: *Provided further,* That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: *Provided further,* That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.''

On page 11, line 1, after ''except'' strike ''for'' and insert the following: ''as provided in section 450A of the District of Columbia Home Rule Act and''.

Strike all matter beginning on line 7 on page 13 after the colon to and including line 16 on page 13.

On page 20 at line 23, strike ''WSF'' and insert ''Weighted Student Formula''.

On page 23 at line 9, after ''clinics'' insert '': *Provided further,* That notwithstanding any other provision of law, the District of Columbia may increase the Human Support Services appropriation under this Act by an amount equal to not more than 15% of the local funds in the appropriation in order to augment the District of Columbia subsidy for the Public Benefit Corporation for the purpose of restructuring the delivery of health services in the District of Columbia pursuant to a restructuring plan approved by the Mayor, Council of the District of Columbia, District of Columbia Financial responsibility and Management Assistance Authority, and Chief Financial Officer''.

Page 25, strike line 6 through line 17 of page 32 and insert the following:

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000 of local funds.

Insert at the appropriate place under the heading relating to ''RESERVE FUNDS'' in the Senate bill the following:

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

Strike all matter beginning on line 9 on page 4 after ''TO'' to and including line 10 on page 4 and insert ''COVENANT HOUSE WASHINGTON''.

Strike all matter beginning on line 11 on page 4 after ''to'' through ''Services'' on line 12 on page 4 and insert ''Covenant House Washington''.

On page 43 at line 8, after ''reprogramming'' insert ''or inter-appropriation transfer''.

On page 43 at line 19, after ''less;'' strike ''or''.

On page 43 at line 21, after ''center;'' insert ''or (8) transfers an amount from one appropriation to another, provided that the amount transferred shall not exceed 2 percent of the local funds in the appropriation''.

On page 43 at line 24 after ''reprogramming'' insert ''or inter-appropriation transfer''.

On page 51 at line 22, after ''action'' insert ''or any attorney who defends any action''.

On page 52 at line 2, strike ''120'' and insert ''250''.

On page 52 at line 6, strike ''120'' and insert ''250''.

On page 52 at line 12, insert after ''Code'' the following: ''; and,

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500.''

On page 52 at line 14, strike '', District of Columbia Financial Responsibility and Management Assistance Authority''.

On page 52 at line 20, after ''section'' insert ''to both the attorney who represents the prevailing party and the attorney who defends the action.''

On page 81 at line 1, strike ''or'' and insert ''of''.

Strike all matter beginning on line 4, page 73 over to and including line 16 on page 80, and insert in lieu thereof the following:

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 143. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47–317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: ''Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.''; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following:

''upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council of the District of Columbia. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.''.

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47–317.3, D.C. Code) is amended—

(A) in the heading, by striking ''DURING A CONTROL YEAR'';

(B) in the matter preceding paragraph (1), by striking ''During a control year, the Chief Financial Officer'' and inserting ''The Chief Financial Officer'';

(C) in paragraph (1), by striking ''Preparing'' and inserting ''During a control year, preparing'';

(D) in paragraph (3), by striking ''Assuring'' and inserting ''During a control year, assuring'';

(E) in paragraph (5), by striking ''With the Approval'' and all that follows through ''the Council—'' and inserting ''Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—'';

(F) in paragraph (11), by striking ''or the Authority'' and inserting ''(or by the Authority during a control year)''; and

(G) by adding at the end the following new paragraphs:

''(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

''(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

''(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

''(21) Administering the centralized District government payroll and retirement systems.

''(22) Governing the accounting policies and systems applicable to the District government.

''(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

''(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).''.

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking ''or subsection (d)''; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Insert at the appropriate place the following new section:

RESERVE FUNDS

SEC. ____. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

''RESERVE FUNDS

''SEC. 450A. (a) EMERGENCY RESERVE FUND.—

''(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

''(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

''(A) IN GENERAL.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2001, 1 percent.

''(i) For fiscal year 2002, 2 percent.

''(i) For fiscal year 2003, 3 percent.

''(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

''(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

''(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–707) or unexpected obligations by Federal law.

''(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6–1504, D.C. Code).

''(C) The emergency reserve fund may not be used to fund—

''(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

''(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

''(iii) settlements and judgments made by or against the Government of the District of Columbia.

''(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

''(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

''(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

''(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

''(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated for operating expenditures by the following fiscal year.

''(b) CONTINGENCY RESERVE FUND.—

''(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

''(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

''(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2005, 1 percent.

''(ii) For fiscal year 2006, 2 percent.

''(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

''(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

''(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

''(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3

consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

''(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

''(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

''(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated for operating expenditures by the following fiscal year.

''(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.''.

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

''Sec. 450A. Reserve funds.''.

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), D.C. Code) is amended by striking ''Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act'' and inserting ''For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year''.

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47–392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4272

Mr. LOTT (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal Barrier Resources Reauthorization Act of 2000''.

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

''(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

''(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

''(B) there is existing infrastructure consisting of—

''(i) a road, with a reinforced road bed, to each lot or building site in the area;

''(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

''(iii) electric service for each lot or building site in the area; and

''(iv) a fresh water supply for each lot or building site in the area.

''(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

''(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

''(B) covers an area of at least 200 square feet.

''(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).''.

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

''(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

''(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

''(2) the parcel is an undeveloped coastal barrier.''.

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking ''one hundred and eighty'' and inserting ''180''; and

(II) in subparagraph (B), by striking ''shall''; and

(ii) in paragraph (2), by striking ''subsection (d)(1)(B)'' and inserting ''paragraph (1)(B)''; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended—

(A) in subsection (b)(2), by striking ''subsection (d) of this section'' and inserting ''section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))''; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

''(f) MAPS.—The Secretary shall—

''(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

''(2) provide a copy of the map to—

''(A) the State and unit of local government in which the property is located;

''(B) the Committees; and

''(C) the Federal Emergency Management Agency; and

''(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.''.

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking ''which shall consist of'' and all that follows and inserting the following: ''which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

''(1) subsection (f)(3);

''(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

''(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.''.

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking ''refers to the Committee on Merchant Marine and Fisheries'' and inserting ''means the Committee on Resources'';

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking ''Effective October 1, 1983, such'' and inserting ''Such''; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps

for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the ''System''), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A–16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

AMENDMENTS SUBMITTED— SEPTEMBER 28, 2000

STEM CELL RESEARCH ACT OF 2000

BROWNBACK AMENDMENT NO. 4273

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill (S. 2015) to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pain Relief Promotion Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of patients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

''SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

''(a) IN GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

''(1) Promote and advance scientific understanding of pain management and palliative care.

''(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

''(b) DEFINITION.—In this section, the term 'pain management and palliative care' means—

''(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

''(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.''.

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

''SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

''(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

''(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

''(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

''(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

''(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

''(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education,

hospices, and such other programs or sites as the Secretary determines to be appropriate.

''(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

''(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

''(g) DEFINITION.—In this section, the term 'pain management and palliative care' means—

''(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

''(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.''.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking ''sections 753, 754, and 755'' and inserting ''sections 753, 754, 755, and 756''.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the ''Decade of Pain Control and Research''.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

''(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

''(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

''(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

''(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

''(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

''(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality;

except that the Attorney General may take such other actions as may be necessary to enforce this Act.''.

(b) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking ''(c) Before'' and inserting the following:

''(c) PROCEDURES.—

''(1) ORDER TO SHOW CAUSE.—Before''; and

(2) by adding at the end the following:

''(2) BURDEN OF PROOF.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner's intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.''.

SEC. 202. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.''.

SEC. 203. FUNDING AUTHORITY.

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KYL AMENDMENT NO. 4274

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

At the end, add the following:

SEC. . SCHOLARSHIP FOR SERVICE PROGRAM.

Notwithstanding any other provision of law, of the amount made available under section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) for each fiscal year; two percent shall be available to the Director of the National Science Foundation to enable the Director to carry out the Scholarship for Service program.

HATCH (AND OTHERS) AMENDMENT NO. 4275

Mr. HATCH (for himself, Mr. KENNEDY, and Mr. ABRAHAM) proposed an amendment to the bill, S. 2045, supra; as follows:

On page 1 of the amendment, line 10, strike ''(vi)'' and insert ''(vii)''.

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

On page 2 of the amendment, line 6, strike ''FISCAL YEAR 1999.—'' and insert ''FISCAL YEARS 1999 AND 2000.—''.

On page 2 of the amendment, line 7, strike ''Notwithstanding'' and insert ''(A) Notwithstanding''.

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 3, line 11 strike ''(A''.

On page 3, line 13 strike ''(i)'' and insert ''(A)''.

On page 3, line 17 strike ''(ii)'' and insert ''(B)''.

On page 3, line 18 strike ''; or'' and insert ''.''

On page 3, strike lines 19–24.

On page 4, line 6 strike ''(A)''.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 9, on line 9, strike ''October 1, 2002'' and insert ''October 1, 2003''.

On page 9, line 15, strike ''September 30, 2002'' and insert ''September 30, 2003.''

On page 12 of the amendment, line 3, strike ''used'' and insert ''use''.

On page 12 of the amendment, line 21, strike ''this'' and insert ''the''.

On page 15 of the amendment, beginning on line 18, strike ''All training'' and all that follows through ''demonstrated'' on line 20 and insert the following: ''The need for the training shall be justified''.

On page 16 of the amendment, line 6, insert ''section 116(b) or'' before ''section 117''.

On page 16 of the amendment, line 20, strike ''; and'' and insert the following: '': *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832)''.

On page 18 of the amendment, line 10, strike ''that are in shortage''.

On page 18 of the amendment, line 23 and 24, strike ''H–1B skill shortage.'' and insert ''single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.''.

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike ''and''.

On page 21 of the amendment, line 2, strike the period and insert ''; and''.

On page 21 of the amendment, between lines 2 and 3, insert the following:

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).''.

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5)) is amended to read as follows:—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be ''22 percent''; the figure on page 12, line 25 deemed to be ''4 percent''; and the figure on page 13 line 2 is deemed to be ''2 percent''.

At the appropriate place, add the following:

SEC. __. EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H–1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Immigration Services and Infrastructure Improvements Act of 2000''.

SEC. 202. PURPOSES.

(a) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term ''backlog'' means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term ''immigration benefit application'' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the ''Immigration Services and Infrastructure Improvements Account''.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

VISA WAIVER PERMANENT PROGRAM ACT

ABRAHAM (AND KENNEDY) AMENDMENT NO. 4276

Mr. DOMENICI (for Mr. ABRAHAM and Mr. KENNEDY) proposed an amendment to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as follows:

On page 5, line 12, strike ''2006'' and insert ''2007''.

On page 7, beginning on line 11, strike ''VISA'' and all that follows through ''SYSTEM'' on line 13 and insert the following: ''VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY''.

On page 7, beginning on line 13, strike ''denial'' and all that follows through ''use'' on line 16 and insert the following: ''denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien's application for the waiver or through the use''.

Beginning on page 7, strike line 23 and all that follows through line 15 on page 8.

On page 9, line 6, strike ''United States);'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

On page 9, beginning on line 11, strike ''of'' and all that follows through ''and'' on line 12 and insert the following: ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

On page 10, line 7, strike ''United States'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

On page 10, line 8, insert '', based upon the evaluation in subclause (I),''.

On page 10, line 14, strike ''of'' and all that follows through ''and'' on line 15 and insert the following: ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

Beginning on page 10, line 25, strike ''but may'' and all that follows through ''Register'' on line 3 of page 11 and insert ''in consultation with the Secretary of State''.

Beginning on page 11, strike line 13 and all that follows through line 9 on page 12.

On page 12, line 10, strike ''(C)'' and insert ''(B)''.

On page 13, line 3, insert ''on the territory of the program country'' after ''ity)''.

On page 13, strike lines 4 through 6 and insert the following:

''(III) a severe breakdown in law and order affecting a significant portion of the program country's territory;

''(IV) a severe economic collapse in the program country; or''.

On page 13, line 8, insert ''in the program country'' after ''event''.

On page 13, line 12, before the period at the end of the line insert ''and where the country's participation in the program could contribute to that threat''.

On page 13, line 17, insert '', in consultation with the Secretary of State,'' after ''Attorney General''.

On page 14, line 18, strike ''a designation''.

On page 15, line 11, insert ''and departs'' after ''arrives''.

Beginning on page 16, line 25, strike ''Not later'' and all that follows through ''Senate'' on line 6 of page 17 and insert the following: ''As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section''.

On page 17, line 8, before the period at the end of the line insert the following: '', together with an analysis of that information''.

On page 17, line 10, strike ''October 1'' and insert ''December 31''.

On page 18, between lines 2 and 3, insert the following:

The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

On page 19, line 21, insert ''or Service identification number'' after ''name''.

Beginning on page 20, strike line 22 and all that follows through line 4 on page 21 and insert the following:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation.''.

On page 21, after line 4, add the following:

SEC. 207. VISA WAIVER INFORMATION.

Section 217(c) of the Immigration and Nationality Act (8U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

''(7) VISA WAIVER INFORMATION.—

''(A) IN GENERAL.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that

country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

''(B) REPORTING REQUIREMENT.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

''(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

''(ii) the total number of such nationals who received United States visas during the previous calendar year;

''(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

''(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

''(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

''(C) CERTIFICATION.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

''(D) CONSIDERATION OF COUNTRIES IN THE VISA WAIVER PROGRAM.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

''(E) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.''.

TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

(a) OFFICERS AND EMPLOYEES.—

(1) AFTER PRIVATIZATION.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(2) PRECURSORY EMPLOYMENT WITH SUCCESSOR BEFORE PRIVATIZATION COMPLETION.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106–180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

(b) IMMEDIATE FAMILY MEMBERS.—

(1) ALIENS MAINTAINING STATUS.—

(A) AFTER PRIVATIZATION.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(B) AFTER PRECURSORY EMPLOYMENT.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

(2) ALIENS CHANGING STATUS.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

(c) SPECIAL IMMIGRANTS.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term ''international organization'' includes INTELSAT or any successor or separated entity of INTELSAT.

SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

(a) IN GENERAL.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien—

(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the terms ''INTELSAT'', ''separated entity'', and ''successor entity'' shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

(2) the term ''date of privatization'' means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE IV—MISCELLANEOUS

Section 214 of the Immigration and Nationality Act is amended by adding the following new section.

(10) An amended H-1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.

On page 6, line 8, of the amendment, before the quotation marks, insert the following: ''No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or non-designation of any country.''.

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

SEC. ____. THE IMMIGRANT INVESTOR PILOT PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''seven years'' and inserting ''ten years''.

(b) DETERMINATIONS OF JOB CREATION.—Section 610(c) of such Act is amended by inserting '', improved regional productivity, job creation, or increased domestic capital investment'' after ''increased exports''.

At the end of the bill, add the following:

SEC. ____. PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

(a) ENTRY OF BUSINESS AIRCRAFT.—Section 217(a)(5) of the Immigration and Nationality Act (as designated by this Act) is amended by striking all after ''carrier'' and inserting the following: '', including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title

14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.''.

(b) ROUND-TRIP TICKET.—Section 217(a)(8) of the Immigration and Nationality Act (as designated by this Act) is amended by inserting ''or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations'' after ''regulations''.

(c) AUTOMATED SYSTEM CHECK.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: ''Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.''.

(d) CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.—

(1) IN GENERAL.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

(A) by striking ''carrier'' each place it appears and inserting ''carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title''; and

(B) in paragraph (2), by striking ''carrier's failure'' and inserting ''failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducing operations under part 91 of that title''.

(2) BUSINESS AIRCRAFT REQUIREMENTS.—Secion 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

''(3) BUSINESS AIRCRAFT REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a non-commercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business activity standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

''(B) COLLECTIONS.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on non-commercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigration visa waiver arrival/departure forms at land border ports of entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).''.

(e) REPORT REQUIRED.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 401. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

(1) in paragraph (1)—

(A) by striking ''an approved institution of higher education and a designated exchange visitor program'' and inserting ''the Attorney General'';

(B) by striking ''the time—'' and inserting the following: ''a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.''; and

(C) by striking subparagraphs (A) and (B);

(2) by amending paragraph (2) to read as follows:

''(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.'';

(3) in paragraph (3)—

(A) by striking ''has'' the first place it appears and inserting ''seeks''; and

(B) by striking ''has'' the second place it appears and inserting ''seeks to'';

(4) in paragraph (4)—

(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: '', except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $40''; and

(B) by adding at the end of subparagraph (B) the following new sentence: ''Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a).''; and

(5) by adding at the end the following new paragraphs:

''(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

''(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

''(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

''(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.''.

SEC. 402. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended to read as follows:

''(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.''.

SEC. 403. TECHNICAL AMENDMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

(1) in subsection (h)(2)(A), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State''; and

(2) in subsection (d)(1), by inserting ''institutions of higher education or exchange visitor programs'' after ''by''.

FEDERAL EMPLOYEES HEALTH INSURANCE PREMIUM CONVERSION ACT

ABRAHAM AMENDMENT NO. 4277

Mr. GRAMS (for Mr. ABRAHAM) proposed an amendment to the bill (H.R. 3646) to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; as follows:

On page 8, strike line 8 and insert the following:

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

COASTAL ZONE MANAGEMENT ACT OF 1999

SNOWE AMENDMENT NO. 4278

Mr. GRAMS (for Ms. SNOWE) proposed an amendment to the bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes; as follows:

On page 28, between lines 20 and 21, insert the following:

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c), (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.''.

On page 28, line 21, strike ''(b)'' and insert ''(c)''.

On page 45, strike lines 7 through line 10 and insert the following:

''(C) $13,000,000 for fiscal year 2002;

''(D) $14,000,000 for fiscal year 2003; and

''(E) $15,000,000 for fiscal year 2004;

On page 45, line 16, strike ''$5,500,000'' and insert ''$6,500,000''.

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

THOMPSON AMENDMENT NO. 4279

Mr. GRAMS (for Mr. THOMPSON) proposed an amendment to the bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) UNDERGROUND FACILITY.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) CONSULTATION.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 9:30 a.m., in open session to receive testimony on U.S. policy toward Iraq.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 28, 2000 at 9:30 a.m., on Department of Commerce trade missions/political activities.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 9:30 a.m., to conduct an oversight hearing. The committee will examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal government's breach of contract for failure to accept high level nuclear waste by January 1998.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 3:00 p.m., to hold a Joint Committee Hearing.

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

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 28, 2000 to mark up H.R. 4844, the Railroad Retirement and Survivors' Improvement Act of 2000 and the Community Renewal and New Markets Act of 2000.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 10:30 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 28, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

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

SPECIAL COMMITTEE ON AGING

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, September 28, 2000 from 8:00 a.m.–12:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and

Competition be authorized to meet to conduct a hearing on Thursday, September 28, 2000, at 2:00 p.m. The hearing will take place in Dirksen Room 226.

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

SUBCOMMITTEE ON SECURITIES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 28, 2000, to conduct a hearing on ''the proposal by the Securities and Exchange Commission to promulgate agency regulations that would restrict the types of non-audit services that independent public accounts may provide to their audit clients.''

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate Thursday, September 28, at 9:30 a.m., Hearing Room (SD-406) to conduct a hearing to receive testimony on H.R. 809, the Federal Protective Service Reform Act of 2000.

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

On September 27, 2000, the Senate amended and passed H.R. 4942, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4942) entitled ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District 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 District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.''.

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

For a Federal payment to the District of Columbia, $1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: Provided further, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $500,000: Provided, That $250,000 of said amount shall be used for a program to reduce school violence: Provided further, That $250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

FEDERAL PAYMENT TO COVENANT HOUSE WASHINGTON

For a Federal payment to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, $500,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $109,080,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,709,000; for the District of Columbia Superior Court, $72,399,000; for the District of Columbia Court System, $17,892,000; $5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and $5,825,000, including $825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $38,387,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $5,825,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $5,825,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 2000 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 2000 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC–99–226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the Senate and House of Representatives Appropriations Committees quarterly on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $112,527,000, of which $67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $18,778,000 shall be transferred to the Public Defender Service; and $26,228,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority [WMATA], a contribution of $25,000,000 to design and build a Metrorail station located at New York and Florida Avenues, Northeast: Provided, That, prior to the release of said funds from the Treasury, the District of Columbia shall set aside an additional $25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide $25,000,000: Provided further, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: Provided, That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: Provided further, That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: Provided further, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, $6,211,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 124 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $5,546,536,000 (of which $192,804,000 shall be from intra-District funds and $3,096,383,000 shall be from local funds): Provided further, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $6,500,000 from other funds: Provided, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $194,271,000 (including $160,672,000 from local funds, $20,424,000 from Federal funds, and $13,175,000 from other funds): Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $621,000 shall be available to the Office of the Mayor, $2,500,000 to the Office of Property Management, and $1,042,000 to be used for training, prioritized pursuant to an act of the Council: Provided further, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That $303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: Provided further, That section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1531) is amended by inserting ", to remain available until expended," after "$5,000,000".

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $205,638,000 (including $53,562,000 from local funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $3,296,000 shall be available to the Department of Housing and Community Development and $200,000 to the Department of Employment Services, prioritized pursuant to an act of the Council.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $1,293,000 shall be available to the Department of Fire and Emergency Medical Services, $100,000 to Citizen Complaint Review Board, $200,000 to Metropolitan Police Department, and $4,890,000 to the Settlement and Judgments Funds, prioritized pursuant to an act of the Council: $762,346,000 (including $591,365,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): Provided further, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service

areas established throughout the District of Columbia: Provided further, That Chapter 23 of Title 11 of the District of Columbia Code is repealed.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $998,918,000 (including $824,867,000 from local funds, $147,643,000 from Federal funds, and $26,408,000 from other funds), to be allocated as follows: $769,943,000 (including $629,309,000 from local funds, $133,490,000 from Federal funds, and $7,144,000 from other funds), for the public schools of the District of Columbia; $200,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,679,000 from local funds for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $105,000,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That the D.C. public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That $76,433,000 (including $44,691,000 from local funds, $13,199,000 from Federal funds, and $18,543,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $200,000 is allocated for the East of the River Campus Assessment Study, $1,000,000 for the Excel Institute Adult Education Program, $500,000 for the Adult Education State Plan, $650,000 for The Saturday Academy Pre-College Program, and $481,000 for the Strengthening of Academic Programs; and $26,459,000 (including $25,208,000 from local funds, $550,000 from Federal funds and $701,000 from other funds) for the Public Library: Provided further, That the $1,020,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and $119,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,204,000 (including $1,780,000 from local funds, $404,000 from Federal funds and $20,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That $2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: Provided further, That $50,000 is allocated to fund a conference on learning support for children ages 3–4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: Provided further, That no local funds in this Act shall be used to administer a system wide standardized test more than once in fiscal year 2001: Provided further, That no less than $436,452,000 shall be expended on local schools through the Weighted Student Formula: Provided further, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $12,079,000 shall be available to the District of Columbia Public Schools, $120,000 to the Commission on the Arts and Humanities, $400,000 to the District of Columbia Library, and $2,500,000 to the University of the District of Columbia for adult basic education, prioritized pursuant to an act of the Council.

HUMAN SUPPORT SERVICES

Human support services, $1,532,704,000 (including $634,397,000 from local funds, $881,589,000 from Federal funds, and $16,718,000 from other funds): Provided, That $25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $10,000,000 shall be available to the Children Investment Trust, $1,511,000 to the Department of Parks and Recreation, $574,000 to the Office on Aging, $4,245,000 to the Department of Health, and $1,500,000 to the Commission on Latino Affairs, prioritized pursuant to an act of the Council: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): Provided further, That $400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That $7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: Provided further, That notwithstanding any other provision of law, the District of Columbia may increase the Human Support Services appropriation under this Act by an amount equal to not more than 15 percent of the local funds in the appropriation in order to augment the District of Columbia subsidy for the Public Benefit Corporation for the purpose of restructuring the delivery of health services in the District of Columbia pursuant to a restructuring plan approved by the Mayor, Council of the District of Columbia, District of Columbia Financial Responsibility and Management Assistance Authority, and Chief Financial Officer.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $278,242,000 (including $265,078,000 from local funds, $3,328,000 from Federal funds, and $9,836,000 from other funds): Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $1,500,000 shall be available to Public Works, $1,000,000 to the Department of Motor Vehicles, and $1,550,000 to the Taxicab Commission, prioritized pursuant to an act of the Council: Provided further, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $100,000 be available for a commercial sector recycling initiative: Provided further, That $250,000 be available to initiate a recycling education campaign: Provided further, That $10,000 be available for community clean-up kits: Provided further, That $190,000 be available to restore 3.5 percent vacancy rate in Parking Services: Provided further, That $170,000 be available to plant 500 trees: Provided further, That $118,000 be available for two water trucks: Provided further, That $150,000 be available for contract monitors and parking analysts within Parking Services: Provided further, That $1,409,000 be available for a neighborhood clean-up initiative: Provided further, That $1,000,000 be available for tree maintenance: Provided further, That $600,000 be available for an anti-graffiti program: Provided further, That $226,000 be available for a hazardous waste program: Provided further, That $1,260,000 be available for parking control aides: Provided further, That $400,000 be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds): Provided, That of the $150,000,000 freed-up appropriation provided for by this Act, $6,300,000 shall be available to the LaShawn Receivership and $13,000,000 to the Commission on Mental Health, prioritized pursuant to an act of the Council.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000 of local funds.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, $243,238,000 from local funds: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, the balance remaining after other expenditures shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing, prioritized pursuant to an act of the Council: Provided further, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act (Public Law 106–113; 113 Stat. 1531) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $2,000,000 is allocated to the Metropolitan Police Department, $4,300,000 for the Fire and Emergency Medical Services Department, $1,622,000 for the Public Library, $2,010,000 for the Department of Parks and Recreation, $7,500,000 for the Department of Public Works and $1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $6,211,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,409,000.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, $13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

There is transferred $61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; to be codified at D.C. Code, sec. 6–135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of $5,000,000: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $5,000,000 shall be available for the savings associated with the implementation of the Cafeteria Plan, prioritized pursuant to an act of the Council.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $275,705,000 from other funds (including $230,614,000 for the Water and Sewer Authority and $45,091,000 for the Washington Aqueduct) of which $41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $140,725,000, as authorized by the Act entitled ''An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes'' (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $223,200,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,968,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212; D.C. Code, sec. 32–262.2, $123,548,000 of which $45,313,000 shall be derived by transfer from the general fund, and $78,235,000 from other funds: Provided, That no amounts may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,077,282,000 of which $806,787,000 is from local funds, $66,446,000 is from highway trust funds, and $204,049,000 is from Federal funds, and a rescission of $55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,022,074,000 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained

in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 105. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 107. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, 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 available for obligation or expenditure for an agency through a reprogramming or inter-appropriation transfer of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; or (8) transfers an amount from one appropriation to another as long as the amount transferred shall not exceed 2 percent of the local funds in the appropriation; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming or inter-appropriation transfer as set forth in this section.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 114. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 116. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 117. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 118. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. (a) The Superintendent of the District of Columbia Public Schools [DCPS] and the University of the District of Columbia [UDC] shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 119. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 120. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

SEC. 121. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 122. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 123. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 124. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 125. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 126. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 127. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–625.7), is amended as follows:

(a) Subsection (a) is amended by striking the date "September 30, 2000" and inserting the phrase "September 30, 2000, and each subsequent fiscal year" in its place.

(b) Subsection (b) is amended by striking the phrase "Prior to February 1, 2000" and inserting the phrase "Prior to February 1 of each year" in its place.

(c) Subsection (i) is amended by striking the phrase "March 1, 2000" and inserting the phrase "March 1 of each year" in its place.

(d) Subsection (k) is amended by striking the phrase ''September 1, 2000'' and inserting the phrase ''September 1 of each year'' in its place.

SEC. 128. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 129. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 130. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 131. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 132. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 134. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 135. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 136. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 137. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 138. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 139. (a) None of the funds contained in this Act may be used to enact or carry out any

law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 140. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 141. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 142. (a) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following:

''COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

''SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

''(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

''(1) A cash management policy.

''(2) A debt management policy.

''(3) A financial asset management policy.

''(4) A contingency reserve management policy in accordance with section 450A(a)(3).

''(5) An emergency reserve management policy in accordance with section 450A(b)(3).

''(6) A policy for determining real property tax exemptions for the District of Columbia.

''(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

''(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor for review and the District of Columbia Financial Responsibility and Management Assistance Authority (in a control year);

''(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia for approval; and

''(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council of the District of Columbia.

''(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—

''(1) CFO.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to section 450B of the District of Columbia Home Rule Act.

''(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council of the District of Columbia for its prompt review and adoption.

''(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the District of Columbia Financial Responsibility and Management Assistance Authority for a review of not to exceed 30 days.

''(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 143. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47–317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: ''Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.''; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: ''upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council of the District of Columbia. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.''.

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47–317.3, D.C. Code) is amended—

(A) in the heading, by striking ''DURING A CONTROL YEAR'';

(B) in the matter preceding paragraph (1), by striking ''During a control year, the Chief Financial Officer'' and inserting ''The Chief Financial Officer'';

(C) in paragraph (1), by striking ''Preparing'' and inserting ''During a control year, preparing'';

(D) in paragraph (3), by striking ''Assuring'' and inserting ''During a control year, assuring'';

(E) in paragraph (5), by striking ''With the Approval'' and all that follows through ''the Council—'' and inserting ''Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—'';

(F) in paragraph (11), by striking ''or the Authority'' and inserting ''(or by the Authority during a control year)''; and

(G) by adding at the end the following new paragraphs:

''(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

''(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

''(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

''(21) Administering the centralized District government payroll and retirement systems.

''(22) Governing the accounting policies and systems applicable to the District government.

''(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

''(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).''.

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking ''or subsection (d)''; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 144. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

SEC. 145. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100–71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the ''agency'') may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100–71 or 12 months after the date referred to in paragraph (1), whichever is later.

SEC. 146. The Mayor of the District of Columbia shall submit quarterly reports to the Senate Committees on Appropriations and Governmental Affairs, commencing October 1, 2000, addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible

but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 147. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

''RESERVE FUNDS

''SEC. 450A. (a) EMERGENCY RESERVE FUND.—

''(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

''(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

''(A) IN GENERAL.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2001, 1 percent.

''(ii) For fiscal year 2002, 2 percent.

''(iii) For fiscal year 2003, 3 percent.

''(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

''(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

''(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–707) or unexpected obligations by Federal law.

''(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6–1504, D.C. Code).

''(C) The emergency reserve fund may not be used to fund—

''(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

''(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

''(iii) settlements and judgments made by or against the Government of the District of Columbia.

''(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

''(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

''(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

''(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

''(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated for operating expenditures by the following fiscal year.

''(b) CONTINGENCY RESERVE FUND.—

''(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

''(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

''(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2005, 1 percent.

''(ii) For fiscal year 2006, 2 percent.

''(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

''(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

''(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

''(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

''(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

''(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

''(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated for operating expenditures by the following fiscal year.

''(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.''.

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

''Sec. 450A. Reserve funds.''.

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), D.C. Code) is amended by striking ''Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act'' and inserting ''For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year''.

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47–392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

This Act may be cited as the ''District of Columbia Appropriations Act, 2001''.

THE CALENDAR

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the following bills en bloc: Calendar No. 599, S. 150; Calendar No. 600, S. 11; Calendar No. 601, S. 451; Calendar No. 602, S. 1078; Calendar No. 603, S. 1513; Calendar No. 604, S. 2019; Calendar No. 651, S. 869; Calendar No. 659, H.R. 3646; Calendar No. 735, S. 2000; Calendar No. 736, S. 2002; Calendar No. 738, S. 2289; and Calendar No. 824, S. 785.

I ask unanimous consent that amendment No. 4277 to H.R. 3646 be agreed to, any committee amendments be agreed to, as amended, if amended, the bills be

read a third time and passed, the motions to reconsider be laid upon the table, any title amendments be agreed to, and any statements relating to any of the bills be printed in the RECORD, with the above occurring en bloc.

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

RELIEF OF MARINA KHALINA AND HER SON, ALBERT MIFTAKHOV

The bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 150

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marina Khalina and her son, Albert Miftakhov, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marina Khalina and her son, Albert Miftakhov, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF WEI JINGSHENG

The bill (S. 11) for the relief of Wei Jingsheng was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 11

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

SECTION 1. PERMANENT RESIDENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Wei Jingsheng Freedom of Conscience Act''.

(b) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF SAEED REZAI

The bill (S. 451) for the relief of Saeed Rezai was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 451

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Saeed Rezai shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Saeed Rezai as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF ELIZABETH EKA BASSEY AND HER CHILDREN

The Senate proceeded to consider the bill (S. 1078) for the relief of M.S. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic, as follows:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Amend the title to read as follows: ''A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1078) was read the third time and passed.

The title was amended so as to read:

A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

RELIEF OF JACQUELINE SALINAS AND HER CHILDREN

The bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1513

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF VISAS.

Upon the granting of permanent residence to Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF MALIA MILLER

The bill (S. 2019) for the relief of Malia Miller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2019

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

SECTION 1. PERMANENT RESIDENT STATUS FOR MALIA MILLER.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Malia Miller shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Malia Miller enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Malia Miller, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF MINA VAHEDI NOTASH

The bill (S. 869) for the relief of Mina Vahedi Notash was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 869

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

SECTION 1. PERMANENT RESIDENT STATUS FOR MINA VAHEDI NOTASH.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Mina Vahedi Notash shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Mina Vahedi Notash enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Mina Vahedi Notash, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

RELIEF OF PERSIAN GULF EVACUEES

The Senate proceeded to consider the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) IN GENERAL.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Amal Mustafa and Raed Mustafa.

(4) Shaher M. Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sesinando P. Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.

(37) Hanan Said and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Farah Bader Shaath and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raoof Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Maha A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) OFFSET IN NUMBER OF VISAS AVAILABLE.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

AMENDMENT NO. 4277

(Purpose: To make technical amendments)

On page 8, strike line 8 and insert the following:

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

The amendment (No. 4277) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 3646), as amended, was read the third time and passed.

RELIEF OF GUY TAYLOR

The bill (S. 2000) for the relief of Guy Taylor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2000

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

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the

current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF TONY LARA

The Senate proceeded to consider the bill (S. 2002) for the Relief of Tony Lara, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 2002

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

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to [Guy Taylor] *Tony Lara*, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The committee amendment was agreed to:

The bill (S. 2002), as amended, was read the third time and passed.

RELIEF OF JOSE GUADALUPE TELLEZ PINALES

The bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2289

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Guadalupe Tellez Pinales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

RELIEF OF FRANCES SCHOCHENMAIER

The Senate proceeded to consider the bill (S. 785) for the relief of Frances Schochenmaier, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. RELIEF OF FRANCES SCHOCHENMAIER.

The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Frances Schochenmaier of Bonesteel, South Dakota, the sum of $60,567.58 in compensation for the erroneous underpayment to Herman Schochenmaier, husband of Frances Schochenmaier, during the period from September 1945 to March 1995, of compensation and other benefits relating to a service-connected disability incurred by Herman Schochenmaier during military service in World War II.

SEC. 2. RELIEF OF MARY HUDSON.

Notwithstanding section 5121(a) of title 38, United States Code, or any other provision of law, the Secretary of Veterans Affairs shall not recover from the estate of Wallace Hudson, formerly of Russellville, Alabama, or from Mary Hudson, the surviving spouse of Wallace Hudson, the sum of $97,253 paid to Wallace Hudson for compensation and other benefits relating to a service-connected disability incurred by Wallace Hudson during active military service in World War II, which payment was mailed by the Secretary to Wallace Hudson in January 2000 but was delivered after Wallace Hudson's death.

SEC. 3. LIMITATION ON FEES.

(a) IN GENERAL.—Not more than a total of 10 percent of the payment required by section 1 or retained under section 2 may be paid to or received by agents or attorneys for services rendered in connection with obtaining or retaining such payment, as the case may be, any contract to the contrary notwithstanding.

(b) VIOLATION.—Any person who violates subsection (a) shall be fined not more than $1,000.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 785), as amended, was agreed to.

The title was amended so as to read:

A Bill for the relief of Francis Schochenmaier and Mary Hudson.

PRESIDENTIAL TRANSITION ACT OF 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 812, H.R. 4931.

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

The legislative clerk read as follows:

A bill (H.R. 4931) to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. 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. 4931) was read the third time and passed.

RELIEF OF AKAL SECURITY, INCORPORATED

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate proceed to the immediate consideration of H.R. 3363.

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. 3363) for the relief of Akal Security, Incorporated.

The Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be considered 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. 3363) was read the third time and passed.

AMENDING THE NATIONAL HOUSING ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5193 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. 5193) to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. 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. 5193) was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

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

proceed to the consideration of S. Con. Res. 139, introduced earlier today by Senator INOUYE.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRAMS. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 139) was agreed to, as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term ''event'' means the dedication of the National Japanese-American Memorial to Patriotism .

(2) SPONSOR.—The term ''sponsor'' means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

COASTAL ZONE MANAGEMENT ACT OF 1999

Mr. GRAMS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 803, S. 1534.

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

The legislative clerk read as follows:

A bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, 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 ''Coastal Zone Management Act of 2000''.

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein,'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat,'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.''; and

(7) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.''.

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the states'' in paragraph (2) and inserting ''state and local governments'';

(2) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(3) by striking ''agencies and state and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management; and'';

(4) by inserting ''other countries,'' after ''agencies,'' in paragraph (5);

(5) by striking ''and'' at the end of paragraph (5);

(6) by striking ''zone.'' in paragraph (6) and inserting ''zone;''; and

(7) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

''(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.''.

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

''(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries.''; and

(3) by adding at the end thereof the following:

''(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

''(20) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

''(C) any regional agency;

''(D) any interstate agency;

''(E) any nonprofit organization; or

''(F) any reserve established under section 315.''.

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

''SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

''(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

''(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.''.

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting ''including developing and implementing coastal nonpoint pollution control program components,'' after ''program,''.

(b) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting ''or other important coastal habitats'' in subsection (b)(1)(A) after ''306(d)(9)'';

(2) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(3) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(4) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(5) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section;'';

(6) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans.''; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection—

''(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

''(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.''.

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.''.

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking ''section, up to a maximum of $10,000,000 annually'' in subsection (f) and inserting ''section.''; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats; and

''(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.''.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

''(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

''(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

''(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

''(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.''.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting ''coordinated with National Estuarine Research Reserves in the state'' after ''303(2)(A) through (K),''.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall elect annually—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—''.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking ''public education and interpretation; and''; and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' before ''principles'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' before ''methodologies'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' before ''results'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

(3) by striking paragraph (1) and inserting the following:

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities.''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (1)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities; and'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal state or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other state programs established under sections 306 and 309A,'' after ''including''.

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and inserting ''zone;'' in the provision designated as (10) in subsection (a);

(3) by inserting ''education,'' after the ''studies,'' in the provision designated as (12) in subsection (a);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306, 306A, and 309—

''(A) $70,000,000 for fiscal year 2000;

''(B) $80,000,000 for fiscal year 2001;

''(C) $83,500,000 for fiscal year 2002;

''(D) $87,000,000 for fiscal year 2003; and

''(E) $90,500,000 for fiscal year 2004;

''(2) for grants under section 309A,—

''(A) $25,000,000 for fiscal year 2000;

''(B) $26,000,000 for fiscal year 2001;

''(C) $27,000,000 for fiscal year 2002;

''(D) $28,000,000 for fiscal year 2003; and

''(E) $29,000,000 for fiscal year 2004;

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

''(3) for grants under section 315,—

''(A) $7,000,000 for fiscal year 2000;

''(B) $12,000,000 for fiscal year 2001;

''(C) $12,500,000 for fiscal year 2002;

''(D) $13,000,000 for fiscal year 2003; and

''(E) $13,500,000 for fiscal year 2004;

''(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

''(5) for costs associated with administering this title, $5,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.'';

(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';

(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';

(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to states under this Act.''; and

(5) by adding at the end thereof the following:

''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

''(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.''.

Mr. MCCAIN. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. Originally passed in 1972, the Coastal Zone Management Act, CZMA, was intended to address increased population and development in coastal communities. The programs established under this law were designed to balance responsible development with the preservation of the coastal environment. With over half of the U.S. population living in coastal areas, such balance is more important than ever.

This bill reauthorizes the law through fiscal year 2004 and improves the framework of the CZMA—voluntary federal-state matching grant programs. S. 1534 also enhances the ability of coastal zone managers to meet the ever increasing demands of tourism, commercial growth, pollution and environmental protection. In fact, one of the most serious problems facing our coastal environment is the damage caused by polluted runoff, or nonpoint source pollution. Polluted runoff has contributed to human health problems, permanent environmental damage, and beach closures.

The legislation before us today will improve the ability of managers to address polluted runoff in a manner specifically tailored to each state's individual needs. The bill clarifies and confirms that matching federal grants may be used to address nonpoint source pollution under the CZMA. In addition, S. 1534 reauthorizes the coastal zone enhancement grant program and provides dedicated funding for the continued implementation of state coastal nonpoint source pollution plans. Previous provisions had limited the program to projects such as wetlands protection and restoration, protection from coastal hazards, and reduction of marine debris along the coast.

I urge my colleagues to support S. 1534. It is a strong, pro-environment bill, which will provide a series of improvements to the Coastal Zone Management Act. Most importantly, the bill allows local and state environmental problems to be addressed on a community-by-community basis. This bipartisan bill enjoys the strong support of the Coastal States Organization, which represents the governors of more than 30 states, and a coalition of environmental organizations.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY and HOLLINGS for their bipartisan support of and hard work on

this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and reasonable CZMA bill. In addition, the Committee appreciates the efforts of Jena Carter, a former Sea Grant fellow, and Catherine Wannamaker, two former Committee staff who helped develop the legislation.

Again I urge the Senate to pass S. 1534, the Coastal Zone Management Act of 2000.

Mr. HOLLINGS. Mr. President, I rise to voice my support in passing S. 1534, a bill to reauthorize the Coastal Zone Management Act for fiscal years 2000 through 2004, which the Commerce Committee reported out favorably this session. First, I would like to commend Senators SNOWE and KERRY for their leadership on this very important reauthorization.

In 1969, the Commission on Marine Science, Engineering and Resources (the Stratton Commission) recommended that: ''. . . a Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land.''

In response to this recommendation, Congress, in 1972, enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage state participation, the CZMA established a voluntary, two-stage, state assistance program. The first stage, awarded ''section 305'' grants to coastal states for development of coastal management programs meeting certain federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for states to implement their federally-approved coastal programs. All grants require equal matching funds from the state. Since passage of the CZMA, all 34 eligible states and territories have participated in the program to some degree. Currently, 34 of the 35 eligible coastal states and territories have Federally approved plans. The approved plans include more than 100,000 miles of coastline, which represents nearly all of the national total covered by the Act. The Ohio, Georgia, and Texas, and Minnesota state CZMA programs all received federal approval within the past three years. Of the eligible states, only Illinois is not participating.

Let me note that the nature and structure of CZM programs vary widely from state to state. This diversity was intended by Congress. Some states, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other states, like Oregon, used existing land use legislation as the foundation for their federally-approved programs. Finally, states like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal states and local governments. Through the CZMA, these collective authorities are orchestrated to serve the ''national interest in effective management, beneficial use, protection, and development of the coastal zone.'' This 28 year program is a success story of how the local, state and federal government can work together for the benefit of all who enjoy and rely on our coastal resources.

I am pleased to report that S. 1534 reauthorizes and strengthens a program that works well. It provides total authorizations of over $136 million, and adds a new Coastal Community Grant Program under section 309A for states that want to focus on coastal community-based initiatives. This provision is aimed at addressing the need for Federal and state support of community-based planning, strategies, and solutions for local sprawl and development issues in the coastal zone. In addition, it strengthens and provides increased authorizations for the National Estuarine Research Reserve System, natural labs operated by the states that support management-oriented research needed by coastal resource managers, as well as educational and interpretive programs to improve public awareness and understanding of the coastal environment.

While the CZMA has proven greatly successful, the world has changed since 1972. Today, over half of the U.S. population lives within 50 miles of our shores—and more than 3,000 people move to the coast every day. In addition, more than 30 percent of the Gross Domestic Product is generated in the coastal zone. In my state of South Carolina, our beaches now attract millions of visitors every year, all year long, placing greater demands on our coastal resources than every before. And more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the state. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must allow our states to do a better job of planning how we impact the very regions in which we all want to live.

Strengthening the CZMA is one important step in addressing these problems. These changes also call for another look at our overall ocean and coastal policy, which is why Congress this year enacted the Oceans Act of 2000, with the strong bipartisan support, including that of Senators SNOWE, KERRY, STEVENS and BREAUX. Through reauthorization and strengthening of the CZMA and creation of a new Ocean Policy Commission called for in the Oceans Act, we are on track in the year 2000 to continue and improve upon the good work started by the Stratton Commission in 1969.

Ms. SNOWE. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal states can choose to participate in the voluntary federal Coastal Zone Management Program. States design individual coastal zone management programs, taking their specific needs and problems into account, and then receive federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, protecting habitat, to coordinating permits for coastal development.

The Coastal Zone Management Act was originally enacted by Congress in 1972, in response to concerns over the increasing demands being placed on our nation's coastal regions and resources. These pressures have increased greatly since the Act was originally authorized. Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, it is home to more than 53 percent of the U.S. population, and more than 3,600 people are relocating there annually. It is also an extremely important region economically, supporting commercial and recreational fishing, a booming coastal tourism industry, major commercial shipping, and a variety of other coastal industries.

The coastal zone is comprised of a number of delicate and extremely important ecosystems. Its health is of vital importance not only to the multitude of plants and animals that inhabit this area, but also the people and communities that are dependent on it for their livelihood. For example, coastal estuaries provide habitat for more than 75 percent of the U.S. commercial and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing added another $25 billion to the economy. Unfortunately, these major economic contributions are being threatened by environmental problems such as non-point source pollution.

Non-point source pollution is degrading the condition of our coastal rivers, wetlands, and marine environments. Although the states are currently taking action to address this problem under existing authority, the Coastal Zone Management Act of 2000 encourages them to take additional steps to

combat the problem through the Coastal Community Program. This initiative provides states with the funding and flexibility needed to deal with their specific non-point source pollution problems. The states will have the ability to implement local solutions to local problems.

The Coastal Community Program in this bill also aides states in developing and implementing creative initiatives to deal with problems other than non-point solution. It increases federal and state support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical. It allows communities to design their own solutions to their unique coastal environmental problems. The program also allows communities to be proactive in protecting their coastal resources, preventing them from reaching a point where drastic action may become necessary.

The Coastal Zone Management Act of 2000 significantly increases authorization levels for the Coastal Zone Management Program, allowing states to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2001 and increases the authorization levels by $5.5 million each year through fiscal year 2004.

To provide further flexibility, the bill allows state matching funds to accrue in aggregate, as opposed to requiring the states to match each section individually. In my own state of Maine, our Coastal Zone Management Program raises an average of seven dollars in state matching funds for every single federal dollar appropriated. Unfortunately, not all states have been as successful. The new aggregate match provision will give coastal states more leeway to address important state and community projects.

Additionally, the Coastal Zone Management Act of 2000 increases authorization for the National Estuarine Research Reserve System (NERRS) to $12 million in fiscal year 2001 with an additional $1 million increase each year through fiscal year 2004. The NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership. Currently, there are 25 reserves in 22 states. They provide an important opportunity for long-term research and education in estuarine ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant section, section 306, serves as the base funding mechanism for the states' coastal zone management programs. The amount of funding each state receives is determined by a formula that takes into account both the length of coastline and the population of each state. However, since 1992, the Appropriations Committee has imposed a two million dollar cap per state on Administrative Grants. This was an attempt to ensure equitable allocation to all the participating states. However, over the past eight years, appropriations for Administrative Grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. In fiscal year 2000, 13 states had reached this arbitrary $2 million cap. These 13 states account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 states with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller states have enjoyed additional programmatic success due to an influx of funding, some of the larger states have stagnated. In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure equitable increases or decreases between funding years for each state. It further requires that states should not experience a decrease in base program funds in any year when the overall appropriations increase. I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the states be treated fairly.

The Coastal Zone Management Act enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program. I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, a cosponsor of the bill and the Chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. I urge the Senate to pass S. 1534, as amended.

AMENDMENT NO. 4278

Mr. GRAMS. Mr. President, Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Ms. SNOWE, proposes an amendment numbered 4278.

Mr. GRAMS. 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 increase authorization levels for the National Estuarine Research Reserve System and for other purposes.)

On page 28, between lines 20 and 21, insert the following:

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.''.

On page 28, line 21, strike ''(b)'' and insert ''(c)''.

On page 45, strike lines 7 through line 10 and insert the following:

''(C) $13,000,000 for fiscal year 2002;

''(D) $14,000,000 for fiscal year 2003; and

''(E) $15,000,000 for fiscal year 2004;

On page 45, line 16, strike ''$5,500,000'' and insert ''$6,500,000''.

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Under Secretary for Oceans and Atmosphere should reevaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

Mr. GRAMS. I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4278) was agreed to.

Mr. GRAMS. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, as amended, 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 committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1534), as amended, was read the third time and passed, as follows:

S. 1534

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 ''Coastal Zone Management Act of 2000''.

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein,'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat,'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.''; and

(7) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.''.

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the states'' in paragraph (2) and inserting ''state and local governments'';

(2) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(3) by striking ''agencies and state and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management; and'';

(4) by inserting ''other countries,'' after ''agencies,'' in paragraph (5);

(5) by striking ''and'' at the end of paragraph (5);

(6) by striking ''zone.'' in paragraph (6) and inserting ''zone;''; and

(7) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

''(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.''.

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

''(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries.''; and

(3) by adding at the end thereof the following:

''(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

''(20) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

''(C) any regional agency;

''(D) any interstate agency;

''(E) any nonprofit organization; or

''(F) any reserve established under section 315.''.

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

''SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

''(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

''(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.''.

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting ''including developing and implementing coastal nonpoint pollution control program components,'' after ''program,''.

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting ''or other important coastal habitats'' in subsection (b)(1)(A) after ''306(d)(9)'';

(2) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(3) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(4) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(5) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section;'';

(6) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans.''; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection—

''(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

''(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.''.

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.''.

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control program

components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking ''section, up to a maximum of $10,000,000 annually'' in subsection (f) and inserting ''section.''; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats; and

''(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.''.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

''(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

''(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

''(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

''(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.''.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting ''coordinated with National Estuarine Research Reserves in the state'' after ''303(2)(A) through (K),''.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall elect annually—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—''.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking ''public education and interpretation; and''; and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' before ''principles'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' before ''methodologies'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' before ''results'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

(3) by striking paragraph (1) and inserting the following:

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities.''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (1)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities; and'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal state or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and

which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other state programs established under sections 306 and 309A,'' after ''including''.

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and inserting ''zone;'' in the provision designated as (10) in subsection (a);

(3) by inserting ''education,'' after the ''studies,'' in the provision designated as (12) in subsection (a);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306, 306A, and 309—

''(A) $70,000,000 for fiscal year 2000;

''(B) $80,000,000 for fiscal year 2001;

''(C) $83,500,000 for fiscal year 2002;

''(D) $87,000,000 for fiscal year 2003; and

''(E) $90,500,000 for fiscal year 2004;

''(2) for grants under section 309A—

''(A) $25,000,000 for fiscal year 2000;

''(B) $26,000,000 for fiscal year 2001;

''(C) $27,000,000 for fiscal year 2002;

''(D) $28,000,000 for fiscal year 2003; and

''(E) $29,000,000 for fiscal year 2004;

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

''(3) for grants under section 315—

''(A) $7,000,000 for fiscal year 2000;

''(B) $12,000,000 for fiscal year 2001;

''(C) $13,000,000 for fiscal year 2002;

''(D) $14,000,000 for fiscal year 2003; and

''(E) $15,000,000 for fiscal year 2004;

''(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

''(5) for costs associated with administering this title, $6,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.'';

(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';

(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';

(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to states under this Act.''; and

(5) by adding at the end thereof the following:

''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

''(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.''.

SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 686, S. 2487.

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

The legislative clerk read as follows:

A bill (S. 2487) to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2001''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated, as Appropriations Acts may provide, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, not to exceed $80,240,000 for the fiscal year ending September 30, 2001.

(2) For the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $50,000,000, to be available until expended. In addition, for administrative expenses related to loan guarantee commitments under title XI of that Act, $4,179,000.

SEC. 3. AMENDMENTS TO TITLE IX OF THE MERCHANT MARINE ACT, 1936.

(a) Title IX of the Merchant Marine Act, 1936 (46 U.S.C. App. 101 et seq.) is amended by adding at the end thereof the following:

''SEC. 910. DOCUMENTATION OF CERTAIN DRY CARGO VESSELS.

''(a) IN GENERAL.—The restrictions of section 901(b)(1) of this Act concerning a vessel built in a foreign country shall not apply to a newly constructed drybulk or breakbulk vessel over 7,500 deadweight tons that has been delivered from a foreign shipyard or contracted for construction in a foreign shipyard before the earlier of—

''(1) the date that is 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2001; or

''(2) the effective date of the OECD Shipbuilding Trade Agreement Act.

''(b) COMPLIANCE WITH CERTAIN U.S.-BUILD REQUIREMENTS.—A vessel timely contracted for or delivered pursuant to this section and documented under the laws of the United States shall be deemed to have been United-States built for purposes of sections 901(b) and 901b of this Act if—

''(1) following delivery by a foreign shipyard, the vessel has any additional shipyard work necessary to receive its initial Coast Guard certificate of inspection performed in a United States shipyard;

''(2) the vessel is not documented in another country before being documented under the laws of the United States;

''(3) the vessel complies with the same inspection standards set forth for ocean common carriers in section 1137 of the Coast Guard Authorization Act of 1996 (46 U.S.C. App. 1187 note); and

''(4) actual delivery of a vessel contracted for construction takes place on or before the 3-year anniversary of the date of the contract to construct the vessel.

''(c) SECTION 12106(e) OF TITLE 46.—Section 12106(e) of title 46, United States Code, shall not apply to a vessel built pursuant to this section.''.

(b) CONFORMING CALENDAR YEAR TO FEDERAL FISCAL YEAR FOR SECTION 901b PURPOSES.—Section 901b(c)(2) of the Merchant Marine Act, 1936 (46 U.S.C App. 1241f(c)(2)) is amended by striking ''1986.'' and inserting ''1986, the 18-month period commencing April 1, 2000, and the 12-month period beginning on the first day of October in the year 2001 and each year thereafter.''.

SEC. 4. SCRAPPING OF CERTAIN VESSELS.

(a) INTERNATIONAL ENVIRONMENTAL SCRAPPING STANDARD.—The Secretary of State in coordination with the Secretary of Transportation shall initiate discussions in all appropriate international forums in order to establish an international standard for the scrapping of vessels in a safe and environmentally sound manner.

(b) SCRAPPING OF OBSOLETE NATIONAL DEFENSE RESERVE FLEET VESSELS.—

(1) DEVELOPMENT OF A SHIP SCRAPPING PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, the Assistant Secretary for Occupational Safety and Health, and the Secretary of State, shall develop a program within 9 months after the date of enactment of this Act for the scrapping of obsolete National Defense Reserve Fleet Vessels and report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Services.

(A) CONTENT.—The report shall include information concerning the initial determination of scrapping capacity, both domestically and abroad, development of appropriate regulations, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and long term cost estimates for the ship scrapping program.

(B) ALTERNATIVES.—In developing the program the Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of State shall consider all alternatives and available information including—

(i) alternative scrapping sites;

(ii) vessel donations;

(iii) sinking of vessels in deep water;

(iv) sinking vessels for development of artificial reefs;

(v) sales of vessels before they become obsolete;

(vi) results from the Navy Pilot Scrapping Program under section 8124 of the Department of Defense Appropriations Act, 1999; and

(vii) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April, 1998.

(2) SELECTION OF SCRAPPING FACILITIES.—Notwithstanding the provisions of the Toxic Substances Control Act (15 U.S.C. 2605 et seq.), a ship scrapping program shall be accomplished through qualified scrapping facilities whether located in the United States or abroad. Scrapping facilities shall be selected on a best value basis taking into consideration, among other things, the facilities's ability to scrap vessels—

(A) economically;

(B) in a safe and timely manner;

(C) with minimal impact on the environment;

(D) with proper respect for worker safety; and

(E) by minimizing the geographic distance that a vessel must be towed when such a vessel poses a serious threat to the environment.

(3) AMENDMENT OF NATIONAL MARITIME HERITAGE ACT.—Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(A) by striking ''2001'' in subparagraph (A) and inserting ''2006''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) in the most cost effective manner to the United States taking into account the need for disposal, the environment, and safety concerns; and''.

(4) FUNDING FOR SCRAPPING.—Section 2218(c)(1)(E) of title 10, United States Code, is amended by inserting ''and scrapping the vessels of'' after ''maintaining''.

(c) LIMITATION ON SCRAPPING BEFORE PROGRAM.—Until the report required by subsection (b)(1) is transmitted to the Congress, the Secretary may not proceed with the scrapping of any vessels in the National Defense Reserve Fleet except the following:

(1) EXPORT CHALLENGER.
(2) EXPORT COMMERCE.
(3) BUILDER.
(4) ALBERT E. WATTS.
(5) WAYNE VICTORY.
(6) MORMACDAWN.
(7) MORMACMOON.
(8) SANTA ELENA.
(9) SANTA ISABEL.
(10) SANTA CRUZ.
(11) PROTECTOR.
(12) LAUDERDALE.
(13) PVT. FRED C. MURPHY.
(14) BEAUJOLAIS.
(15) MEACHAM.
(16) NEACO.
(17) WABASH.
(18) NEMASKET.
(19) MIRFAK.
(20) GEN. ALEX M. PATCH.
(21) ARTHUR M. HUDDELL.
(22) WASHINGTON.
(23) SUFFOLK COUNTY.
(24) CRANDALL.
(25) CRILLEY.
(26) RIGEL.
(27) VEGA.
(28) COMPASS ISLAND.
(29) DONNER.
(30) PRESERVER.
(31) MARINE FIDDLER.
(32) WOOD COUNTY.
(33) CATAWBA VICTORY.
(34) GEN. NELSON M. WALKER.
(35) LORAIN COUNTY.
(36) LYNCH.
(37) MISSION SANTA YNEZ.
(38) CALOOSAHATCHEE.
(39) CANISTEO.

(d) BIANNUAL REPORT.—Beginning 1 year after the date of enactment of this Act, the Secretary of Transportation in coordination with the Secretary of the Navy shall report to Congress biannually on the progress of the ship scrapping program developed under subsection (b)(1) and on the progress of any other scrapping of obsolete government-owned vessels.

SEC. 5. REPORTING OF ADMINISTERED AND OVERSIGHT FUNDS.

The Maritime Administration, in its annual report to the Congress under section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118), and in its annual budget estimate submitted to the Congress, shall state separately the amount, source, intended use, and nature of any funds (other than funds appropriated to the Administration or to the Secretary of Transportation for use by the Administration) administered, or subject to oversight, by the Administration.

SEC. 6. MARITIME INTERMODAL RESEARCH.

Section 8 of Public Law 101–115 (46 U.S.C. App. 1121–2) is amended by adding at the end thereof the following:

''(f) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

''(1) IN GENERAL.—The Secretary may make a grant under section 5505 of title 49, United States Code, to an institute designated under subsection (a) for maritime and maritime intermodal research under that section as if the institute were a university transportation center.

''(2) ADVICE AND CONSULTATION OF MARAD.—In making a grant under the authority of paragraph (1), the Secretary, through the Research and Special Programs Administration, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.''.

SEC. 7. MARITIME RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of maritime research and technology development, and report its findings and conclusions, together with any recommendations it finds appropriate, to the Congress within 9 months after the date of enactment of this Act.

(b) REQUIRED AREAS OF STUDY.—The Secretary shall include the following items in the report required by subsection (a):

(1) The approximate dollar values appropriated by the Congress for each of the 5 fiscal years ending before the study is commenced for each of the following modes of transportation:

(A) Highway.
(B) Rail.
(C) Aviation.
(D) Public transit.
(E) Maritime.

(2) A description of how Federal funds appropriated for research in the different transportation modes are utilized.

(3) A summary and description of current research and technology development funds appropriated for each of those fiscal years for maritime research initiatives, with separate categories for funds provided to the Coast Guard for marine safety research purposes.

(4) A description of cooperative mechanisms that could be used to attract and leverage nonfederal investments in United States maritime research and technology development and application programs, including the potential for the creation of maritime transportation research centers and the benefits of cooperating with existing surface transportation research centers.

(5) Proposals for research and technology development funding to facilitate the evolution of Maritime Transportation System.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000 to carry out this section.

SEC. 8. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut.

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey the vessel under this section unless the corporation—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the corporation any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

Mr. GRAMS. Mr. President, I ask unanimous consent that the committee substitute 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 2487), as amended, was read the third time and passed.

VESSEL WORKER TAX FAIRNESS ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 830, S. 893.

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

The legislative clerk read as follows:

A bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, today the Senate is considering S. 893, the Vessel Worker Tax Fairness Act. The bill will provide men and women working our nation's inland waterways the same treatment with respect to State and local income taxes as other men and women employed in interstate transportation of commerce receive. This measure was passed unanimously out of the Senate Commerce Committee on June 15 of this year.

S. 893 declares individuals engaged on a vessel to perform assigned duties in more than one State to be exempt from income taxation laws of States or political subdivisions of which that individual is not a resident.

While the Interstate Commerce Act exempts truck drivers, airline pilots, and railroad employees from being taxed by state and local jurisdictions in which they do not reside, it does not recognize merchant mariners who operate vessels in more than one state. It is time we correct this oversight and afford merchant mariners the same tax treatment similar transport operators are provided due to the interstate nature of their business.

By passing this measure today, we will be providing much needed relief to merchant mariners. Under existing law, water transportation workers, including marine pilots, tow and tugboat workers and others who work aboard vessels are often subjected to filing and tax requirements by states other than their state of residence leading to possible double taxation. I do not believe that double taxation is what Congress intended for any transportation worker when it crafted the Interstate Commerce Act. By passing S. 893 today, we can make that intent reality.

I thank Senator GORTON for his efforts in bringing this bill forward. I hope my colleagues will join us in supporting passage of this legislation so we can move it on to the President for his signature.

Mr. GORTON. Mr. President, I am glad that the U.S. Senate is finally passing the Transportation Worker Tax Fairness Act. This bi-partisan legislation, which I introduced with Senator MURRAY, will ensure that transportation workers who toil away on our nation's waterways receive the same tax treatment afforded their peers who work on the nation's highways, railroads, or navigate the skies.

Truck drivers, railroad personnel, and airline personnel are currently covered by the Interstate Commerce Act, which exempts their income from double taxation. Water carriers, who work on tugboats or ships, were not included in the original legislation. This treatment is patently unfair. The Transportation Worker Tax Fairness Act will rectify this situation by extending the same tax treatment to personnel who work on the navigable waters of more than one state.

Mr. President, this legislation will have no impact on the federal treasury. This measure simply allows those who work our navigable waterways protection from double taxation.

This matter came to my attention through a series of constituent letters from Columbia River tug boat operators who are currently facing taxation from Oregon as well as Washington state. I am committed to securing this relief for my constituents, as well as hard working tug boat operators across the nation, before the end of the 106th Congress.

Mr. GRAMS. Mr. President, I ask unanimous consent 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 (S. 893) was read the third time and passed, as follows:

S. 893

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

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting ''(a) WITHHOLDING.—'' before ''WAGES''; and

(2) by adding at the end the following:

''(b) LIABILITY.—

''(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

''(2) APPLICATION.—This subsection applies to an individual—

''(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

''(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.''.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 2000

Mr. GRAMS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill, S. 704, to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 704) entitled ''An Act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs,'' do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Prisoner Health Care Copayment Act of 2000''.

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§4048. Fees for health care services for prisoners

''(a) DEFINITIONS.—In this section—

''(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

''(2) the term 'Director' means the Director of the Bureau of Prisons;

''(3) the term 'health care provider' means any person who is—

''(A) authorized by the Director to provide health care services; and

''(B) operating within the scope of such authorization;

''(4) the term 'health care visit'—

''(A) means a visit, as determined by the Director, by a prisoner to an institutional or non-institutional health care provider; and

''(B) does not include a visit initiated by a prisoner—

''(i) pursuant to a staff referral; or

''(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

''(5) the term 'prisoner' means—

''(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

''(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

''(b) FEES FOR HEALTH CARE SERVICES.—

''(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

''(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

''(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

''(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

''(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

''(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $1.

''(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

''(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(1) the account of the prisoner is insolvent; or

''(2) the prisoner is otherwise unable to pay a fee assessed under this section.

''(g) USE OF AMOUNTS.—

''(1) RESTITUTION OF SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

''(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

''(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

''(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

''(h) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

''(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

''(2) for services provided before the expiration of such period.

''(i) NOTICE TO PRISONERS OF REGULATIONS.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.

''(j) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.

''(k) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—

''(1) a description of the amounts collected under this section during the preceding 12-month period;

''(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners;

''(3) an itemization of the cost of implementing and administering the program;

''(4) a description of current inmate health status indicators as compared to the year prior to enactment; and

''(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.

''(l) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4048. Fees for health care services for prisoners.''.

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

''(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

''(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

''(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

''(B) the fee—

''(i) is authorized under State law; and

''(ii) does not exceed the amount collected from State or local prisoners for the same services; and

''(C) the services—

''(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

''(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

''(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

''(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(A) the account of the prisoner is insolvent; or

''(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

''(3) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this subsection and the applicability of this subsection to the prisoner. Notwithstanding any other provision of this subsection, a fee under this section may not be assessed against, or collected from, such person—

''(A) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

''(B) for services provided before the expiration of such period.

''(4) NOTICE TO PRISONERS OF STATE OR LOCAL IMPLEMENTATION.—The implementation of this subsection by the State or local government, and any amendment to that implementation, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of that implementation (or amendment, as the case may be). A fee under this subsection may not be assessed against, or collected from, a prisoner pursuant to such implementation (or amendments, as the case may be) for services provided before the expiration of such period.

''(5) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed implementation under this subsection is open to public comment, written and oral notice of the provisions of that proposed implementation shall be provided to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed implementation.

''(6) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—Any State or local government assessing or collecting a fee under this subsection shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of such State or local government when medically appropriate. The State or local government may not assess or collect a fee under this subsection for providing such coverage.''.

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

FEDERAL JUDICIARY PROTECTION ACT OF 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 731, S. 113.

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

The legislative clerk read as follows:

A bill (S. 113) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to see the Federal Judiciary Protection Act finally being acted on by the Senate today. In the last Congress, I was pleased to cosponsor nearly identical legislation introduced by Senator Gordon SMITH, which unanimously passed the Senate Judiciary Committee and the Senate but was not acted upon by the House of Representatives. I commend the Senator from Oregon for his continued leadership in protecting our Federal judiciary.

Our bipartisan legislation would provide greater protection to Federal judges, law enforcement officers and their families. Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal government.

For example, a courtroom in Urbana, Illinois was firebombed last year, apparently by a disgruntled litigant. This

follows the horrible tragedy of the bombing of the federal office building in Oklahoma City in 1995. In my home state during the summer of 1997, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some have used in the past to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives has been quoted as saying: ''The judges need to be intimidated,'' and if they do not behave, ''we're going to go after them in a big way.'' I know that this official did not intend to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to preserving its public standing.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I urge the House of Representatives to pass the Federal Judiciary Protection Act and look forward to its swift enactment into law.

Mr. GRAMS. 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 (S. 113) was read the third time and passed, as follows:

S. 113

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 ''Federal Judiciary Protection Act of 1999''.

SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''8''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

SEC. 4. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

COMMENDING THE LATE ERNEST BURGESS, MD, FOR HIS SERVICE TO THE NATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 363, submitted earlier today by Senator KERREY of Nebraska.

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

The legislative clerk read a follows:

A resolution (S. Res. 363) commending the late Ernest Burgess, MD, for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. 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 finally 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. 363) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 664, S. 1438.

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

The legislative clerk read as follows:

A bill (S. 1438) to establish the National Law Enforcement Museum on Federal lands in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;

(2) 5th Street, NW., on the west;

(3) 4th Street, NW., on the east; and

(4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENT.—The Museum shall be designed so that not more than 35 percent of the volume of the structure is above the floor elevation at the north rear entry of Court Building D, also known as ''Old City Hall''.

(c) OPERATION.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction on the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. CAMPBELL. Mr. President, I am pleased that the Senate is about to consider and pass S. 1438, the National Law Enforcement Museum Act of 1999. This legislation will authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours. Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers, practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot.

I introduced this legislation on July 27, 1999, and after committee hearings and extensive testimony, the Senate Committee on Energy and Natural Resources reported the bill in July of this year. Although the bill was pending on the Senate calendar awaiting final action by the Senate, I was pleased to work with my colleagues, Senator THOMPSON, Chairman of the Government Affairs Committee, and Senator DURBIN, the Ranking Member of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, on a compromise amendment.

After over two months of negotiations, the National Law Enforcement Officers Memorial Fund and the District of Columbia Courts reached an agreement to clarify that the building of this museum will in no way conflict with court expansion and renovation plans. As a result of this agreement, Senators THOMPSON and DURBIN have offered an amendment with my support to reflect this agreement with the courts.

Under my legislation, no federal dollars are being proposed to build this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL–CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law

enforcement officer, family member and police survivor in the United States.

As we remember the sacrifices made by our brave officers, I strongly urge my colleagues to support passage of this legislation. I also call on our colleagues in the House to pass this important bill before the Congress adjourns for the year.

AMENDMENT NO. 4279

(Purpose: To provide a complete substitute)

Mr. GRAMS. 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 Minnesota [Mr. GRAMS], for Mr. THOMPSON, proposes an amendment numbered 4279.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Law Enforcement Museum Act''.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term ''Memorial Fund'' means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term ''Museum'' means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) UNDERGROUND FACILITY.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) CONSULTATION.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, 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. 4279) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1438), as amended, was read the third time, and passed.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 858, H.R. 4115.

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

The legislative clerk read as follows:

A bill (H.R. 4115) to authorize appropriations for a United States Holocaust Memorial Museum, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. 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. 4115) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 5272

Mr. GRAMS. Mr. President, I understand that H.R. 5272 is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

Mr. GRAMS. Mr. President, I ask for its second reading, and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3137

Mr. GRAMS. Mr. President, I understand that S. 3137 is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3137) to establish a commission to commemorate the 258th anniversary of the birth of James Madison.

Mr. GRAMS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

AUTHORITY TO FILE LEGISLATIVE OR EXECUTIVE MATTERS

Mr. GRAMS. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment, Senate committees have from 10 a.m. until 12 p.m. on Friday, September 29, in order to file legislative or executive matters.

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

ORDERS FOR MONDAY, OCTOBER 2, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Monday, October, 2. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate

then begin a period of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BYRD, or his designee, 60 minutes; Senator THOMAS, or his designee, 60 minutes.

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

PROGRAM

Mr. GRAMS. For the information of all Senators, the Senate will be in a period of morning business until 2 p.m. on Monday. Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. No votes will occur prior to 5:30 p.m. on Monday. However, at 5:30 p.m., the Senate will proceed to a vote on the conference report to accompany the energy and water appropriations bill.

RECESS UNTIL MONDAY, OCTOBER 2, 2000

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

There being no objection, the Senate, at 7:18 p.m., recessed until Monday, October 2, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 28, 2000:

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY COMMERCE FOR INTERNATIONAL TRADE, VICE DAVID L. AARON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE CHARLES A. HUNNICUTT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUE BAILEY, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE RICARDO MARTINEZ, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE KATHLEEN A. MCGINTY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

W. MICHAEL MCCABE, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FREDERIC JAMES HANSEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE HILDA GAY LEGG, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

JOHN DAVID HOLUM, OF MARYLAND, TO BE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, DEPARTMENT OF STATE (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBIN CHANDLER DUKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CARL SPIELVOGEL, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES M. DALEY, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS AND TO SAINT LUCIA, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

SALLY KATZEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE G. EDWARD DESEVE, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INSTITUTE OF PEACE

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE THOMAS E. HARVEY, TERM EXPIRED.

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

JAMES CHARLES RILEY, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2006 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DONALD L. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002, VICE GARY N. SUDDITH.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ISABEL CARTER STEWART, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE DAVID FINN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

BILL LANN LEE, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEVAL L. PATRICK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG, RESIGNED.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

DOUGLAS N. BARLOW, 0000
GREGORY E. SEELY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To Be Major General

BRIG. GEN. BRUCE B. BINGHAM, 0000