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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 22, 1999, at 2 p.m.

Senate

FRIDAY, MARCH 19, 1999

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

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

Gracious Father, as this work-week comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and the presence of Your Spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators and all of us who work with them a perfect blend of humility and hope, so that we will know You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. STEVENS. Mr. President, I thank you.

SCHEDULE

Mr. STEVENS. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. The pending amendment is the Enzi amendment regarding Indian gaming. Unless an agreement can be worked out on this amendment, I intend to move quickly to table it in an effort to keep this bill moving forward. If an agreement is not reached, all Members should expect the first vote of today's session to be approximately at 10 a.m.

Following that vote, it is my hope that Members with amendments will come to the floor to offer debate on those amendments. With the budget resolution scheduled beginning next week, it is imperative that the Senate complete action on the supplemental bill in a timely fashion. The cooperation of all Senators will be necessary to achieve that goal.

The leader has stated that on Monday the Senate is expected to debate a Kosovo resolution for several hours, and then resume consideration of this supplemental appropriations bill. There will be no rollcall votes during Monday's session, according to the leader's statement.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leader time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo.

Stevens (for Enzi) amendment No. 111, to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my intention to ask unanimous consent to adopt the Enzi amendment, or to seek a vote on it.

I suggest the absence of a quorum for the time being.

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. ENZI. Mr. President, I rise to introduce this amendment to the Supplemental Appropriations bill with my

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

colleague, the distinguished Senator from Alabama, Mr. SESSIONS. This amendment is also cosponsored by Senator GRAMS of Minnesota, Senator BRYAN, Senator LUGAR, Senator REID, Senator VOINOVICH, and Senator BROWNBACK. This amendment has one very important purpose: to ensure that the rights of this Congress and all fifty states are not trampled on by an unelected Cabinet official.

The amendment is simple and straightforward. It extends the current moratorium on the Secretary of the Interior's ability to finalize the rules that were published on January 22d, 1998 until eight months after Congress receives the report of the National Gambling Impact Study Commission. Since the Commission is due to deliver its report to Congress no later than June 20th of this year, this moratorium would give Congress until as late as next February to consider the findings and advice of the commission we established to study the impact of gambling. This amendment also prohibits the Secretary of the Interior from approving any tribal-state gambling agreement which has not first been approved by the tribe and the state in question during this moratorium.

Mr. President, it is imperative that the current moratorium, which expires on March 31st, be extended. If it is not extended and the rules in question are finalized, the Secretary of the Interior would have the ability to bypass all fifty state governments in approving casino gambling on Indian Tribal lands.

Mr. President, this is the fourth time in two years the Senate has had to deal with this issue of Indian gambling, and I regret that an amendment is once again necessary on this year's Supplemental Appropriations bill. However, I believe it is imperative that Congress considers the recommendations of our own commission on gambling before allowing an unelected Cabinet official to make a major policy change in the area of casino gambling on Indian Tribal lands.

For the last two years, I have offered amendments to the Interior appropriations bills prohibiting Secretary Babbitt from approving any new tribal-state gambling compacts that had not first been approved by the State in accordance with the Indian Gaming Regulatory Act. Both of those amendments passed the Senate on voice votes. Both of these amendments were agreed to by the House in Conference. Only at the eleventh hour during negotiations with the White House was the length of the moratorium on last year's bill shortened to 6 months. The message we sent to the Interior Department through these amendments was clear. Congress does not believe it is appropriate for the Secretary of the Interior to bypass Congress and the states in an issue as important as whether or not casino gambling will be allowed within the state borders.

Mr. President, for the past two years when we have debated this issue there have been lobbyists who have tried to paint this amendment as a Las Vegas protection bill. There are some lobbying groups that are trying that same tactic again this year. I want everyone to be perfectly clear on this point. This amendment is designed primarily for those states that do not allow gambling—particularly those that do not allow electronic gambling and especially those states that do not allow slot machines. The interest in this amendment from gambling states stems simply from these members sincere desire to have the Indian Gaming Regulatory Act, or IGRA, enforced. Those states which have decided through their state legislatures or through the initiative process that they want casino gambling have also established regulations and procedures to monitor this activity. This amendment does not in any way minimize the serious need for proper enforcement of existing law.

Mr. President, the Chairman of the Indian Affairs Committee has introduced legislation to amend the Indian Gaming Regulatory Act. His committee has scheduled a hearing later this month to listen to testimony from a number of the parties involved in this debate. I applaud the senior Senator from Colorado for providing this forum. He has offered to consider my thoughts and recommendations as the committee goes through the proper legislative process of considering changes to existing law, and I look forward to providing some thoughts I have on possible changes to IGRA. I believe this is the proper manner to consider major changes to existing law. The committee should hold hearings and listen to the views of all the major parties involved, report a bill, and have a debate in the Senate and House on what legislation is most appropriate to fix any problems with the current statute.

In contrast with this process, Secretary Babbitt is attempting to bypass Congress and all fifty states with his proposed rules. This is a slap in the face to Congress, to all the State governments, and to all the Indian Tribes which have negotiated legitimate Tribal-State compacts with the States in which they are located. The Secretary's rules effectively punish those tribes which have played by the rules, and as such, will open the floodgates to an approval process based more on political influence than on proper negotiations between the states and the tribes. Who will be the winners under Secretary Babbitt's new regime? Will it be the Tribes that donate enough money to the right political party? In contrast, our amendment will make sure that the unelected Secretary of the Interior, Bruce Babbitt, won't single-handedly change current law. This amendment will ensure that any change to IGRA is done the right way—legislatively.

Actually, the timing of Secretary Babbitt's attempt to delegate himself new authority is rather ironic. Last March, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-state gambling license to an Indian Tribe in Wisconsin. Although we will have to wait for Independent Counsel Carol Elder Bruce to complete her investigation before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts.

The very fact that Attorney General Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the states in the area of Tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: we in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the states in addressing the difficult question of casino gambling on Indian Tribal lands.

Mr. President, the Secretary has not given any indication in the 11 months since the independent counsel was appointed that he should be trusted with new, self-appointed trust responsibilities over Indian Tribes. On February 22d of this year, United States District Judge Royce Lamberth issued a contempt citation against Secretary Bruce Babbitt and Assistant Secretary of the Interior for Indian Affairs, Kevin Gover, for disobeying the Court's orders in a trial in which the Interior Department and the Bureau of Indian Affairs were sued for mismanagement of American Indian trust funds.

In his contempt citation, Judge Lamberth stated, and I quote,

> The court is deeply disappointed that any litigant would fail to obey orders for production of documents, and then conceal and cover up that disobedience with outright false statements that the court then relied upon. But when that litigant is the federal government, the misconduct is even more troubling. I have never seen more egregious misconduct by the federal government.

This conduct has raised such concern that both the Indian Affairs Committee and the Energy Committee have held hearings to call Secretary Babbitt to task for his mismanagement of these funds and his disregard for the rulings of a federal court. The Secretary's continued violation of his trust obligations to Indian Tribes should serve as a wake-up call to all of us in the Senate. This is not the time to allow the Secretary to delegate to himself new, unauthorized, powers.

I should add that lobbyists for the various tribes and representatives in the White House have made it abundantly clear that Secretary Babbitt fully intends to finalize his proposed rules once the current moratorium expires. Our only way to stop this effort is to attach another amendment on this Emergency Supplemental Appropriations bill. This is a real emergency!

Let me assure you, if Secretary Babbitt has his way, there will be no need for the Tribes to resolve problems involving gambling and IGRA in and with their States.

I do believe that this issue could be resolved with hearings and a bill—actual legislation from Congress. But those hearings won't happen as long as the tribes anticipate the clout of a Secretary's rule that bypasses the states. Yes, the courts have ruled that current law—which was passed by Congress, not an appointed Secretary—gives an edge in the bargaining process to the States. But that process has worked. If there is a need to change that process, it should only be changed by a bill passed by Congress—not by rule or regulation.

I must stress that if we do not maintain the status quo, there will never be any essential involvement by the states in the final decision of whether to allow casino gambling on Indian Tribal lands. There will be no compromise reached. The Secretary will be given the right to bypass us, the Congress of the United States, and to run roughshod over the states.

Again, I would like to stress that this amendment does not amend the Indian Gaming Regulatory Act, but holds the status quo for another eleven months. Three years ago, Congress voted to establish a national commission to study the social and economic impacts of legalized gambling in the United States. One of the aspects the commission is currently analyzing is the impact of gambling on tribal communities. This commission is now winding down its work and is set to deliver its report to Congress no later than June 20th of this year.

It is significant that this commission—the very commission Congress created for the purpose of studying gambling—sent a letter to Secretary Babbitt last year asking him not to go forward with his proposed rules. I think it would be wise of this body to follow the advice of the very commission we created to study the issue of legalized gambling.

I want to emphasize again that we are the body that asked for this commission. We created the commission to look at all gambling. The American taxpayers are already paying for the study. The commission is nearing the end of its work. We need to let them finish. They have asked Secretary Babbitt not to make any changes while they do their work. My amendment would give them that time.

The Judicial Branch has already preserved the integrity of current law. This amendment supports that. The President has twice approved my amendment, in the FY98 Interior appropriations bill, and in the FY '99 Omnibus Appropriations bill. I'm asking my colleagues to take the same ''nonaction'' once again. The Committee on Indian Affairs must play a very important role here. They need to hold hearings and write legislation which specifically addresses this issue and then put it through the process. They will have time to do that if this amendment is agreed to. This amendment would support giving the Indian Affairs Committee and Congress, as a whole, time to develop an appropriate policy.

Mr. President, the Enzi-Sessions amendment is strongly endorsed by the National Governor's Association.

This amendment is also supported by the National Association of Attorneys General. We have also received a number of letters from individual state Attorneys General in support of this amendment. This amendment is also supported by the National League of Cities.

I want to point out that this amendment does not affect any existing Tribal-State compacts. It does not, in any way, prevent states and Tribes from entering into compacts where both parties are willing to agree on class III gambling on Tribal lands within a state's borders. This amendment does ensure that all the stakeholders must be involved in the process—Congress, the Tribes, the States, and the Administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. The even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition. When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held casino gambling lost by over 62 percent—and it lost in every single county of our state. The 40 point swing in public opinion happened as people came to understand the issue and implications of casino gambling in Wyoming. That's a pretty solid message. We don't want casino gambling in Wyoming. The people who vote in my state have debated it and made their choice. Any federal bureaucracy that tries to force casino gambling on us will only inject animosity.

Why did we have that decisive of a vote? We used a couple of our neighboring states to review the effects of their limited casino gambling. We found that a few people make an awful lot of money at the expense of everyone else. When casino gambling comes into a state, communities are changed forever. And everyone agrees there are costs to the state. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And, not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive too. But I'm not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution, rather than have a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A state's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian Tribal lands. Therefore, a state's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected cabinet official. Passing the Enzi-Sessions amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on legislation to fix any problems that exist in the current system. I urge my colleagues to stand up for the constitutional role of Congress—and for the rights of all fifty states—by supporting this amendment.

Mr. President, I ask unanimous consent that the letters I referenced be printed in the RECORD.

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

NATIONAL GAMBLING IMPACT STUDY COMMISSION,
Washington, DC, August 6, 1998.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY BABBITT: As you are aware, the 104th Congress created the National Gambling Impact Study Commission to study the social and economic impacts of legalized gambling in the United States. Part of our study concerns the policies and practices of tribal governments and the social and economic impacts of gambling on tribal communities.

During our July 30 meeting in Tempe, Arizona, the Commission discussed the Department's ''by-pass'' provision for tribes who allege that a state had not negotiated for a gaming compact in good faith. The Commission voted to formally request the Secretary of the Interior to stay the issuance of a final rule on Indian compacting pending completion of our final report. On behalf of the Commission, I formally request such a stay, and trust you will honor this request until you have had an opportunity to review the report which we intend to release on June 20, 1999. Thank you for your consideration.

Sincerely,

KAY C. JAMES,
Chairman.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, March 16, 1999.

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

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

DEAR SENATOR LOTT AND SENATOR DASCHLE: We are writing on behalf of the National Governors' Association to urge you to co-sponsor and support the Indian gaming amendment to the Supplemental Appropriations bill sponsored by Senator Michael B. Enzi (R–Wyo.) and Senator Jeff Sessions (R–Ala.). This amendment would extend the current moratorium on the secretary of the U.S. Department of the Interior using federal funds for approving tribal-state compacts that have not been approved by the state, as required by law. The amendment would also prohibit the secretary from promulgating a

regulation or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact or from going forward with any proposed rule on this matter in the near future.

The National Governors' Association is currently in discussions with Indian tribes and the U.S. Departments of Interior and Justice about negotiations on amendments to the Indian Gaming Regulatory Act of 1988. Meetings have already been held in Denver, Colorado and Oneida, Wisconsin. The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. The secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or to exercise objective judgment in disputes between states and tribes. To avoid protracted litigation, we respectfully urge Congress to adopt the Enzi/Sessions amendment to extend the current moratorium and prohibit the secretary from issuing a final rule.

Thank you for your support of this amendment. Please contact us if you have any questions about our position on this matter, or call Tim Masan of the National Governors' Association at 202/624–5311.

Sincerely,

GOVERNOR THOMAS R. CARPER, Delaware.
GOVERNOR MICHAEL O. LEAVITT, Utah.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, March 15, 1999.

Hon. MICHAEL B. ENZI,
Hon. JEFF SESSIONS,
U.S. Senate, Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: We write in support of your proposed amendment to the FY '99 Emergency Supplemental Appropriations Bill, which would extend the existing moratorium on the Secretary of the Interior's proposed regulations on Indian gaming.

The Attorneys General continue to believe that there is no statutory authority for the Secretary's proposed procedures to allow tribes to obtain gaming compacts from Interior rather than by negotiations with the states. We believe that only amendments to the Indian Gaming Regulatory Act can create the power the Secretary asserts, and we believe that such amendments should occur only by way of agreement between states, tribes and federal interests.

Continuation of the existing moratorium on the proposed procedures will be a strong incentive for discussions on amendments, while allowing the moratorium to lapse would be likely to end the opportunity for mutually acceptable changes in the Act to emerge and instead set off another lengthy bout of litigation. The consensus of the Attorneys General is that discussions are preferable to litigation, and that continuation of the moratorium for as long as is necessary is the best incentive to achieve that goal.

Sincerely,

NELSON KEMPSKY,
Executive Director, Conference of Western Attorneys General.
CHRISTINE MILLIKEN,
Executive Director and General Counsel, National Association of Attorneys General.

NATIONAL LEAGUE OF CITIES,
Washington, DC, March 16, 1999.

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

DEAR CHAIRMAN STEVENS AND SENATOR BYRD: I am writing to you on behalf of the National League of Cities (NLC) to urge you again to support the Enzi/Sessions amendment to the FY '99 Interior Emergency Supplemental Appropriations Bill which seeks to extend the moratorium on the implementation of procedures by the U.S. Secretary of the Interior until on or about February 20, 2000 or eight months after the national Gambling Impact Study Commission issues its report to Congress. It is of the utmost importance for Congress to hear and digest the Commission's findings prior to permitting any new regulations from becoming final. The current moratorium will expire on March 31, 1999.

NLC urges support of the Enzi/Sessions amendment in order to maintain the status quo of the Indian Gaming Regulatory Act (IGRA) and slow the creation of new trust land. While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves that would be exempt from state and local regulatory authority, passage of this amendment would be an important first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

The membership of the NLC has adopted policy which declares that: ''lands acquired by Native-American tribes and individuals shall be given corporate, not federal trust, property status.'' This policy is advocated ''in order that all lands may be uniformly regulated and taxed under municipal laws.''

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.* (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed by the Enzi/Sessions amendment at least until eight months after the National Gambling Impact Study Commission issues its report to Congress, or February 20, 2000.

Sincerely,

CLARENCE E. ANTHONY,
Mayor, South Bay, Florida.

CHRISTIAN COALITION,
Washington, DC, July 9, 1998.

PROTECT STATES' RIGHTS—VOTE FOR THE ENZI/SESSIONS AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

DEAR SENATOR: When the Senate considers the FY '99 Interior appropriations bill, an amendment sponsored by Senator Enzi (WY) and Senator Sessions (AL) is expected to be offered. This amendment would protect states' rights in negotiating tribal-state compacts, especially when negotiating casino gambling.

Under the Indian Gaming Regulatory Act, every state has the right to be directly involved in tribal-state compacts, without Federal interference. Every state also has the right, as upheld by the Supreme Court in the *Seminole Tribe of Florida* v. *Florida* decision, to raise its 11th Amendment defense of sovereign immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the Seminole decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's right to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.

Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction and alcoholism. With such staggering repercussions, it is vital that Tribal-State gambling compacts remain within each individual state and not be commandeered by an unelected federal official.

The Enzi/Sessions amendment would prohibit the Secretary of Interior, during fiscal year 1999, from establishing or implementing any new rules that allow the Secretary to circumvent a state in negotiating a tribal-state compact when the state raises its 11th amendment defense of sovereign immunity. It also prohibits the Secretary from approving any tribal-state compact which has not first been approved by the state.

Christian Coalition urges you to protect states' rights and vote for the Enzi/Sessions amendment to the FY '98 Interior appropriations bill.

Sincerely,

JEFFREY K. TAYLOR,
Acting Director of Government Relations.

Mr. CAMPBELL. Mr. President, I am opposed the Enzi-Reid amendment on Indian gaming because it will continue the ''stand-off'' that exists between the tribes and states, preventing them from reaching fair gaming agreements.

There are members in the Chamber who are downright against gaming. That is not what this debate is about.

Under Federal law, tribes are limited to the types of gaming allowed under the laws of the State in which they reside. In my own State of Colorado as an example, there are two tribes, the Southern Ute and the Ute Mountain Ute. They are limited to slot machines and low-stakes table games, just as the other gaming towns in Colorado.

In Utah, State law prohibits all gaming: tribal, non-tribal or otherwise. The intention of the Federal law, IGRA, was that in States where gaming is limited or prohibited, tribes would be limited or prohibited from operating gaming as well.

But today's debate is about whether a Governor of a State can limit a type of business activity to certain groups simply by refusing to negotiate. That is unfair and un-American.

There are many tribes and States that have sat down and negotiated such agreements that are binding and effective.

There are some States that refuse to negotiate at all with tribes—leaving

those tribes without the ability to conduct gaming and without the ability to generate much-needed revenues.

This is the core problem: whether accomplished through legislation, through the kind of secretarial procedures we are talking about today, or whether through tribal-State negotiations, these impasses should be brought to an end.

Let's not forget how we got here. In 1987, the Supreme Court ruled in Cabazon that unless a State prohibited gaming entirely, such as Utah and Hawaii now do, the State's regulations would not apply to gaming conducted on Indian lands within that State.

This caused a clamor by the States and a year later the Congress responded by passing the Indian Gaming Regulatory Act.

This act was a compromise and for the first time gave State governments a role in what kind of gaming would occur on Indian reservations within a State's borders.

In 1996, the High Court ruled in Seminole that tribes cannot sue States and require them to negotiate for gaming compacts. Some States, have used the Seminole case to refuse to talk to tribes completely.

That is unfair at the very least. As my colleagues know, I am a big supporter of tribal-State negotiations on matters from business development, to jurisdictional issues, to taxes. If it is good enough for tribes to have to negotiate, it is good enough for States as well.

So while I think that each State's public policy should determine the scope of all gaming conducted in that State, I also believe the current State of the law gives States what is in reality a Veto over tribes in this field.

I was here in 1988, in fact, and helped write the IGRA legislation, and I can tell you it was never the intent of Congress to provide such a veto.

I should point out to my colleagues that in many cases non-Indian gaming is promoted and even operated by State governments, so there is an element of competition. I believe some States have refused to negotiate in order to preserve their monopoly on gaming.

To begin to address this situation, the Department of Interior has proposed a process that is based on the IGRA statute. Though the process does need refinement, I do not believe the secretary should be stopped from developing alternative approaches to these impasses.

Coming from a Western State, I am as supportive as anybody in this chamber of States rights, but those who say this process overrides the States are wrong.

Under the proposal, if a State objected to a decision made by the Interior Secretary, that State could challenge that decision in Federal court.

For those who fear the department is acting without oversight, I point out that Congress will have the authority to review any proposed regulations before they take effect.

As the proposal comes before the authorizing committees, any new regulations will get a careful review and if those regulations are found to be unacceptable, they simply will not pass. We will legislate a new approach if they do not pass.

I urge my colleagues to vote against this amendment and allow the regulatory and legislative process to work.

I yield the floor, Mr. President.

Mr. INOUYE. Mr. President, I rise in opposition to the amendment proposed by Senators ENZI, SESSIONS, GRAMMS, BRYAN, LUGAR, REID, VOINOVICH and BROWNBACK, which would impose a moratorium on the Interior Secretary's authority to promulgate final regulations or to issue a notice of proposed rulemaking related to procedures which would provide a means for securing a tribal-state compact governing the conduct of class III gaming on Indian lands.

Mr. President, in 1988, I served as the primary sponsor of the bill that was later enacted into law as the Indian Gaming Regulatory Act. That Act provides a comprehensive framework for the conduct of gaming on Indian lands, including a means by which the state and tribal governments, as sovereigns, may enter into compacts for the conduct of class III gaming on tribal lands.

The Act further provides that should a state and tribal government reach an impasse in the negotiations that would otherwise lead to a tribal-state compact, a tribal government or a state government could initiate a legal action in a federal district court pursuant to which a court could: (1) rule on the parties' substantive interpretations of law that gave rise to the impasse, thereby resolving the matter; or (2) order the parties to either resume negotiations or enter into a process of mediation.

However, in the intervening years, the United States Supreme Court has ruled that a state may assert its sovereign immunity to suit if a legal action is initiated by a tribal government, thereby divesting a federal court of its jurisdiction, and that the Congress lacks the authority to waive a state's Eleventh Amendment immunity to suit.

Since that time, various members of the Committee on Indian Affairs have proposed an array of alternatives to the Act's compacting process, but each time, either the states or the tribes have opposed these measures. So the Interior Secretary stepped into the breach, and invited comments on his authority to promulgate rules for an alternative means of securing the authority to conduct class III gaming on Indian lands.

This has been a constructive effort on the Secretary's part, for which he is to be commended.

Mr. President, twenty-one states have entered into compacts with tribal governments over the last eleven years. There are only a few states in which tribal-state negotiations have been frustrated, and this amendment effectively precludes those tribal governments that have yet to secure a compact, from exploring an alternative route, as prescribed by the Secretary, and gives the states an absolute veto power over tribal gaming—a result that the Act was clearly intended to avoid.

Not only does this amendment cut off the rights that tribes have under the Supreme Court's ruling in California v. Cabazon Band of Mission Indians, the amendment ties the Secretary's authority to the submittal of a Commission report that has no legal on these matters. The National Gambling Impact Study Commission was authorized to examine and assess all forms of gaming in the United States, as well as gambling-related issues, including the conduct of state lotteries.

Mr. President, there are many of us in the Congress who are opposed to gaming, and as Indian country well knows, I include myself in the ranks of those members. Hawaii is one of only two states in our Union that prohibits all forms of gaming. But I don't see anyone in this body proposing to impose a moratorium on the conduct of state lotteries until eight months after the Commission submits its report to the Congress.

Nonetheless, tribal government-sponsored gaming is most analogous to the lotteries operated by state governments. Federal law—the Indian Gaming Regulatory Act—clearly and unequivocally provides that tribal gaming revenues may only be used to support the provision of governmental services by tribal governments to reservation residents—both Indian and non-Indian.

Mr. President, I must take exception to some of the representations that have been made about this amendment. For instance, that the amendment ''protects States' rights without harming Indian Tribes''.

A right to conduct gaming free of any State involvement was confirmed by the United State Supreme Court in May of 1997. Let us be clear about this—what this amendment does is take away that right.

The proponents of this amendment also assert that their amendment would maintain ''the status quo of the Indian Gaming Regulatory Act''. However, we should also equally clear about this—this amendment does not preserve the status quo. Rather it strips tribal governments of rights that have been confirmed by the Supreme Court, and rather than preserving the status quo, it vests the states with a right they never had under the rulings of the Supreme Court or any other Federal law—namely, a veto power over the conduct of gaming on tribal lands—lands and activities over which the states do not have the right to exercise their jurisdiction. This is what the Supreme Court has ruled. This amendment would subvert the rulings of the Supreme Court in this area, and I believe our colleagues in the Senate

should be aware that the amendment does precisely that.

I would urge my colleagues to reject this amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming for allowing me to introduce this important amendment with him. I want to congratulate him for his good work on an issue that is, at its heart, a matter of great concern to those of us who believe that the Federal Government often goes too far in exerting its will on the individual States. I think that the legislation that we have adopted today is good legislation that recognizes the importance of protecting the ability of States to regulate gambling within their borders.

Allow me to briefly share some of my thoughts on the importance of this amendment. As Attorney General of Alabama, I cosigned a letter with 25 other Attorneys General that was sent to the Secretary of the Interior regarding his promulgation of the rules at issue today. Every one of the Attorneys General who signed this letter did so because we had come to the same legal conclusion: the Secretary of the Interior does not have the authority to take action to promulgate regulations allowing class III gambling in this manner. In fact, I believe that if the Secretary of the Interior were to attempt to finalize this rule and take action, he would immediately be sued by States throughout this country in what would amount to expensive and protracted litigation. I feel the Secretary would lose these suits, and that this amendment offers us the opportunity to prevent such a waste of resources on both the State and Federal level from occurring.

This is an important issue for my State of Alabama, which has one federally recognized tribe and which has not entered into a tribal-State gambling compact. The citizens of Alabama have consistently rejected the notion of allowing casino gambling within the State. If the Secretary of the Interior is allowed to unilaterally provide for class III casino gambling for this tribe, where the State has not agreed to enter into a compact and against the expressed will of the people, he will also be unilaterally deciding to impose great burdens on local communities throughout Alabama. This is because the one federally recognized tribe in our State owns several parcels of property, and it is likely that once casino gambling was established in one area it would spread to others.

Let me share with you a letter that the Mayor of Wetumpka, whose community is home to one of these parcels of property, wrote me in reference to the undue burdens her town would face if the Secretary were to step in and authorize casino gambling. Mayor Glenn writes:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. The demand for greater social services that comes to areas around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong and adamant opposition to the establishment of an Indian gaming facility here.

Mayor Glenn's concerns about the costs to her community if the Secretary were able to exert this kind of authority have been seconded by other communities. Let me share with you an editorial that appeared in the Montgomery Advertiser. Montgomery is the state capital, and is located just a few miles from Wetumpka. The Advertiser wrote:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy-handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others that would undoubtedly follow in other parts of the State—has implications far too great to allow the critical decision to be reached in Washington. Alabama has to have a hand in this high stakes game.

Mr. President, the author of this editorial is correct. We should not allow the Secretary of the Interior to promulgate rules giving himself the authority to impose drastic economic, political and social costs on our local communities.

I would also like to address another issue in connection with the regulations the Secretary of the Interior has proposed. If the Secretary is allowed to exert this kind of power, he will be in a position to enrich selected tribes, potentially by millions of dollars, simply by stroking a pen. I do not think this is proper. This is a powerful capability. Imagine the conflict of interests that could arise as tribes lobby the Secretary to either approve, or disapprove, requests for class III casino gambling facilities. Indeed, the current Secretary of the Interior has already had his actions in similar instances brought under investigation to see if departmental decisions were influenced by campaign donations. This is unseemly, and unsound. I think we should ensure that States remain a vital part of the negotiating process to add legitimacy to decisions that are made.

Mr. President, this amendment has broad, bipartisan support. It has been supported by the National Association of Governors, the National Association of Attorneys General, the Christian Coalition and the National League of Cities. It is a reasonable, limited approach to this problem and, on a more fundamental level, ensures the proper respect for the role of States in deciding these issues. It reflects my public policy belief that gambling decisions should be made on a rational basis by the people of the State who would have to live with the results of that activity, rather than by the Federal Government. I am proud to be a cosponsor of this legislation, I welcome its inclusion in the Supplemental Appropriations legislation and I urge my colleagues to fight to preserve this provision during the conference negotiations with the House.

Mr. DOMENICI. Mr. President, last year, despite opposition from me, Senator CAMPBELL, Chairman of the Senate Committee on Indian Affairs and Senator INOUYE, Vice-Chairman of our committee, the Enzi amendment succeeded in suspending Secretarial authority to establish a regulatory route for Indian gaming compacts until March 31, 1999. This prohibition prevents the Secretary of the Interior from proceeding with a regulatory route for tribes who have asked states to negotiate compacts and find the state to be unwilling.

Tribes lost their right to sue states under the Indian Gaming Regulatory Act, IGRA, in 1996, when the Supreme Court, in the Florida Seminole case, determined that IGRA was unconstitutional in its provisions allowing tribes to sue states. The Supreme Court upheld states rights under the 11th Amendment.

If a state refuses to negotiate for compacts and that state allows gambling by any person for any purpose (all do in some form, except Utah and Hawaii), the Secretary of the Interior would have an alternative route to compacts, essentially negotiated through his Department, where he also has trust responsibility for Indian tribes.

New Mexico Indian tribes are opposed to the Enzi amendment, even though there is no immediate effect in New Mexico. As Governor Milton Herrera of Tesuque Pueblo wrote, ''Section 2710 (d)(7)(B)(vii) of IGRA specifically allows tribes to go directly to the Secretary and ask for alternative procedures to conduct Class III gaming.''

The Governor also objects to Congressional action on this issue without a hearing and as a violation of Senate Rule 16, which prohibits authorizing legislation in an appropriations bill.

Governor Herrera goes on to say,

> Gaming is to Indian tribes what lotteries are to state governments. Indian gaming revenues are used to fund essential government services including law enforcement, health care services, aid for children and elderly, housing and much-needed economic development. Through gaming, tribal governments have been able to bring hope and opportunity to some of this country's most impoverished people. Contrary to popular opinion, gaming has not made Indian people rich; it has only made some of us less poor.

As written, the Enzi amendment before us today would delay any Secretarial actions to develop alternative regulations until 8 months after the expected report from the National Commission on Gambling (June 1999), or until February of the year 2000. If this amendment fails, lawsuits are expected over whether the Secretary has the legal right to develop these regulations that essentially skirt states rights to object to compacts.

Mr. President, given the delicate balances between sovereign states and tribes in IGRA, I would rather see a judicial determination of the Secretary's

rights under IGRA to develop such regulations. Like Governor Herrera has pointed out, without a hearing, it is difficult for the Senator to make this judgment. For these reasons, I remain opposed to the Enzi amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment. I ask for a voice vote on the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. 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.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes, and that this period expire at 11 a.m.

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

Mr. SHELBY. Mr. President, I was pleased to cosponsor the provision of the Senator from West Virginia for an Emergency Steel Loan Guarantee program when the Committee on Appropriations reported the bill to the Senate earlier this month. I felt then, as I do now, that many steel companies have suffered significant economic injury as a result of the illegal dumping of foreign steel. In my own State of Alabama, at least one steel mill I know of is now teetering on the brink of bankruptcy due to this illegal activity. I was, therefore, very pleased by the Senator from West Virginia's effort to address this problem and provide some short-term needed relief to our steel companies. I know Senator SESSIONS shares my support for this provision because of our concern with the plight of local steel mills in our State of Alabama.

Mr. SESSIONS. Mr. President, I too am concerned with the dilemma facing our local steel mills in Alabama and I want to commend the Senator from West Virginia for his leadership, working, in a bipartisan manner with Senators from all the steel-producing and other adversely affected states, to address the substantial economic injury that the illegal dumping of imported steel has caused across the country through an Emergency Steel Loan Guarantee program, which is to be part of the Emergency Supplemental appropriations bill, for the fiscal year ending September 30, 1999. My understanding is that the intent of the Emergency Steel Loan Guarantee program is to afford all qualified steel companies with the opportunity to obtain a loan guarantee, whether or not the company is now or is placed in a situation where it must seek to reorganize under Chapter 11 of the United States bankruptcy laws before the end of this year? Is my understanding of the program correct?

Mr. BYRD. The Senator is correct.

Mr. SHELBY. As you know, several companies have already been forced into bankruptcy because of the ''critical circumstances'' that these unprecedented levels of imports have caused—Acme, Laclede, and Geneva Steel come to mind—and that several other companies are in a distressed financial condition, including companies in West Virginia and Alabama. Senator SESSIONS and I have met with the workers of steel companies on numerous occasions since this crisis started last fall. We have been told that because of this dire situation, companies are no longer able to borrow money in the private sector because of the disruptive and uncertain market. In which they must operate and that the immediate implementation of the Emergency Steel Loan Program is essential to the continued viability of these companies. It is my understanding that this programs is specifically designed to encourage the private sector to make such loans available and that the Board will expedite its review of loan guarantee applicants that are in immediate need of such financial assistance.

Mr. BYRD. The Senator is correct. The Emergency Steel Loan program is designed to provide immediate access to necessary working capital and to allow companies to refinance long-term debt obligations on reasonable terms and conditions, which will improve their immediate cash flow positions so they can stay in business until this crisis passes. We do not want to have companies be deprived of on economic life-line when they are drowning and need a helping hand.

Mr. SESSIONS. As you know, the Senate Judiciary Committee, of which I am a member, spent a great deal of time last year examining the bankruptcy law and how to improve it for both doctors and creditors, I am particularly concerned that companies that seek to reorganize under Title 11 of the U.S. Code, are not precluded from obtaining a loan guarantee under this program since by definition the debts of such companies exceed their assets. Let me be specific, if a company does not have traditional forms of available ''security,'' such as is defined in the 11 U.S.C. Sec. 101, would the Board consider an order of the federal bankruptcy judge finding that a guarantee is necessary to enable the company to operate its business or reorganize meets that requirement?

Mr. BYRD. The Senator is correct that the bill was written so that ''security,'' as defined in the bill, would cover such a situation, however if further clarification is required we will work to address that and similar issues so that such companies are not excluded from the assistance provided in this emergency loan program.

Mr. SHELBY. Is it the Committee's intent that the Emergency Steel Loan Guarantee Program, established under S. 544, be made available to all qualified steel companies that satisfy the requisite security requirements in section (h)(2) at the time loan commitment is made as well as available at the time the loan becomes effective, regardless of whether or not a qualified steel company is now or could be required to reorganize under Chapter 11 of Title II of the U.S. Code?

Mr. BYRD. The Senator is correct, and if necessary we will clarify that further.

Mr. SESSIONS. The power of a United States bankruptcy court already provide that a court may issue any order that is necessary or appropriate to carry out its responsibilities of the bankruptcy law to protect the custody of the estate and its administration. Specifically, 11 U.S.C. Section 364 requires a debtor to obtain the permission of the court as a prerequisite to incurring additional credit. If a United States bankruptcy court determines that a qualified steel company under its jurisdiction requires the immediate access to a guarantee in an amount less that $25 million, would that company be precluded from participating in the program because it has an immediate need of a lesser amount of guarantee than specified in section f(4)?

Mr. BYRD. That was not the intent of the Committee and we would expect the Board to afford substantial deference to such a determination by a United States bankruptcy court and we will further clarify that if required.

KOSOVO

Mr. BENNETT. Mr. President, I had not thought to address this subject, but the opportunity presents itself here and I find that I have reactions to this morning's newspaper that I would like to share with the Senate.

There were two things that happened yesterday, both of which are reported in this morning's paper. I think they come together with an interesting connection. The first one was a briefing held here in this building, on the fourth floor, on the issue of Kosovo and what the United States is about to do there. Attending that briefing, appropriately reported in this morning's paper, were the Secretary of State, Secretary of Defense, the President's National Security Adviser and the Chairman of the Joint Chiefs of Staff. Basically, they told us we are on the brink of going to war; that is, that the United States is prepared, with its

NATO allies, to attack a country within its own borders to resolve a dispute among its own people in a way that the United States feels is appropriate.

There are those who have advised us to stay out of a civil war, not go in the borders of another sovereign nation in order to resolve the dispute within that nation. But let us assume the stakes here are high enough to justify disregarding that advice. The second piece of advice that we are given is, if you do go into a civil war, pick a side. It is not entirely clear to me, from attending the briefing, that we know exactly which side we are for and what outcome we want. Because the third advice that comes along is, if you are going to go into a civil war and you are going to pick a side, make sure it is going to win. Again, in the briefing we had yesterday I was not satisfied that those four representatives of the administration had demonstrated a compelling case.

But I do not rise to issue a challenge to them on those grounds. Instead, I rise because of the connection, as I say, between two events: No. 1, a briefing of the Senate of the United States on the eve of the United States committing an act of war; and, No. 2, a report as to what the President of the United States was doing last night. In this morning's newspaper we are told that the President conducted a boffo performance before a dinner made up of representatives of the press, that he received three standing ovations, and in the Style section of the Washington Post we are told some of his best one liners. This is why I find such a jarring disconnect between the President preparing one liners in the White House for a reporters' dinner and the President's advisers talking to the Senate about going to war.

During the briefing that we had in this building yesterday, prior to the United States committing an act of war, we were told that one of the reasons we had to go ahead with this action was because we had gone so far down the road, in consultation with our allies, it would damage our treaty obligations with our allies if we did not proceed. I must confess I was offended—indeed, perhaps outraged by that logic—not because of what it said about what the administration had done with respect to our allies, but because of what it said about what the administration had not done with respect to its constitutional responsibilities. In the Constitution of the United States, the power to declare war is vested in the Congress of the United States. Very clearly, very specifically, without equivocation, Congress shall declare war.

We are on the verge of actions that are the equivalent of the United States going to war. The justification we are receiving for taking those warlike actions is that the administration has made commitments to foreign governments. Why is the administration entering into conversations, consultations and other relationships with foreign governments about going to war and not talking to the Congress of the United States about going to war, instead, preparing one liners for a dinner with members of the press so the President can get standing ovations for his comedic abilities, the President competing with Bob Hope and David Letterman, while the United States is on the verge of sending its young men and women into harm's way in a situation which, according to the President's advisers, will ''take casualties''?

The phrase, ''we will take casualties,'' is a euphemism to say that Americans are going to be killed. They are going to come home in body bags, and they will be killed in a war that Congress has not declared. They will be killed in a war that takes place because the administration has consulted with our allies and is worried about embarrassing themselves with our allies but cannot bother to bring themselves to fulfill their constitutional responsibility to come to the one agency that, under the Constitution, has the authority to declare war—that is, the Congress of the United States.

Indeed, in that briefing we were told that American forces will face the most serious challenge militarily that we have faced since the gulf war, and some said the most serious air defenses we would face since the Second World War. Yet the administration does not bother to talk to Congress about this and gain congressional authority for these actions. Instead, the administration spends its time talking to our allies.

Don't make any mistake, I am not objecting to the fact that the administration has consulted with our allies. I think that is right and proper that we should do that. Don't they have any sense of proportion or constitutional responsibility in this White House? Don't they understand that the Constitution says Congress has the right to declare war, not the President?

The last time we went into major military confrontation was over the gulf war. At that time, the White House was in the hands of a Republican President. That Republican President, whom I consider a good personal friend and for whom I have the highest affection, was going down this same road. He was preparing to take America to war without a congressional authorization to do so. There were those in this body who stood and said, ''Mr. President, you cannot take us to war without the approval of Congress.''

President Bush and his advisers resisted that logic for a while. Interestingly enough, one of the Senators who spoke out most vigorously, saying to the President you have no right to take us to war without congressional authorization, is now the Secretary of Defense. Then-Senator Cohen said repeatedly, to his own administration and his own party, you cannot take us to war without congressional authorization.

I am delighted and pleased that ultimately President Bush came to realize that truth and that America did not go to war in the gulf without congressional authority. President Bush had made all of the same kinds of commitments to allies that we now hear that President Clinton has made to our NATO allies with respect to Kosovo. It would have been enormously embarrassing for President Bush had the Congress not approved his action. He risked that embarrassment because he recognized his constitutional responsibilities. He came to Congress. The vote was close. He ran the risk of losing that vote, but ultimately, the Congress approved America's going ahead with the gulf war. We went ahead with the gulf war.

Yes, we did take casualties, but we set a precedent that is in concert with the constitutional responsibilities that we all face. America could say we went to war with the proper constitutional authorization.

I fear we are on the verge of going to war without the proper constitutional authorization. I fear the President of the United States, because of his concern—if we can believe what we were told in the Capitol briefing yesterday—over our relationship with our allies, is not willing to risk his constitutional responsibility to come to Congress.

I wish that instead of perfecting his one liners for the correspondents dinner last night, the President had been working on a message to Congress. I wish the President of the United States would come before a joint session of the Congress and explain to us what vital national interests are at stake here and why it is necessary for the United States to consider attacking another sovereign nation.

Obviously, he must feel the reasons are compelling or he would not have gone so far down the road as he has already gone. Let him share those compelling reasons with the people of the United States. Obviously, he feels he has a case to make or he would not have pilots standing at the ready to begin bombing. Let him make that case before the Congress of the United States. Let him recognize that when he took an oath to uphold and defend the Constitution of the United States, similar to the oath that we took, he cannot ignore the phrase in the Constitution that says that Congress has the right to declare war, not the President. It could not be clearer.

The difference in the President's priorities could not be clearer. Instead of preparing a message to Congress, he was preparing comedic one liners for a correspondents dinner.

Do my colleagues know what one of those one liners was, Mr. President? It is one of the things that offended me the most, reading the paper this morning. He referred to the fact that the vote in the Senate on the impeachment trial had acquitted him and said, ''If it had gone the other way, I wouldn't be here tonight.'' Then the appropriate

comedic pause, and he said, ''I demand a recount.'' Laughter.

Mr. President, I suggest, in the strongest terms I can muster, that the President should not be making light of the dangers of his appearing before a group of correspondents while his administration is in the process of preparing to send young Americans to their death. Flying over Kosovo with the air defenses that are embedded in those mountains firing at you is more dangerous than appearing before a group of correspondents who might write nasty columns about you. For the President to joke about the hazards of his appearing before that dinner on the eve of sending Americans into harm's way, where we are certainly going to see some of them come home in body bags, is to me deeply offensive.

Mr. President, I conclude with what is obvious about my position. The President of the United States has a constitutional duty before he sends Americans to war to come to the Congress of the United States and get some form of declaration of war. I believe he will abrogate his constitutional duty and violate his oath if he does not do that. Without his coming to us and without our adopting constitutionally accurate support for his actions, I will vote against everything that he proposes to do, against the appropriations.

I will vote in every way I can to say the President of the United States has violated his oath and violated the Constitution if he proceeds in the manner that we were informed about in our briefings yesterday.

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

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. I thank the Chair, and I wish the Presiding Officer a good morning.

INVOLVEMENT IN KOSOVO

Mr. MURKOWSKI. Mr. President, a good deal has been said in the last several days concerning our potential involvement as part of a NATO peacekeeping operation in Kosovo. Having had an opportunity to be briefed on several occasions by the Administration, I am concerned that we have not given enough consideration to what we will do if the initial plan fails, or is somehow miscalculated.

Further, I am astonished that we do not have an end game for this exposure of our young men and women whom we would send into battle. As we consider the consequences of involvement in the Kosovo matter, and my sympathy runs deep for those who are in harms way as a consequence of this continued conflict, I am terribly concerned for the American lives which would be in harms way if we send troops to Kosovo. I just don't think we can continue to be all things to all people.

There are certain times when we have to evaluate what is our appropriate role and when it is time to rally our allies in an efficient, effective coalition of support, of access, of supplies, some way short of a conflict.

When one looks at the armaments over there, we find Russian, we find Chinese, we find U.S., and we find European. As a consequence, had we taken steps some time ago to ensure that this sophisticated weaponry would not fall into irresponsible hands, we might have been able to avoid it. But we are down to a time when the administration obviously is reluctant to admit that, indeed, we are at the brink of entering into a war.

Some have suggested it could be the beginning of World War III. I am not going to dramatize, but do want to emphasize that I do not believe that we have given sufficient attention and strategic analysis to the alternatives to intervention, or to a withdrawal plan should we proceed to send troops to Kosovo. As a consequence, this Senator is not prepared to support an action at this time. I think the President of the United States owes it to the country, as well as to Congress, to come before the body with a clear-cut, committed plan that addresses the questions I have asked this morning.

I, as one Senator, want to put the White House on notice that support from this Senator from Alaska, at this time, is not there.

I also want to emphasize another point, Mr. President, concerning our potential intervention in Kosovo. We are about to enter into a recess at the end of next week and will not reconvene as a body until sometime in mid-April. Any action by the administration to send our troops, as a part of a NATO operation, into action during our absence, obviously puts the Congress in the position of having to support our troops—while we may not necessarily support the underlying action. Of course, we will want to support our troops, and we will support our troops.

But, because of the timing, we as a Congress must decide now—before our troops go in—whether or not we support this intervention. I encourage Members to express their opinions now, in fact plead that Members go on record with this issue, before we are asked to support our troops in Kosovo.

Mr. President, I see no other Member wishing to be recognized. 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. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BUNNING. Thank you.

PRESIDENT CLINTON SENDING AMERICAN SOLDIERS TO KOSOVO

Mr. BUNNING. In 1995, when I served in the House of Representatives, I and a large bipartisan majority supported a resolution which called for President Clinton to obtain congressional authorization before deploying troops to Bosnia. That resolution passed by a vote of 315 yeas to 103 nays.

Yet, despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of troops to Bosnia without congressional authorization or any meaningful debate.

Back then, President Clinton spoke to us and promised us all that we would have a well-defined mission with a clear exit strategy. But even today there are no details on getting our troops out of Bosnia. We are still there and President Clinton has spent approximately $12 billion on that mission without ever including Bosnia funds in his budget.

As a result, he is draining crucial defense resources from other critical areas and further putting our soldiers in harm's way. We still have almost 7,000 troops in Bosnia and we are all unsure of what their exact mission really is and when, if ever, they can come home to their families. So much for a clearly defined mission and exit strategy.

But now, all I can say is, ''deja vu'' and ''here we go again.''

Right now, American troops are deployed all over the globe in over 30 nations on missions of questionable value and unclear rules of engagement. And now, President Clinton is about to scatter roughly 4,000 more troops to intervene in Kosovo under a NATO mission to enforce a peace agreement. But there is no peace agreement to enforce because one does not exist.

The Serbs and the Albanians have been fighting in this southern region of Serbia for centuries. So is it any surprise that earlier this week in France, the Serbs would not accept the Kosovo peace plan that their rival ethnic Albanians have agreed to sign?

I do not believe that any amount of American involvement is going to end these ethnic conflicts that have raged for centuries. We have tried to resolve this problem for three years and have gotten nowhere. I do not understand why we think we can end this civil war by sending 4,000 additional troops.

President Clinton has not given us any answers as to why sending these troops to Kosovo is so vital. President Clinton can tell us any time. But where is he? He has the bully pulpit.

I do not believe it is in our national security interest to get involved once again in another so-called peacekeeping mission in this region. In a few years, Kosovo will take its place in history books, along with Bosnia, Haiti and Somalia, as an example of a foreign policy that has no principled framework.

I want to hear from President Clinton as to why this region is of a national security interest to the United States and why he should risk the lives of our young troops by sending them to Kosovo.

And where is the European community in all of this? It seems as though we are risking the lives of our soldiers to clean up Europe's backyard. If anyone should take the lead on this intervention, it should definitely be from a European nation. This is Europe's problem, if anyone's, and not ours. Kosovo is not in our backyard.

An American soldier's job is to protect America's interests by destroying America's enemies on the battlefield. It is an insult to ask an American soldier to serve as a policeman under the umbrella of some international organization instead of the American flag.

There are many questions that President Clinton and his administration need to answer, and we are being left in the dark once again.

President Clinton, take these questions seriously.

When and how many troops are we deploying and how long will they be there?

What is their mission?

Will there be more troops deployed if our goals and missions are not met?

Will foreign commanders be commanding our troops under this NATO force?

What are the rules of engagement?

How will this mission be paid for, and will valuable dollars be pulled away from military readiness accounts to pay for this deployment?

What, if any, is our exit strategy?

As you have heard, President Clinton, I have many questions and I am not alone. You gave us no details and answers with regard to the Bosnia mission, and I fear we, as well, will be given very little, if any, details regarding our involvement in Kosovo.

But quite frankly, not getting answers from President Clinton does not surprise me.

I do not believe we have a compelling national interest to send troops to Kosovo. If they are sent, we all deserve answers from President Clinton before our troops are sent into another mess for years to come.

Our men and women in uniform are ready and willing to defend the interests of this great Nation, but not the interests of other nations. We cannot undermine the oaths they take when they are sworn into the military to serve this great Nation.

President Clinton, do your job, and let us know what is happening with Kosovo.

God bless our troops.

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

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

EXTENSION OF MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the period for morning business be extended until 11:45, under the same terms as previously granted.

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

Mr. THOMAS. Thank you, Mr. President.

SUPPLEMENTAL BUDGETS

Mr. THOMAS. I wanted to take an opportunity in morning business, Mr. President, to comment just a little bit on this whole business of budgeting; I guess more specifically, supplemental budgets and the problems that are there.

First of all, with respect to the budget that is before the Senate, I congratulate the leadership and the Appropriations Committee for the good work that they have done. I know that it is difficult. I think they have done a good job in seeking to offset the costs.

But I really believe that one of the things we need to change in the Senate is our method of budgeting, our method of supplemental budgeting particularly. First of all, in the broader sense, I am hopeful that we will consider this year the idea of a biennial budget, that we will come in at the beginning of the 2-year period, put down a budget, and have 2 years under which to operate so that in the second year we can do more of what we should be doing, and that is oversight of the expenditures of that budget.

I understand that under that circumstance there would be supplemental budgets, that you would probably be more likely to have one if you had the 2-year budget, but I think that is the thing we ought to be doing. Now we spend such a high percentage of our total time doing budgetary things and quite often bringing in things that are nonbudgetary on to budget bills. I think that is a mistake.

We are set up to have a Budget Committee. We are set up to have an Appropriations Committee that deals with the expenditures. We are set up to have committees of jurisdiction that are responsible for the policy. Unfortunately, many times we find that issues on policy come to the appropriations, particularly on supplementals, without ever going to the committee of jurisdiction, and we find ourselves with policy on Appropriations Committee measures, which I think is inappropriate.

There again let me say, I congratulate those who have been involved with this bill, because I think they have done a good job—something around $2 billion, I believe, that has been generally offset. And I know how difficult it is to keep the amendments from coming. Everybody sees that as an opportunity to put on there the things they have been seeking to do.

We talk about having surpluses; we talk about what we are going to do with those surpluses. The real issue before us, particularly if you are interested in keeping the size of the Federal Government under control, is spending and spending caps.

I am pretty proud of what has happened here in the Senate, in the Congress, over the last several years, when we have been able to have some spending caps, and we have been able to at least hold spending at a relatively level. Yet we have a surplus, and we begin to think, ''Oh, we can do this.'' If you really want to keep control over the size of the Federal Government, if you really want to encourage governance to take place more at the State and local level, then we have to be very observant, I think, of spending caps.

There is a justification for emergency spending, certainly, when we have things like storms and earthquakes and so on, but emergency spending can also result in all kinds of things being called ''emergency spending,'' and the result is we spend more than our caps.

So I think most people in Wyoming believe that $1.6 trillion is plenty of money. That is what our spending is. In the natural event, we spent last year about $20 billion in emergency spending, much of which would be very hard to really honestly identify as emergency spending. It was an ''emergency'' way to have more spending, encouraged by the administration, encouraged by this President. And his budget is going to cause us to consider that even more, where the President has cut down spending that needs to go on, to put in new spending in the hopes that the total spending will be increased.

So, Mr. President, I just think that is the wrong way to go. I do, again, appreciate our chairman trying to hold and offset spending. I voted against the supplemental bill last year even though obviously there are always things there that you would like to have happen.

I think we need to look very closely at this bill to make sure that spending is in fact offset or that it is indeed emergency spending.

Mr. President, I appreciate the opportunity to share some general feelings about our budgeting system and to urge that we take a very close look at what we do in terms of our total spending and how it has been impacted by these kinds of supplemental budgets.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

The distinguished Senator from Alaska is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 121 THROUGH 123, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk an amendment for Senator SESSIONS that deals with the Crop Loss Assistance Program. Senator SESSIONS' amendment is offered as one of Senator COCHRAN's relevant amendments in the agricultural area.

I also send to the desk an amendment on behalf of Senator COVERDELL making funds available for a scholarship fund in Honduras. Senator COVERDELL's amendment is offered as one of my relevant amendments on the list.

Finally, I send to the desk an amendment for Senator DASCHLE dealing with 801 housing at Ellsworth Air Force Base.

I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 121 through 123.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 121

(Purpose: To improve the crop loss assistance program)

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . CROP LOSS ASSISTANCE.—(a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105–277), is amended—

(1) in subsection (a), by inserting ''(not later than June 15, 1999)'' after ''made available''; and

(2) in subsection (g)(1), by inserting ''or private crop insurance (including a rain and hail policy)'' before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): *Provided,* That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

Mr. SESSIONS. Mr. President, I rise to speak regarding my amendment to improve the crop loss assistance program. I would like to begin by expressing my appreciation to Chairman STEVENS, Senator COCHRAN, Senator LUGAR, and Senator KOHL for their assistance in gaining an agreement on this amendment.

I believe this amendment will help provide much needed assistance to our Nation's farmers. In the fiscal year 1999 omnibus appropriations bill we provided emergency funds to the United States Department of Agriculture (USDA) to aid farmers who have suffered losses due to natural disasters in recent years. I believe the regulations that were promulgated by the USDA were inadequate to address the needs of many of our farmers.

Under the multi-year disaster assistance provisions contained in the fiscal year 1999 omnibus appropriations bill, farmers who experienced losses in three of the last five crop years (1994–1998) or 1998 alone were eligible for 25 percent of indemnities paid. Farmers would be paid the higher of the multi-year or single year loss but would not quality under both.

Many farmers in parts of Alabama experienced losses in two out of five years, or experienced devastating losses in years other than 1998 and so were ineligible for the disaster assistance. In addition, many producers experienced losses but did not meet the eligibility requirement since they may have had up to 35-percent losses but no insurance indemnity was paid that crop year.

Farmers may have also experienced a loss with a private crop policy such as rain and hail but did not have enough of a loss to trigger the indemnity. This amendment would require that USDA count indemnity losses by private policies such as rain and hail that were paid during the crop years 1994–1998 to be counted as a loss, under the three out of five year crop loss requirement.

In determining eligibility for the multi-year provisions, the Risk Management Agency, RMA, simply generated a list of producers by taxpayer ID and if their production records showed a loss for either 1998 or three out of the five preceding crop years, RMA determined they were eligible. However, since these private crop policies are not offered under the Multi-Peril Crop Insurance program, MPCI, and purely a private contract between the insured producer and insurance company, RMA did not count these losses as qualifying under the multi-year provisions.

This amendment will simply provide equity for producers who might have experienced losses under their private policies such as rain and hail, but did not experience losses under the catastrophic or ''buyup'' policies. I believe this amendment will provide essential flexibility in the program so that farmers who have endured severe conditions in recent years can qualify for the assistance we provided in the omnibus bill last year.

I ask unanimous consent that a letter from me to Secretary Glickman be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 25, 1999.

Mr. DAN GLICKMAN,
Secretary, Department of Agriculture,
Washington, DC.

DEAR SECRETARY GLICKMAN: I am writing regarding some concerns I have about the Crop Loss Disaster Assistance Program that was authorized by the Supplemental Appropriations for Fiscal Year 1999.

I am concerned about the regulations that have been formulated by the USDA with regards to this program. Congress provided these funds to aid farmers that have faced extreme conditions during the past few years. Having been contacted by several of my constituents, it has come to my attention that the program is not adequate in addressing many farmers needs. Although numerous farmers suffered significant losses in 1998, many still will not qualify for assistance under the provisions specifically designed to address 1998 losses due to disasters. Furthermore, the provisions relating to multi-year losses precludes many farmers from receiving the assistance they so desperately need, even when they had two devastating years. While I understand that these types of programs must have limits, I request that you investigate this disparity to determine if a possible solution is available.

I am also concerned about the disproportionate impact that the program will have on different geographic areas. While I am aware that different areas face distinct weather problems, I have some concerns that certain areas of the U.S. are going to receive a much larger portion of the assistance funds than other areas. I believe this could be due to the way the regulations were formulated. Again, I request that you investigate this inequity to determine if we are implementing the best system possible.

Thank you for your time and attention to this matter. I know we share the common goal of aiding the American farmer in the fairest and most equitable way possible. I would appreciate your contacting me or my office with any findings. If you have any questions or require more information, please feel free to contact John Little, my legislative counsel for this issue.

Very truly yours,

JEFF SESSIONS,
United States Senator.

AMENDMENT NO. 122

(Purpose: To make available funds for a scholarship fund for Zamorano Agricultural University in Honduras)

On page 8, line 21, by inserting after ''Honduras:'' the following: ''*Provided further,* That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras:''.

Mr. COVERDELL. Mr. President, I commend my colleague from Alaska for his leadership on this very important supplemental appropriations bill. It goes without saying that these funds are much needed both in our country and in the countries of Central America and the Caribbean affected by Hurricane Mitch. The funds will go to some of the neediest people in this hemisphere and will address immediate and long-term needs. I have traveled the region personally in the wake of this disaster, and I know that these resources

are imperative to its economic viability and recent strong advances in freedom and democracy.

In considering this large assistance measure, however; we should recognize that there are problems in some of the recipient countries. In particular, we have heard of many difficulties with American companies trying to do business in the region. Currently, there are a group of Senators, led by the chairman of the Foreign Relations Committee, who are concerned about an airport project in Honduras and the government's apparent refusal to pay the American company performing the work. In the Dominican Republic, I have consistently been informed of problems the American energy sector is having in trying to do business in that country. While U.S. State Department personnel have been responsive and have tried to be helpful in providing consular assistance, a group of American energy companies still are having problems getting paid on time—or at all—under the terms of their established contracts. This is worrisome. It obviously hurts domestic confidence in investing in this region—or in these countries particularly.

I would appreciate it if the chairman would review the material I will provide him on these situations and consider developing report language to accompany this legislation which would address this recurring problem. In the language, I would like to encourage these countries to honor their contracts to the best of their abilities and to abide by the rule of law. If we are going to provide this infusion of resources, we need to assure that our companies operating in the region are treated fairly. It is certainly best for both us and the countries in which we invest. I thank the chairman for his leadership on this measure.

AMENDMENT NO. 123

(Purpose: To provide for the use at Ellsworth Air Force Base, South Dakota, of the amount received by the United States in settlement of claims with respect to a family housing project at Ellsworth Air Force Base, and to increase the amount of rescission of the ''Operation and Maintenance, Defense-Wide'' account of the Department of Defense)

On page 39, line 20, strike ''$209,700,000'' and insert ''$217,700,000''.

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

Mr. STEVENS. Mr. President, I ask that the amendments be adopted.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 121 through 123) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to strike the following amendments which are on the list of proposed amendments: Senator HATCH's amendment on ethical standards; Senator DEWINE's amendment on counterdrug funding; Senator ENZI's amendment, which is the first livestock assistance amendment; Senator FEINSTEIN's WIC increase amendment; Senator HARKIN's tobacco and two relevant amendments, leaving Senator HARKIN with one relevant amendment; and Senator BURNS' sheep improvement program.

I further ask unanimous consent that an additional slot be added to the list entitled ''managers' amendment'' for use by the managers—Senator BYRD and myself—for a final package of cleared amendments when we get to the end of the bill.

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, to expire at 1 p.m. this afternoon, with Senators permitted to speak therein for not to exceed 10 minutes.

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

Mr. GREGG addressed the Chair.

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

KOSOVO

Mr. GREGG. Mr. President, I rise to speak about the issue of Kosovo. It is obviously a topic of extreme importance. It appears that the administration and the President have decided to use American military force in Kosovo in conjunction with NATO. This, to me, is a serious mistake.

I wish this administration had a set policy we could turn to and say, ''This is why they have decided to do this.'' But they do not. In fact, the Kosovo decision has many parallels to the Haiti decision, and the Haiti decision, as we know, has turned into a complete disaster, costing millions of dollars—potentially, I think, billions of dollars—although luckily no American lives, but it has not corrected the problem in Haiti in any significant way.

Kosovo, on the other hand, has the potential of not only to cost billions of dollars, but also to cost American lives. It is a mistake to pursue a policy of using American force without a doctrine or a guideline or a theorem as to why you are using that force.

My belief is that before we use American force in this world today to address issues which are ethnically driven, religiously driven, or which involve civil war type of instances, which are the new threats we so often seem to get involved in—I am not talking about issues of terrorism, which is a separate issue, or state-sponsored terrorism, which is a separate issue. I am talking about regions of the world where we are seeing ethnic, civil, and political violence of such a nature that American forces are considered to be sent into that region.

It is my belief that before we make a decision to pursue the use of American force and put American lives at risk, we need to answer three basic questions.

The first question is this: Is there a national interest, is there an American interest, which is significant enough to justify risking American lives? Is there a national interest which can be clearly and concisely explained, if it has to be explained, regrettably, to a parent, to a wife, to a child of an American service man or woman who may lose their life because we have pursued the use of American force? Is there a definable American interest of such significance that we are willing to put at risk the cream of America's young people—our service individuals?

So far, this administration has set forth absolutely no presentation of doctrine or ideas or position which establishes that there is such an American interest. There may be a European interest, no question about that. Clearly, what is going on in that part of the world is horrific in many instances. But is there an American interest that justifies using American force and risking American life? We have not heard that explained to us.

If people are being indiscriminately killed by a group of thugs, then are we not also supposed to be in Georgia or Azerbaijan or Rwanda or any number of other places in this world? In fact, I think there was some tallying up of this, and there is something like 39 places in the world today where there is this type of activity going on, and some of it involving much larger deaths in the way of civilian casualties than is occurring in Kosovo. Of course, any death is a tragedy.

The fact is that there has to be a reason for Americans stepping in to try to stop that conflict. In this instance, we have not seen a differentiation that justifies us going into Kosovo versus going into some other of these 39 confrontations around the world. There has been no definition given to the purpose of the use of American military force, other than that this conflict appears on television. This conflict involves a European state. This conflict, therefore, maybe attracts more sympathy from a country which has always identified itself with Europe, but sympathy is not a good reason for putting at risk American lives.

The Balkans represent no strategic issue for the United States today of any significance. It is a strategic issue for the European nations, and it is a European issue which should be addressed by the European nations, but clearly there is no definable American purpose for going into Kosovo, and this administration has presented none.

I was at a briefing where I heard the Secretary of State say something to the effect, this might lead to World War III if we let this conflict ensue between Serbia and Kosovo, because she was referring back to World War II and World War I which started in this region of the world.

The dynamics of the world have changed. There are no alliances which are going to cause the domino effect that is going to bring the death of the Archduke of the Austro-Hungarian Empire into play with Germany, with Prussia. There are no such alliances that exist today. There is no Adolf Hitler who has the capacity to project force throughout Europe as a result of actions occurring in the Sudetenland of Czechoslovakia. In fact, the Balkans have been, for all intents and purposes, strategically bypassed.

There are other regions of the world where America has significant strategic interest—Iraq is obviously the most apparent at this time, but there are others also—where, if we have to use American force, we should use American force. But to use American force arbitrarily and simply because the region happens to be European and because it happens to be on television, and for no other apparent reason, is a very hard explanation to make, should American lives be lost, to the parent or the spouse or the child.

That is the first point we must test. The first test of engagement is, Is there a vital national interest for us? No, there is not. I want to come back to that because there are a couple of other points on that.

Let's go on to the second point. The second point is, Can the use of American force stabilize or terminate the conflict?

When we are looking at these racial, political, religious, civil war type situations, can the introduction of American force have a long, lasting effect? That has to be the second question. And if it cannot, then why would we put the force in?

I think anybody who has done even a cursory study of the Balkans knows that these folks, these cultures, regrettably, have a historic, almost a genetic, attitude which causes constant conflict and which creates tremendous antagonism which leads to violence between these different cultures.

I have tried to trace it back a little bit. I was reading the history of the Ottoman Empire. Ironically, it goes back, I think, to Kosovo and a battle that was fought, I think, in 1555 or 1585 where Solyman ''the Great'' fought the Serbs in Kosovo. In fact, just a few years ago, the Serbs dug up their hero of that battle and took his body all around Serbia as an expression of support for that battle and for their hatred of the Moslem empire which had caused that fight to occur. And those hatreds have developed and evolved and have gone forward in every generation, been passed down from generation to generation to generation.

We cannot understand it as Americans because we are a melting pot, and we do not have that type of hatred in our Nation. A lot of people came to the United States, however, to get away from it and immigrated here for that purpose.

But I remember, I worked in Montenegro one summer, and I would meet people—and this was back a long time ago, back in 1970-something—and I would meet people, the local folks who I was working with, and they would tell me, forthrightly, that as soon as Tito died there was going to be a genocide in that part of the world because the Serbs hated the Croatians. And it was just a matter of fact, a matter of their lives that as soon as this stabilizing force, Tito, died, this was going to occur. They knew it as a culture.

So what arrogance do we have as a nation, sitting here across the ocean, that we think we can project arms into a region, putting American lives at risk, and stabilize that region which has not been able to settle things out for hundreds of years—hundreds of years. I think it is foolish for us to presume that.

But equally important, I think we have to understand that, in this instance, to put American forces in there is essentially an act of war on our part, because this is a freestanding nation and Kosovo is a province of that freestanding nation. It is as if Canada decided to put troops in Vermont because New Hampshire and Vermont were not getting along. That may be too glib a statement, but the fact is, from a physical standpoint and a political standpoint, that is essentially the same situation. This is a nation which is at civil war. What if the English during our Civil War had decided to set troops down in North Carolina? I don't think the North would have taken that very well.

Granted, in this instance, the Serbs are led by a malicious and malignant individual who is acting in a manner which is outside, in many ways, the bounds of any type of confrontation that should occur in the 20th century or the 21st century. But the fact is, for us to put American troops in there will be legally, at least, an act of war because we will be invading a sovereign nation which is fighting within itself relative to a province in that nation which is trying to create independence, and we will be deciding to separate that country by our use of military force.

Of course, this administration has not come to this Congress and suggested that. In fact, this administration has not come to the Congress at all. It has violated all sorts of directives, but it has just marched down

this road of arbitrary evolution into a position of confrontation in Serbia and Kosovo. It has set our prestige at risk without having any idea why our prestige should be at risk, in my opinion.

But that is the second point: Can you resolve the conflict by the use of American force? I would have to say that history tells us we cannot. A lot like Haiti. When we went into Haiti, a lot of people asked, Are we going to correct this situation? Is this going to improve this situation? Are we putting our people at risk? Are we spending all this money and getting something out of this that is better after we leave? Is it going to change the culture?

We have seen it did not. Haiti is back to almost the exact position it was before we put our troops in, except that it has absolutely no private enterprise now because we basically wiped out the private enterprise when we went in and closed all the private enterprise down and pushed it offshore. We wiped out their private sector workforce and capitalist base. So we actually put them in a worse position economically. And politically they are in the same position.

I suspect that no matter how long we put American troops in there—and there is no definition coming; and that is the third point of how long we will be there—no matter how long American troops are in that region, there will be no resolution of this problem by the introduction of American troops into that region which will have any long-term impact. They will be back at each other's throat as soon as the opportunity arises, unless we wish to stay there forever, which brings us to the third point.

The first point is: Is there a vital national interest for us? The second point is: Can the conflict be resolved by the use of American forces? The third point: Is there an exit strategy or are we committing Americans' tax dollars and the lives of American troops without any—any—idea as to how we are going to get out of this situation?

As far as I know, this administration has not really defined an entrance strategy. They have sort of stumbled into that, so, clearly, they have not found any exit strategy. In fact, if you ask them, all they have thought about is the first bombing raids. They have not even thought about the second—they may have thought about the second series of bombing raids, but they have not thought about what they do after that. There is no exit strategy. In fact, there is very little strategy at all other than what the military has been willing to do and has to do in order to prepare itself to execute public policy which is so haphazardly designed.

We could be there a long time. I mean, since 1385 or 1355, it has been 600 years. Are we going to stick around another 600 years in order to pacify this region? I think we might have to if our intention is to accomplish that goal.

And for what purpose? What is the national interest that justifies that? And remember, this is not like Haiti in many ways. This is a country where people do fight, where people are under arms. This is a country of military-type individuals. This is a country which fought the German army to a standstill; the greatest army in the world at the time they invaded, fought them to a standstill through guerrilla tactics. These are proud people, proud people and militaristic people. I know that. I was there for awhile. It was a long time ago, but I do not think they have changed. They do not seem to change much.

So where is this policy going? It appears that it is a policy that is undefined, that cannot give us a legitimate national reason, that cannot proclaim that the introduction of American forces will settle the situation. And it cannot give us a definition as to how they are going to get out of the situation once we get into the situation.

It is a bad policy. It is one that, unfortunately, puts many American lives at risk if it is pursued. But this administration seems insistent on going down that road. And I think that is wrong.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

A STUNNING REVELATION

Mr. BYRD. Mr. President, I read a remarkable article this week in the Hill newspaper concerning the distinguished Senator from Georgia, Mr. CLELAND. The article recounted events that occurred 31 years ago in Vietnam when then-Captain CLELAND was gravely injured in a grenade explosion. The injuries that he received in that horrible accident cost him his right arm and both of his legs, and very nearly cost him his life. He was 25 years old at the time, and just 1 month shy—just 1 month shy—of completing his tour of duty in Vietnam. Now, think of that. Just a month to go.

For more than three decades, MAX CLELAND lived with the crushing belief that his own carelessness had caused the accident, that the hand grenade that shattered his body and shattered his life had somehow fallen from his own web belt when he jumped from the helicopter. Most people in MAX CLELAND's situation would have been consumed with self-pity, even if they had had the grit to live. Think of that. The young Captain CLELAND certainly battled it. But as he has handled so many of the challenges that have marked his life since that terrible day in Vietnam, MAX CLELAND triumphed over the lure of self-pity. He triumphed over his injuries. He triumphed over self-doubt. He triumphed over bitterness.

Max CLELAND could have given up after that accident in Vietnam. Most of us would have. But he did not. He turned his misfortune into the service of others. Three years after returning home from Vietnam, he was elected to the Georgia State Senate, becoming the youngest member and the only Vietnam veteran in that body. In 1977, he became the youngest administrator of the U.S. Veterans' Administration and the first Vietnam veteran to head that Agency. He returned to Georgia where, in 1982, he was elected Secretary of State. And, in 1996, he was elected to the U.S. Senate from Georgia.

Now, that is a remarkable record, a remarkable feat. It is remarkable for anyone to reach the Senate of the United States. Out of all the millions of people that are in America, there are 100 Senators—the same number that were in the original Roman Senate when Romulus founded that city on the banks of the Tiber. He created the Senate, made up of 100 of the wisest men, and he chose old men for that Senate.

So here is a man with the disadvantages that MAX CLELAND had to overcome, the struggle that he had to undergo daily and nightly, every hour of the day, even to live, and he made it to the U.S. Senate. In all of that time, he quietly blamed himself for the accident that so radically altered his life.

But last week, according to the report in the Hill, Senator CLELAND was stunned to learn from an eyewitness that the grenade that injured him was not one of his own, but had been lost by another soldier.

My wife and I are reading the Psalms. Every Sunday, we read it. Actually, we have completed the Psalms, and now we are in Ecclesiastes.

> Vanity of vanities, saith the Preacher, vanity of vanities; all is vanity.

In our reading of the Bible, we have already read the New Testament and we have read the Old Testament. We have come all the way down, as I say, to the Book of Ecclesiastes. From the 85th Psalm, I will quote two lines:

> Mercy and truth are met together; righteousness and peace have kissed each other.

Through his indomitable spirit, MAX CLELAND overcame the injuries he received as a young Army captain in Vietnam and conquered the temptation to succumb to self-pity. He is an inspiration to us all, and I hope that he finds a measure of peace and solace in the long-lost truth that was revealed to him this past week.

Mr. President, I ask unanimous consent that the article from the March 17 issue of the Hill, titled, ''For Senator Cleland, a Searing Revelation After 31 Years,'' be printed in its entirety at this point in the RECORD.

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

[From the Hill, Mar. 17, 1999]

FOR SEN. CLELAND, A SEARING REVELATION AFTER 31 YEARS

(By E. Michael Myers and Betsy Rothstein)

For 31 years, Sen. Max Cleland (D–Ga.) has labored under the belief that he was to blame for dropping the hand grenade that forever transformed his life.

It was an otherwise insignificant moment in a still-divisive war, a terrible instant when Cleland lost his legs, his right arm and, for the time being, his dignity.

But from the confusion of that moment—the bleeding, the flood of nausea, the blinding pain, the medics scrambling to patch him together—has emerged an unshakable notion: that he was most likely responsible for that act.

That is, until now.

The year was 1968. The war, Vietnam. The place, a valley called Khe Sanh.

The valley, only 14 miles from the demilitarized zone, was as dangerous as it was deceptive.

From the air, Khe Sanh was a bastion of streams, rolling hills, picturesque cliffs, lush vegetation and even a waterfall. On the ground, it was teeming with giant rats, razor-sharp grasses, precipitous grades and rivers with violent rapids.

Some 6,000 American Marines were holed up in Khe Sanh. Hiding in the hills surrounding the valley were North Vietnamese army troops. Nobody knew exactly how many. One estimate said 20,000. Another said twice that number.

The hills were so dangerous that supply convoys could not make it through Route 9, the main road into Khe Sanh. The Marines turned to helicopters for their shipments. But even that became so dangerous that C–130 planes had to swoop from the skies to drop supplies from the cargo bays.

Khe Sanh itself was hardly worth saving. Its strategic importance was so low that, when the Americans did finally capture it, they let it go again.

Instead, Gen. William Westmoreland feared another Dien Bien Phu, the 1954 battle which led to the French retreat from Vietnam. The sight of a brigade of Marines in body bags being hauled from Khe Sanh would have been a tragedy of awesome proportions.

That is why the general ordered Operation Pegasus, a large-scale joint Army-Marines rescue effort. Included in the operation was the Army's 1st Air Cavalry Division, the division of 25-year-old Capt. Max Cleland.

The tall son of a secretary and an automobile salesman from Lithonia, Georgia, had signed up for Reserve Officers' Training Corps at Stetson University, was trained in guerrilla warfare and had always ached to fight in an important battle.

After his first three months as a platoon leader of a signal battalion, he thought, ''It didn't seem like much of a war.''

So he volunteered for a dangerous new assignment that would take him to what he considered the nucleus of the war. He became communications officer with the 2nd Infantry Battalion of the 12th Cavalry with the Cav's 2nd Brigade.

Cleland's boredom quickly subsided. At one point during Operation Pegasus, he spent five days and five nights in a bomb crater 20 feet in diameter. In a letter to an aunt, he wrote, ''If I ever make it back to the Atlanta airport, I'll be happy just to crawl home regardless of what shape I'm in.''

Some of the hills around Khe Sanh were battlefields almost as harrowing as any in U.S. military history. Marines still boast of having survived battles known only as Hill 881 and Hill 861.

But the hill where Cleland's fate was decided—once east of Khe Sanh—would not become known for any great act of valor. Its strategic importance was as a communications relay station.

The 12th Cav's Maj. Maury Cralle, Cleland's commanding officer who was stationed in the rear, recalls that he had trouble communicating consistently with the front lines. A relay was needed.

On April 8, 1968, less than a week before the siege of Khe Sanh was broken and one month before his anticipated departure from Vietnam, Capt. Cleland accompanied his men by helicopter to the hill, arriving within minutes.

He had jumped from helicopters countless times before. Usually, there was nothing to it.

He jumped, and once clear of the spinning helicopter blades, turned, watching the chopper lift into the air. That's when he noticed the hand grenade resting on the ground.

Ordinarily, grenades only detonate when their pins are pulled. Somehow, this grenade's pin had become dislodged. All Cleland saw was the grenade.

''I went toward it,'' Cleland said in an interview with The Hill last week. ''I didn't know it was live. It wasn't a heroic act. I just thought it was mine. I really didn't know where in the hell it came from.''

The explosion threw Cleland backwards. His right hand and most of his right leg were gone, and his left leg was a bloody mass.

''The blast jammed my eyeballs into my skull, temporarily blinding me, pinning my cheeks and jaw muscles to the bones of my face,'' Cleland wrote in his 1980 memoir. ''My ears rang with a deafening reverberation as if I were standing in an echo chamber.''

For days, as he fought for his life, flashbacks of the incident haunted him. ''Why had I pressed my luck? What was I trying to prove?''

For more than three months, he battled his condition in Walter Reed Army Medical Center in an orthopedics ward known as the ''Snake Pit.'' It was there where he also battled his self-pity.

For years, Cleland has been inundated by the ''awkward self-conscious stares of people.''

''I have done that 'mea culpa' thing for a long time,'' he described last week. ''Like, 'You were stupid to volunteer, you were stupid to go [to Vietnam], you were stupid to get blown up, you are stupid, stupid stupid.'''

His resolute spirit allowed Cleland to fight the self-doubts and to eventually serve as administrator of the Department of Veterans' Affairs under President Carter and win election to the Senate in 1996.

But as he rolled that critical event over and over again in his mind, one pervading thought stood still: ''Somehow I had fumbled the ball.''

Last week, Cleland was stunned when he received a phone call from a man named David Lloyd—a 60-mm mortar squad leader in ''Charlie'' Company of the 1st Brigade, 1st Regiment of the 1st Marine Division.

Lloyd told Cleland that the grenade that nearly killed him belonged to another soldier.

Lloyd, now a retired airline worker living in Annapolis, Md., told Cleland that he, too, had been stationed on that hill outside Khe Sanh that fateful day. Lloyd said he had watched as Cleland's helicopter came in for landing and, although he couldn't be sure, he believes he even took a photograph.

Lloyd provided The Hill with that photo, as well as evidence of his service in Charlie Company. Company-level documents could not be located for this article. But Marine Corps archival records confirm that one of his brigade's assignments was to set up a relay station outside Khe Sanh during the first two weeks of April 1968 for the Army's First Air Cavalry Division—Cleland's division.

Earlier this month, Lloyd was watching a program about combat medical corpsman on the History Channel in which the senator detailed his account of his injuries. For the first time, he learned that Cleland blamed himself for his injuries.

Lloyd was stunned. ''He had said he had an accident, that he was always dropping things off his web belt, but that is not what happened,'' Lloyd described in an interview. ''I was there, I know what happened.''

Lloyd saw the explosion from his mortar pit 20 yards away and rushed up to Cleland's torn body.

''He was white as chalk,'' Lloyd said. ''His pants were smoldering. It was devastating. I saw literally thousands of wounds in Vietnam. I never thought he would survive.''

Lloyd cut off Cleland's shredded fatigues. He used a belt and medical wrappings to set a tourniquet around the bleeding stumps of his legs. Moments later, a Navy corpsman arrived on the scene and ordered Lloyd to help another wounded soldier who had numerous shrapnel wounds.

Said Lloyd of the second soldier: ''He was crying, but I didn't think it was from the grenade fragments. He kept saying, 'It was my grenade, my grenade.' He was very upset.''

Last Thursday, in the Senate Dining Room, Cleland and Lloyd met for the first time.

For a moment, the former Army captain's world turned upside down. ''It is amazing, it is mind-boggling to go back to the most traumatic part of your life and have the furniture rearranged,'' Cleland said. ''For 31 years, that has been the only story I really knew.''

Slowly trying to digest the information Lloyd has given him, Cleland said,''I don't know whether this gives me relief or not. I guess it is better that way than if it had been my fault. It frees me up to a certain extent.''

Still, for Cleland there are many unanswered questions.

''I think after you survive something traumatic, you wonder why the hell you are alive, why you were left and somebody else is taken. It is called survivor guilt.

''You wonder if God wants me here, why does He want me here, what is He out for?''

Cleland said he knows he is here only by the grace of God, good friends and people like Lloyd, who helped him when he was dying.

''I feel I am where the good Lord wants me. Otherwise I wouldn't be here, I would be on the Wall. Oh my God. Thirty-one years later, it wasn't my hand grenade at all, it was somebody else's? It's been a hell of a week.''

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to proceed for my full 10 minutes, if necessary.

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

SPRINGTIME

Mr. BYRD. Mr. President, there is an old adage—and I have heard it many times, and so have you and our other colleagues—that, ''March comes in like a lion and leaves like a lamb.'' That adage was certainly turned on its ear this year. March tiptoed in on little lamb's hooves, as soft and warm as a curly fleece, giving us all hope of an early, mild spring.

Aha. The smiles that have lighted up the faces here in the pages and the officers of the Senate and the employees of

the Senate who sit before me here when I mentioned that word ''spring.''

In West Virginia, the center of the world—half the world on one side, half the world on the other—West Virginia, early daffodils pushed through great rafts of dried leaves washed up against old stone farmhouse foundations that jut like rocky reefs out of sunny hillsides. Oh, the iridescent sunsets and the viridescent hills that are West Virginia's. Bluebirds decorated telephone line perches while forsythia blossoms announced the awakening of the Earth.

Then the March lion roared with a vengeance, sending successive storm waves across the Nation. Snow buried the daffodils under a crystalline blanket of sparkling white. West Virginia was hit hard by these late storms, as were many other States. What was a boon for skiers and schoolchildren has been a real hardship for commerce and commuters.

But now, as the vernal equinox and the official first day of spring approaches, we can all look forward to the lion at last lying down with the lamb. It is time, as the poet Algernon Charles Swinburne (1837–1909), wrote in ''Atlanta in Calydon'':

For winter's rains and ruins are over,
And all the season of snows and sins;
The days dividing lover and lover,
The light that loses, the night that wins;
And time remembered is grief forgotten,
And frosts are slain and flowers begotten,
And green underwood and cover
Blossom by blossom the spring begins.

Once again, the warm sun encourages us to consider folding away our scarves, our gloves, and our overcoats, retiring the snow shovel to the shed, and pulling out instead the trowel and the seed packets.

How many of us have enjoyed looking at those seed packets and fancying ourselves as young farmers, how we would grow these cucumbers, or these tomatoes, or this lettuce, or these onions, or the potatoes?

What promise is contained in seed packets! What a joy. Reading garden catalogs during cold, dark winter days inspires small-scale gardeners like myself with dreams of grandeur. Ah, fancy myself growing these beautiful vegetables. Ah. I am sure that others have shared that pleasantry with me many times. A few tomato plants are all that I really have the time for, but for me those humble plants with the spicy scent, their soft leaves and glossy fruits—Better Boy, Big Boy, Beefsteak, Early Girl—a few tomato plants are all that I really have the time for, but for me, those humble plants with their spicy scent, their soft leaves and glossy fruits, serve each year to reconnect me with cycles of nature. In my few tomato plants, I share with farmers throughout the Nation worries about cold spells, early frosts, drought, excessive rainfall, fungus, and insect infestation. But, like those farmers throughout the Nation, I glory in the success of my efforts, and my family and neighbors—mostly my family—share in the bounties of those tomato plants.

How can one even dare to believe that there is no God, no Creator? Why do I put those tomato plants in the ground? Why? I have confidence that the Creator of man and the universe is going to make those tomato plants bear some fruit.

And this year I will delight in introducing the newest member of my family, too—I say to our distinguished leader, a new member of my family—a dainty great-granddaughter, Caroline Byrd Fatemi; wait until I introduce her to my garden. She was born just 2 weeks ago yesterday. So small and precious now, she will grow strong and happy in the sunshine. And perhaps someday she too will grow some tomatoes.

I do love the promise of the spring.

William Jennings Bryan spoke of the Father, the Creator:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the Earth the soul of man made in the image of his Creator?

If He stoops to give to the rosebush whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come?

I do love the promise of the spring. Every place is better for springtime's artistry. There exists no imposing monument of granite or marble that is not improved by a softening verdigris of springtime green, highlighted by bright blooms. Washington is at its best in April and May, under bright skies and tossing cherry blossoms, with all of its governmental mass leavened by leaves. Spring travels a little slower to the hillsides of West Virginia, but it is, perhaps, all the more cherished for blooming later. There, in the deep shadows of the hills where rhododendron thickets outline quiet chapels among the cathedral of the trees, greening springtime coincides in harmony with God's Easter promise of resurrection.

I encourage my colleagues, and everyone else, too, to shake off the last of the winter blahs and go outside. Go early in the morning when the birds sing in grand chorus, or in the blinding brightness of noon, or in the lilac serenity of evening, but go outside. Go outside and breathe in the scent of hyacinths and fresh-turned earth. Plant a garden. Plant a single tomato seedling and join in the great community of gardeners and farmers and lovers of the earth. But do enjoy the springtime. It resurrects the spirit.

I asked the Robin as he sprang
From branch to branch and sweetly sang
What made his breast so round and red
''Twas looking at the sun,'' he said.

And I asked the violets sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy,
They answered, ''Looking to the sky.''

I saw the roses one by one
Unfold their petals to the sun.
I asked them what made their tints so bright,
And they answered, ''Looking toward the light.''

I asked the thrush whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim.
He answered, ''Looking up at Him.''

Mr. President, I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. LOTT. Mr. President, will the Senator from Georgia allow me a brief action before he makes his statement, dealing with the schedule?

Mr. CLELAND. Mr. President, I gladly yield.

The PRESIDING OFFICER. The Senator from Mississippi, the majority leader, is recognized.

CONGRATULATIONS TO SENATOR BYRD ON THE BIRTH OF HIS GREAT GRANDDAUGHTER

Mr. LOTT. Mr. President, I want to express my happiness and congratulations to the distinguished Senator from West Virginia on the birth of his great granddaughter. One of the most memorable experiences I had in my life in the Senate was his beautiful and eloquent statement on the floor in recognition of June 20, 1998, the date of the birth of that fine young American, my grandson, Chester Trent Lott, III. So I know how much it means to Senator BYRD as his family continues to grow and expand, and what a lovely gift it is to have that great grandchild. I thank Senator BYRD for making us all aware of this. I am sorry my eloquence could never rise to the level of his on the birth of my grandson. But I will continue to work on that, I should say to Senator BYRD.

THE SMILING MAJORITY LEADER

Mr. BYRD. Mr. President, if the Senator will yield, I don't know about eloquence, but I can say that the Senator from Mississippi always carries a warm smile. I have not been noted for smiling. I once read a story by Nathaniel Hawthorne entitled, ''The Great Stone Face.'' And so I usually think of myself, in the context of that story, as the great stone face. But the distinguished Senator from Mississippi is always bubbling with energy, always on the move, always wearing a smile, always with twinkling eyes. He brings a lift to the spirits of all of us. I congratulate him. I know that grandchild of his is always going to carry the picture in his little mind of that grandfather with that sparkling, radiant smile.

Mr. LOTT. I thank the Senator.

CONSULTATION WITH CONGRESS ON KOSOVO

Mr. LOTT. Mr. President, Senator BYRD and I, as a matter of fact, just came from an extended meeting with the President of the United States, where the joy of our grandchildren and great grandchildren was also uppermost in our minds, because we are

talking about actions by our country, our Government, that affect the young people—a military action. While I always try to have that smile on my face, sometimes it is very serious, what we have to attend to. But I appreciate Senator BYRD's comments this morning to the President. I appreciate the President of the United States meeting with the leaders of Congress as we talk about the situation regarding Serbia and Kosovo. I thought it was a positive step.

The Senate, the Congress, must be involved and consulted if a decision is made to take military action, certainly if it is an action that could lead to being an act of war. And we will consider this very carefully. I think it is important this afternoon, and on Monday, the Senate be heard on this issue; that we have the time to discuss and debate, as a matter of fact, the merits and demerits of the plans in Kosovo, what risks are involved. I don't believe the American people now are properly informed about the situation as it now exists. The dynamics have definitely changed in the last few days.

We have gone from considering whether or not ground troops from the United States as a part of a NATO mission would be placed in a peaceable situation in Kosovo—to a situation where it appears that an agreed settlement is not going to be achieved and that the Serbian officials will not agree to have a NATO force come in a peaceful arrangement—to the possibility of airstrikes involving Serbian troops and Serbian sites. This is a very serious step. I think the Senate should have an opportunity to be briefed as we were on Thursday, as we meet with the President as we did today, and to continue to be involved in the dialog.

I believe the President needed to hear some of the things that he heard today. That is why these meetings are not one-way, they are two-way streets—to make sure that we as the people's representatives are being heard. We made the point, the Speaker and others made the point, that the President needs to address this issue with the American people, explain what the present circumstances are. The President will have a press conference this afternoon. I hope he will address it, and I hope there will be appropriate questions about exactly what the plans are for our military in the near term.

Does Senator BYRD wish me to yield on that point?

Mr. BYRD. Yes, if the distinguished majority leader would.

I am glad he has spoken as he has. I don't know how much the American people know about, really, what we face. And I am not sure I know, by any means. I am sure that Congress has certain constitutional responsibilities and that when it comes to sending American men and women into war, into conflict, into danger, Congress also bears part of the responsibility. I am fearful that in recent years especially, American Presidents in both parties have not recognized that fact, and they have, sent men and women into areas of peril without taking the Congress along with them.

I think we learned in Vietnam that unless the American people are behind an effort such as that, it cannot succeed. I believe that Congress ought to fulfill its duties. But I also believe that Congress has to take a stand and demand that its constitutional prerogatives be recognized. No President can carry on a war without the support of Congress or without the support of the American people. I am sure the distinguished majority leader feels the same way about it. We are on the edge of a great precipice here of national danger. And what is happening in the Balkans is something that should be of great concern to all of us and to the people of the world. It was from that area, may I say to my friend, that the Roman legions procured their fiercest fighters. There has been turmoil and fighting in that area of the world for hundreds and hundreds of years. We are seeing there today an individual, Mr. Milosevic, who has a strong will and who is absolutely ruthless in his determination to subjugate and to massacre and to exterminate other peoples.

The President needs to get out front and tell the American people why it is, if we are going to send our men and women into conflict there. If we are going to send planes in there, some of those planes may be shot down. Americans may be held hostage. Americans may be killed. The American people need to know what we are about to do and why and what the end game is and what the exit strategy is, what the motivations are, what the costs are going to be, before we get out there on a limb and have a lot of people killed.

I hope the President will take the lead. Sandy Berger or the Secretary of State or even the Vice President cannot speak for the one man in the country who is the President of the United States, whether he is a Democrat or Republican. The President has the responsibility to get out front, tell the American people what we face and if we are about to send men and women into war, and when this will end, if we ever go there, ever begin bombing. We need to know this. The President needs the Congress behind him. He can't do this alone. He needs the Congress behind him. He needs Republicans and Democrats. We can only be behind him if we understand what we are being asked to do. We don't really understand.

I compliment the majority leader and the minority leader for requesting—they should not have to request this—this hearing in the presence of the President of the United States. That is the man we need to hear from. He is the man who has to put his name on the line. He has to get out front. He has to tell the American people the truth, and he has to tell Congress. He has to keep Congress informed. He must not get out too far in front of Congress, because, otherwise, he will look behind him and wonder where the troops are one day, meaning the congressional battalions.

I thank the distinguished majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 81

Mr. LOTT. Mr. President, on behalf of the chairman of the Appropriations Committee, I now call for the regular order with respect to amendment No. 81.

The PRESIDING OFFICER. The clerk will report the pending amendment.

The bill clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON) proposes an amendment numbered 81.

AMENDMENT NO. 124

(Purpose: Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending Hutchison amendment.

The PRESIDING OFFICER. The clerk will report that amendment.

The bill clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 124 to the amendment No. 81.

The amendment is as follows:

Strike all after the word SEC. and insert the following:

FINDINGS.—

The Senate Finds That—

(1) United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States; and

(2) Kosovo is a province in the Federal Republic of Yugoslavia, a sovereign state:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending second-degree amendment.

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

The bill 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 Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:

Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch McConnell, Ted Stevens, and Jim Bunning.

Mr. LOTT. Mr. President, the purpose of the procedure that I just undertook was to make sure we had an opportunity today and on Monday to begin to debate the issue surrounding Kosovo and to decide what the Senate's role should be and what action we will take. This may not be the amendment we wind up considering in the end, but to make sure that we have this opportunity for this debate, I thought it was essential we go ahead and take this action now.

I have been working with the minority leader for the last 2 days in an effort to try to reach an agreement with respect to the situation in Kosovo, as to how we could consider it and when that would be. Unfortunately, because of the evolving circumstances and because of the briefings that occurred on Thursday and again today, we have not been able to best decide how to proceed.

Therefore, I did call up the Hutchinson amendment, which primarily had to do with the things that would have to occur, information we would have to receive from the President before the deployment of ground troops in Kosovo. I then sent to the desk an amendment to that which said, basically, that military action could not be undertaken without the Senate having considered this issue. That is basically the Smith of New Hampshire proposal.

Again, I reiterate, so we can lock in the guarantee that we will have an opportunity to discuss this, a cloture motion was filed, but hopefully it won't be necessary to have this vote occur on cloture. We will need to continue to talk about how to proceed, how long we will need, what a vote would be, or to make the decision not to go forward with it would also be an option. I will continue to work with Senators on both sides of the aisle who wish to be heard on this to try to come to a conclusion about how we want to have this vote.

We also have the situation where next week the budget resolution will be taken up on Tuesday afternoon, and we have 50 hours of debate on that. It is our intent to complete action on that before we leave so that we can, for the first time in a long time, meet the April 15 deadline in having a budget resolution agreed to. We have a lot of work to do. I want to try to set this up.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that there now be 30 minutes equally divided, for debate only, on Tuesday, March 23, beginning at 11:45, and a cloture vote occur at 12:15 on Tuesday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask the majority leader whether or not, given the fact it does not now appear that we will have votes on Monday and Senators will just be coming back, we could schedule the vote for 2:15, immediately following the caucus, so that we would have the opportunity to discuss this matter in caucus and decide what course of action we may take; 2:15, I think, would probably accommodate many Senators who might not otherwise have the opportunity.

Mr. LOTT. If the Senator would yield, I think that is a reasonable request. My only purpose in trying to get it to begin and be completed before the policy luncheon is so we could go right to the budget resolution right after lunch. I think to just have the vote right after lunch at 2:15 and then go to the budget resolution is a reasonable request. We will have Monday in which Senators can begin to express themselves. Senator BYRD and I just had a little colloquy. We will have more Members, I hope, available, as we go forward, and Senators are already calling to indicate they would like to be heard even this afternoon or Monday, to discuss this. We will have the opportunity Tuesday morning.

I want to say, again, we may decide to vitiate all of this. We are just not ready to go forward. If that is the case, then we will do so.

I will modify my request to say that—I would like to have the time still equally divided before the luncheon—the vote occur at 2:15 instead of 12:15.

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

Mr. LOTT. I thank Senator DASCHLE for his cooperation. I thank Senator CLELAND. I thought it was just going to be a couple of minutes. You have been very patient. Thank you for yielding this time.

Mr. President, I yield the floor.

Mr. BROWNBACK. In yesterday's RECORD, it did not reflect that I was an original cosponsor of the Roberts-Brownback amendments regarding gas producers that was adopted. I want to inform my colleagues that I was an original cosponsor and I understand the permanent RECORD will reflect that fact.

Mr. GRAMS. Mr. President, I rise today to thank the bill managers for accommodating me—and more importantly the elderly and disabled residents of the St. Paul Public Housing Agency—by accepting an amendment I was prepared to offer which is intended to right a wrong which has been imposed by the Department of Housing and Urban Development (HUD) upon elderly and disabled public housing residents in St. Paul, Minnesota, as well as nearly 50 other cities in America. As you may be aware, the Service Coordinator Program administered by HUD has succeeded where many Federal programs have failed. It has enabled some of our nation's most vulnerable citizens—the elderly and disabled—to live independently in public housing with dignity. Mr. President, most elderly and disabled public housing residents are not helpless individuals, but rather are people who simply need a little assistance doing the day to day tasks we all take for granted. However, without someone to help with these tasks, many of these people may be forced to move into more expensive assisted living or nursing facilities. The Service Coordinator Program provides basic support services to these residents to enable them to live independently.

Unfortunately, but not surprisingly, HUD has again proven its incompetence by bungling a recent round of funding of this popular and highly successful program. In a June 1998, funding announcement, HUD stated that the $6.5 million available for public housing agency service coordinators would be allocated through a lottery, but HUD also noted that expiring three year grants would be funded first before the general lottery. Unfortunately, the $6.5 million HUD set-aside was well short of the $9.9 million in applications received and rather that funding all renewals at a prorated level, HUD quietly selected some applicants through a lottery and rejected others.

Although this may simply seem like an inconvenient administrative glitch, to the residents of the St. Paul public housing agency which have thrived under this program, it is devastating. That is because St. Paul PHA was one of the fifty or so PHAs which were passed over by HUD. As a result of HUD's blunder, the St. Paul public housing agency will have to release three of their service coordinators within the next month, resulting in the disruption of countless elderly and disabled residents' lives.

In order to correct this problem, my amendment transfers $3.4 million from the Department of Housing and Urban Development administrative expenses account to fully fund the applications which HUD rejected due to their miscalculation. I believe this amendment appropriately keeps our promise to the elderly and disabled public housing residents with the burden being borne by the agency which created the problem.

GRATITUDE AND THANKS TO SENATOR BYRD

Mr. CLELAND. Mr. President, I want to say a word of gratitude and thanks to the distinguished senior Senator from West Virginia for several observations.

First of all, as the war clouds gather in the Balkans, hopefully this Nation and NATO will not be drawn into war. If we are drawn into war, I hope we will, as a country, keep in mind the axiom by Baron von Clausewitz that one must know the last step one takes in terms of war before one takes the first step. That should be fully debated here on the floor of the Senate.

The distinguished senior Senator from West Virginia had some wonderful observations about life itself and about spring.

I could not help but identify with his wonderful comments about his great granddaughter and his love for tomatoes and the things that grow in the spring. My father has a similar love for vegetable gardens and particularly for Better Boy and Big Boy tomatoes. I was very touched by Senator BYRD's comments about me, and I appreciate his thoughts immensely.

The last week or two has been fascinating in my life where I learned some things about my own experience in war that have, in effect, triggered a lot of the emotions of war and, hopefully, will lead to a deeper healing of the wounds I incurred there.

The story is in the Hill newspaper, and Senator BYRD was kind enough to enter that into the CONGRESSIONAL RECORD. I thank him personally for that, and it is an honor to be serving with him. He has been one of my personal heroes for many, many years.

I wanted to say those words, Mr. President, because we have an incredible human being with us in the Chamber, Senator BYRD, whose light and life continues to guide us all.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. 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 KOSOVO COMMITMENT

Mrs. HUTCHISON. Mr. President, I am pleased that we are now going to talk about the Kosovo situation. I think it is a very fluid resolution that we have before us but, nevertheless, I think it is very important that we begin to talk about the situation there, because, frankly, in the last 24 hours, things have changed greatly. When the Serbs refused to sign the peace agreement, that started a different dynamic.

Many Members of Congress have been in constant meetings with members of the administration, including the President, about just where we are now, where is NATO, what are the commitments and, most important, I think from all of the meetings, it has become very clear that many Members of Congress want to know what is the totality of the commitment.

We are beginning to have to address the issue of what kind of hostile possibilities will there be if the NATO forces, which includes the United States, go forward into any kind of a military intervention in Kosovo.

We do not know what Milosevic is planning. I believe if President Milosevic starts to take human lives, that is going to trigger a very swift response.

I hope the President of Serbia will realize that he could solidify this Congress in a way that nothing else would if he decides that he is going to embark on that course, because I think our forces are ready to stop something that would be the annihilation of innocent people.

Mr. President, I think many are not prepared to go into a full-scale altercation with a sovereign country until we have looked at the entirety of that commitment. We need to know the entirety of the commitment of our allies and what we ourselves are willing to do in light of our own principles and our own standards for when we would put American troops into harm's way, into foreign conflicts, and into a situation in which there is no peace agreement. There is even a question of whether it is a real peace agreement if that peace agreement is arrived at through bombing.

This is a watershed period for our country, and the Members of Congress who have been participating in the meetings are trying to put before the President and the administration and the people of this country exactly what are our options.

I believe it is going to be very important in the next week or so that we do know what our commitments are, if we are going to propose to take any kind of hostile action, that we know what is the end game, what is the strategy, what is the commitment of dollars as well as potential lives. The President of the United States must come forward and not only inform Congress, not only work with Congress on these plans, but inform and work with the American people to explain exactly what is proposed and what will be the end game if we get into this kind of conflict.

Mr. President, this is a sobering time. I am pleased that my amendment is the pending business.

I am pleased that Senator LOTT has now offered a second-degree amendment, because we now have two options. We have the option of an up-or-down vote on whether we are ready to send troops into Kosovo, or we have a second approach, which is, if we are going to do this, let's have a plan. Those are two options, and in the next 72 hours, I think it will become more and more clear what kind of approach we should take.

There is one thing that is certain today, and that is, the Congress of the United States has the power to declare war. I suggest that means the power to send our troops into harm's way for a long period of time if we are expecting a conflict. If this is the case, then it is imperative we talk about this issue up front, we have a full debate in the Senate and House of Representatives, that the people of America know what the plans are, know what the potential liabilities are, and the people of America realize what is at stake. There is no substitute for this kind of planning and this kind of communication.

So I am pleased that we are now on this amendment. I look forward to working with all the Members of the Senate so that everyone can be heard and so that, hopefully, we will be able to come to an agreement, but if not, a clear agreement that there will be a real vote and that Congress will play its constitutional role in what happens next; because I believe that what happens in Kosovo and the rest of the Balkans in the decisions that will be made in the next few weeks will perhaps have consequences for years to come in our country.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

KOSOVO

Mr. SPECTER. Mr. President, we face a matter of utmost seriousness as events are evolving with respect to Kosovo and the massing of a large amount of Serbian troops about to strike imminently, according to all reports. Ethnic cleansing is already being undertaken in the form of brutal attacks on people in Kosovo. Large numbers of people—according to media reports; and since confirmed—were lined up, asked to kneel, pistols placed behind their heads, and executed in cold-blooded murder. This follows a pattern of ethnic cleansing which has gone on for many years in Bosnia.

The United States is considering, in conjunction with NATO forces, air attacks. In the context of what is likely to go on in Kosovo, these are in fact, acts of war which call for authorization by the Congress of the United States under the U.S. Constitution.

We have seen in modern times this constitutional mandate violated by unilateral action by the President, arguably under his authority as Commander in Chief. It is true that he has substantial authority as Commander in Chief to act in times of emergency, but when Congress has an opportunity to deliberate and to consider the issue, it

is the congressional authority and congressional responsibility to act if the United States is to be engaged in war.

Presidents are traditionally reluctant—unwilling really—to come to the Congress to ask for authorization because they do not want to make any concessions about what they consider to be their unilateral authority as Commander in Chief. That, in fact, was the tact taken by President Bush when he declined to come to Congress to ask for a resolution authorizing the use of force in 1991.

However, debate was undertaken. We had historic debates on this floor on January 10, 11, and 12. Finally, a resolution was passed in the House and passed in the Senate. The resolution which passed here was by a very narrow margin of 52–47. But the hand of the President was strengthened immeasurably by the congressional action.

We have seen the brutal historical fact of life that a war cannot be maintained—such as the Vietnam war—without public and congressional support. There was a Senate briefing yesterday by the Secretary of State, the Secretary of Defense, the National Security Adviser, and the Chairman of the Joint Chiefs of Staff outlining a number of the issues relating to possible military action in Kosovo. This morning, President Clinton met with a large group of Senators and Members of the House of Representatives in a session which lasted approximately 2 hours, going over a great many of these issues.

I believe it is fair to say that although there has been some dissent, most of those in attendance stated that they believe that acting against Serbia, a sovereign nation, in the context of this case does constitute an act of war and should require congressional authorization. I commend our distinguished majority leader, Senator LOTT, for taking steps today after that meeting occurred to try to bring this issue to a vote.

There is an amendment pending on the supplemental appropriations bill stating that there should not be airstrikes taken by the administration without prior congressional authority. I believe this is a very sound proposition.

In my view, it is very important that there be a national debate, and that there be an understanding by the American people of precisely what is involved if we undertake airstrikes in Kosovo. This is not a matter where the airstrikes can be limited to missile strikes which do not put Americans in harm's way. If there are airstrikes with aircraft, considering all of the factors at play here, there is a very, very serious risk of casualties. That is something which none of us takes lightly. Certainly the American people are very reluctant, as the American people should be, to see those kinds of risks undertaken; and the Congress is very reluctant—really, unwilling—to take those risks unless there is a clear statement of what our national interests are. And if they warrant that kind of military action.

The Constitution gives the sole authority to involve the U.S. Military in war to the Congress of the United States. One of the problems with this issue is that too often when confronted, there is a tendency on the part of the Congress—candidly—to duck. In February of 1998 when missile strikes were imminent against Iraq, they never came to pass. The Congress had an opportunity to debate and act on the issue and decided not to act.

Last fall, and again this past December, we had missile strikes against Iraq and, again, the Congress of the United States had an opportunity and authority to face up to that issue and decided not to act. Now, with the imminence of military action in Kosovo, in my view, it is imperative that this issue be debated by the Senate. It has been debated by the House of Representatives and they had a narrow, but favorable vote—a close vote—supporting peacekeepers, conditioned on a peace agreement being entered into. The agreement has not since happened, so that resolution is really irrelevant at this point.

But it is my hope that when the President addresses the Nation this afternoon at 4 o'clock, as he is scheduled to do, that will trigger a very extensive national debate. That is not the kind of debate that is going to be triggered by one Senator in an empty Senate Chamber speaking on C-SPAN 2, but the American people need to know what is involved. They need to know that there are risks involved, and there has to be the formulation of a national judgment to undertake this risk if we are, in fact, to move forward.

I have found in my contacts with people from my State of Pennsylvania that the people do not yet understand Bosnia, do not understand why we are there. We have the bitter experience of Somalia, when we saw the television picture of American soldiers being dragged through the streets, and we beat a hasty retreat.

We ought not to undertake military action in Kosovo unless we are prepared for the eventualities. I think it is a very useful matter to have the issue formulated in the Senate, to have debate on Monday and Tuesday, to follow up on the President's presentation, and to make a determination as to what our national policy should be. While bearing in mind that it is the role of the Congress to authorize the use of force if, in fact, it is to be undertaken.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

KOSOVO

Mr. GORTON. Mr. President, for a short while today and on Monday and on Tuesday, we will debating a very short, clear, and concise proposal by the distinguished senior Senator from New Hampshire, Senator SMITH, relating to the use of American Armed Forces in combat in Kosovo and Yugoslavia.

Mr. President, I want to state as forcefully as I possibly can my support for that amendment. Senator SMITH states, I think with total accuracy, that the U.S. national security interests in Kosovo do not rise to a level that warrants military operations by the United States. It goes on to point out that any intervention on our part would be to engage the Armed Forces of the United States in a civil war inside the truncated but still nation of Yugoslavia.

Mr. President, there was an op-ed column in the Washington Post just 3 days ago in which the author set out three principles that struck me as totally sound and logical. Rule 1 is, don't involve yourself in a civil war; rule 2, if you do involve yourself in a civil war, take a side; rule 3, if you do involve yourself in a civil war and take a side, make certain that your side wins.

Mr. President, the proposed intervention in Kosovo on the part of the United States essentially violates all three of those rules. Clearly, it will involve us in a civil war. To a large extent, we will not have picked a side because we will not be promoting what those who are revolting against the Serbian authorities wish; that is to say, their independence. And we clearly aren't going in with the intention of winning in the sense of settling that conflict.

So we will follow the sorry example of this administration's military adventures so far: The billions of dollars we have spent in Haiti with troops still in that country now simply defending themselves, without having any discernible positive impact on that society; the low caliber war in which we have been engaged on and off in Iraq without any discernible prospect of removing Saddam Hussein from office; and our multibillion-dollar adventure in Bosnia, an adventure that has no end, because we are attempting to force people to live together who have no intention and no willingness to do so; and, now here in Kosovo we propose to do exactly the same thing.

Mr. President, I believe that the situation would be different and perhaps more justifiable if the President were to go all the way and to say that the service of freedom requires liberating people who no longer wish to be a part of Yugoslavia and helping them attain their freedom. But we are not doing that. We continue to promote the fiction that borders will not be changed.

The Secretary of State has justified this intervention on three grounds: that it is vital to the survival of NATO, a strange proposition when we have gotten NATO into this position largely ourselves and largely by accident; second, that there are humanitarian reasons to save the victims of this civil war, a justification which will also require us to enter a civil war in Africa, and perhaps in Afghanistan, and in Lord knows how many other places around the world; and the ancient domino theory that if we don't stop this fighting here, it will next go over into Macedonia, into Greece, and into Turkey. But if we were to defend Macedonia, at least we would be defending a sovereign nation.

Mr. President, I am convinced that before the President commits our Armed Forces to combat in Kosovo that he should be required to seek the advice and consent of both of the Houses of the Congress of the United States. I am convinced that this is a matter on which the views of this body should be known formally after a debate, and by a vote. I am convinced that the amendment sets the issues in this case in stark and appropriate context. And I am convinced, Mr. President, that we should vote in favor of that Smith amendment; that we should not risk the lives of members of our armed services and the prestige of the United States to an undefined cause for undefined and secondary ends in a way in which those ends are highly unlikely to be met, or at least highly unlikely to be met without a permanent investment in both our money and in our Armed Forces.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 18, 1999, the Federal debt stood at $5,639,558,556,809.78 (Five trillion, six hundred thirty-nine billion, five hundred fifty-eight million, five hundred fifty-six thousand, eight hundred nine dollars and seventy-eight cents).

One year ago, March 18, 1998, the Federal debt stood at $5,537,179,000,000 (Five trillion, five hundred thirty-seven billion, one hundred seventy-nine million).

Five years ago, March 18, 1994, the Federal debt stood at $4,554,111,000,000 (Four trillion, five hundred fifty-four billion, one hundred eleven million).

Twenty-five years ago, March 18, 1974, the Federal debt stood at $471,215,000,000 (Four hundred seventy-one billion, two hundred fifteen million) which reflects a debt increase of more than $5 trillion—$5,168,343,556,809.78 (Five trillion, one hundred sixty-eight billion, three hundred forty-three million, five hundred fifty-six thousand, eight hundred nine dollars and seventy-eight cents) during the past 25 years.

SAFE DRINKING WATER FOR RURAL AMERICA

Mr. BYRD. Mr. President, as the Congress works to provide billions of dollars to address a crisis affecting our neighbors abroad who have had their lives disrupted overnight by raging waters, I have become more and more concerned about another water-related crisis occurring every day in this nation. That crisis is the lack of a safe, reliable supply of drinking water for millions of rural American families. Since 1995, federal data outlining the sorry details of the safe drinking water crisis have been available and, yet, year after year, adequate funding for water and wastewater projects that would solve this crisis is not provided. Last night, my distinguished colleagues joined Senator STEVENS and me in sending a message to rural Americans that their crisis is not forgotten.

Yesterday evening, the Senate adopted an amendment offered by myself and Senator STEVENS to the supplemental appropriations bill that would provide $30 million in additional funds for rural water and wastewater systems. This money would benefit the neediest of rural communities that are affected by extreme conditions that increase the cost of constructing water and wastewater systems, that have a high incidence of health problems related to water supply and poor sanitary conditions, or whose residents are suffering from a high rate of poverty.

Within the $30 million in budget authority provided in this amendment, $5 million would be allocated for loans and $25 million for grants. The result would be a total program level of $55,303,000. The reality of this funding is that this year, an additional 25 or more communities throughout the United States would get some relief from the fear of an inadequate, unsafe supply of drinking water.

Safe, reliable drinking water is not an amenity. Safe drinking water is essential to the health and well-being of every American. All life as we know it depends on the necessary element of water.

Most Americans take safe drinking water for granted. Most Americans just assume that when they turn on the faucet, clean water will automatically flow out of the faucet. They assume that there will always be easy access to an unlimited supply of clean, safe drinking water.

The terrible truth is that, in the United States of America, the health of millions of men, women, and children is made vulnerable by their reliance on a possibly contaminated water supply.

According to statistics from 1998, approximately 2.2 million rural Americans live with critical quality and accessibility problems related to their drinking water, including an estimated 730,000 American citizens who have no running water in their homes. Let me repeat that—an estimated 730,000 people have no running water in their homes. An additional five million rural Americans are affected by grave, although less critical, water problems, such as water sources that are overtaxed or poorly protected, and by antiquated distribution systems. The very young and the elderly are placed at particular risk of illnesses caused by unsafe, unclean, drinking water, and many towns without a reliable supply of water cannot even protect residents from the threat of fire.

This funding provided in our amendment is desperately needed to address conditions in West Virginia and much of Appalachia, the Mississippi Delta, in rural and native Alaskan villages, the Colonias, and in Indian Reservations. Senator STEVENS has been working hard to get the necessary funds for an authorized program for rural development in several Alaskan Native villages. I understand that while the U.S. Department of Agriculture (USDA) is trying to help, funding simply is not there for the water and wastewater systems that are the backbone of any development proposal. Our amendment specifically directs funds through the national reserve in an effort to serve the deserving families in Alaska in a timely manner.

In my own state of West Virginia, families in towns such as Pageton, Belington, and Crum must deal with the normal family worries of providing food, shelter, and a sound education to their children. Can you imagine the frustration that these families face every day in having to further protect their children from a foul or unreliable source of water! I am not talking about water that smells bad or tastes funny. I am talking about water that must be boiled before consumption, or that flows—when it flows—like opaque brown sludge from their taps. This is water not fit to wash a car, let alone to cook with or to mix with baby formula. That simply should not be, in a nation as rich in resources as we are.

A good part of the supplemental provides assistance for disaster recovery in other nations. This amendment reaches out to Americans in crisis. It gives hope to rural America that a brighter future lies ahead, a future flowing as bright and clear as the water out of their tap.

MEASURE PLACED ON THE CALENDAR

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

H.R. 975. An act to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 20. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009 (Rept. No. 106–27).

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

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects (Rept. No. 106–28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SANTORUM:

S. 668. A bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. BREAUX, Mr. DEWINE, and Mr. GRAMS):

S. 669. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 670. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 672. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Finance.

By Mr. LEAHY (for himself and Ms. SNOWE):

S. 673. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FITZGERALD:

S. 674. A bill to require truth-in-budgeting with respect to the on- budget trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee report, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. KERREY, Mr. GRASSLEY, Mr. THOMAS, Mr. JOHNSON, Mr. CONRAD, Mr. BAUCUS, Mr. HARKIN, Mr. DORGAN, Mr. WELLSTONE, Mr. BINGAMAN, Mr. DURBIN, and Mr. FEINGOLD):

S. 675. A bill to increase market transparency in agricultural markets domestically and abroad; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Con. Res. 20. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; from the Committee on the Budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 668. A bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; to the Committee on the Judiciary.

AIMEE'S LAW

● Mr. SANTORUM. Mr. President, I rise today to introduce legislation to address the suffering of victims of repeat offenders.

My legislation, ''Aimee's Law,'' is named after Aimee Willard, a college senior from suburban Philadelphia who was raped and murdered by a man released from prison in another state after serving time for a similar offense. This tragedy has made me aware of some very disturbing facts about sentencing and recidivism. For instance, more than 14,000 murders, rapes and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of those very same crimes. Moreover, convicted murderers, rapists and child molesters who are released from prisons and cross state lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children. Furthermore, recidivism rates for sexual predators are the highest of any category of violent crime. Despite this, the average time served for rape is only five and one half years and the average time served for sexual assault is under four years. Also troubling is the fact that thirteen percent of convicted rapists receive no jail time at all.

With this in mind, I propose to use federal crime fighting funds to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws. Specifically, Aimee's Law will redirect enough federal crime fighting dollars from a state that has released a murderer, rapist, or child molester to pay the prosecutorial and incarceration costs incurred by a state which has had to reconvict this released felon for a similar crime. Indeed, laws regarding the horrific crimes of murder, rape and sexual assault are best enacted at the state level. However, the federal government bears a responsibility to ensure that federal taxpayer dollars are spent in such a manner as to reflect national views on national issues. This legislation uses federal monies to create incentives without intruding into a state's right and need to legislate on the problem of repeat offenders.

Representative MATT SALMON introduced this legislation last Congress and earlier this Congress. Representative SALMON's bipartisan bill currently has 66 cosponsors, including Majority Whip TOM DELAY and Democratic Caucus Chair MARTIN FROST. Moreover, it has been endorsed by Ms. Gail Willard, Aimee's mother, and numerous organizations such as the National Fraternal Order of Police, the National Rifle Association, the KlassKids Foundation, Justice For All, the National Association of Crime Victims' Rights, the Women's Coalition, and Kids Safe.

I urge my colleagues to support this legislation and help protect our communities from repeat offenders.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 668

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 ''Aimee's Law''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given that term in section 1111 of title 18, United States Code.

(3) RAPE.—The term ''rape'' means any conduct constituting unlawful sexual intercourse with another individual without the consent of such other individual.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given that term in section 3509 of title 18, United States Code.

(5) SEXUAL CONTACT.—The term ''sexual contact'' has the meaning given that term in section 2246 of title 18, United States Code.

(6) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given that term in section 2256 of title 18, United States Code.

SEC. 3. REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.

(a) PENALTY.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in another State, the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State, the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance

funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(b) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (a), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(c) SOURCE OF FUNDS.—Any amount transferred under subsection (a) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(d) CONSTRUCTION.—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(e) EXCEPTION.—This section does not apply if an individual convicted of murder, rape, or a dangerous sexual offense has escaped prison and subsequently been convicted for an offense described in subsection (a).

SEC. 4. COLLECTION OF RECIDIVISM DATA.

(a) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(1) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(2) the number of convictions described in paragraph (1) that constitute second or subsequent convictions of the defendant of an offense described in that paragraph.

(b) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(1) the information collected under subsection (a) with respect to each State during the preceding calendar year; and

(2) the percentage of cases in each State in which an individual convicted of an offense described in subsection (a)(1) was previously convicted of another such offense in another State during the preceding calendar year.●

By Mr. COVERDELL (for himself, Mr. BREAUX, Mr. DEWINE, and Mr. GRAMS):

S. 669. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

THE FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation with the senior Senator from Louisiana, the senior Senator from Ohio, and the junior Senator from Minnesota. This legislation—the Federal Facilities Clean Water Compliance Act of 1999—will guarantee that the federal government is held to the same full range of enforcement mechanisms available under the Clean Water Act as private entities, states, and localities. Each federal department, agency, and instrumentality will be subject to and comply with all Federal, State, and local requirements with respect to the control and abatement of water pollution and management in the same manner and extent as any person is subject to such requirements, including the payment of reasonable service charges.

It has been over twenty-six years since the enactment of the Clean Water Act. This Act has been an effective tool in improving the quality of our nation's rivers, lakes, and streams. Over that period of time, however, states have not had the ability to impose certain fines and penalties against federal agencies for violations of the Clean Water Act. This is a double standard that should not be continued.

In 1972, Congress included provisions on federal facility compliance with our nation's water pollution laws in section 313 of the Clean Water Act. Section 313 called for federal facilities to comply with all federal, state, and local water pollution requirements. However, in 1992, the United States Supreme Court ruled in U.S. Dept. of Energy v. Ohio, that States could not impose certain fines and penalties against federal agencies for violations of the Clean Water Act and the Resource Conservation Recovry Act (RCRA). Because of this decision, the Federal Facilities Compliance Act (H.R. 2194) was enacted to clarify that Congress intended to waive sovereign immunity for agencies in violation of RCRA. Federal agencies in violation of the RCRA are now subject to State levied fines and penalties. However, this legislation did not address the Supreme Court's decision with regard to the Clean Water Act. The Federal Facilities Clean Water Compliance Act of 1999 makes it unequivocally clear that the federal government waives its claim to sovereign immunity in the Clean Water Act.

The federal government owns hundreds of thousands of buildings, located on millions of acres of land, none of which have to abide by the same standards as a private entity does under the Clean Water Act. This legislation simply ensures that the federal government lives by the same rules it imposes on everyone else.

I would like to thank Senator BREAUX, Senator DEWINE, and Senator GRAMS for cosponsoring this important legislation, and look forward to working with them and my other colleagues in the United States Senate on its speedy consideration.

Mr. BREAUX. Mr. President, I'm pleased to join Senator COVERDELL, Senator DEWINE and Senator GRAMS in introducing the ''Federal Facilities Clean Water Compliance Act of 1999.''

My primary reason for sponsoring the bill is to make the federal Clean Water Act equitable by requiring that it apply to and be enforced against the federal government.

Currently, states, local governments and the private sector do not have immunity from the act's enforcement. By the same principle, the federal government should not be granted such immunity from the clean water statute and this bill provides that parity.

The bill also provides that the federal government would be subject to all the same enforcement mechanisms that apply to states, local governments and the private sector under the Clean Water Act.

Fairness, safety, public health and environmental protection all dictate that Federal agencies should be held to the same standards for water pollution prevention and control as apply to states, local governments and the private sector.

Equity is ensured by our bill because all levels of government and the private sector would be treated the same under the Clean Water Act's enforcement programs. No one would be allowed immunity.

To paraphrase a well-known adage, what's good for states, local governments and the private sector in terms of clean water should be good for the federal government.

In addition to the provisions stated previously, the bill reflects the adage's fairness principle in another fashion.

The bill would hold the federal government accountable to comply not only with its own clean water statute, but also with state and local clean water laws. Again, equity would be upheld. And, safety, public health and environmental protection would be strengthened.

Other provisions are contained as well in the legislation which Senator COVERDELL, Senator DEWINE, Senator GRAMS and I are introducing today. For example, the EPA administrator, the Secretary of the Army and the Secretary of Transportation would be authorized to pursue administrative enforcement actions under the Clean Water Act against any non-complying federal agencies. It also includes provisions for federal employees' personal liability under the act's civil and criminal penalty provisions and a requirement that the federal government pay reasonable service charges when complying with clean water laws.

Over the years, the United States has made dramatic advances in protecting the environment as a result of the Clean Water Act. We have all benefitted as a result.

Today, I encourage other Senators to join Senator COVERDELL, Senator DEWINE, Senator GRAMS and me as cosponsors of the bill to bring equity to the clean water program and to make possible the expansion of its public and private benefits.

Mr. DEWINE. Mr. President, I rise today to join Senators COVERDELL, BREAUX, and GRAMS in introducing the Federal Facilities Clean Water Compliance Act of 1999. This legislation would

hold the Federal Government accountable under the Nation's Federal water laws. Today, states, local governments and the private sector must all comply with each and every Federal, State, and local water requirement. The Federal Government does not.

Although Congress included provisions requiring Federal facilities to comply with the Nation's water pollution laws in 1972, the United States Supreme Court ruled that State governments could not impose certain fines and penalties against Federal agencies for violations of the Clean Water Act. While other legislation has forced the Federal Government to comply with other environmental statutes, Congress has not yet brought Federal facilities into compliance with the requirements on the prevention and control of water pollution.

This legislation, however, guarantees that the Federal Government is (1) held to the same enforcement mechanisms under the Clean Water Act as private entities, states, and localities; (2) complies with all of the Federal, State, and local requirements on the prevention and control of water pollution; and (3) is responsible for the payment of reasonable service charges.

The Clean Water Act celebrated its twenty-fifth anniversary two years ago. As a result, the entire nation has benefitted from cleaner water. In the interests of fairness, the Federal Government should not be granted immunity from the Nation's clean water laws any longer. For the sake of fairness, public safety and health, and environmental protection, the Federal Government should be held to the same standards for water pollution prevention and control as states, local governments and the private sector.

Mr. GRAMS. Mr. President, I rise today in support of the Federal Facilities Clean Water Compliance Act of 1999. I would like to thank Senator COVERDELL for bringing this important legislation forward again in the 106th Congress.

Quite simply, this legislation would force federal agencies to comply with the provisions of the Clean Water Act—something I believe most citizens assume already takes place. Unfortunately, when Congress passed the Clean Water Act in 1972, it left an out for federal agency compliance with the law by allowing them to claim ''sovereign immunity'' for protection against state actions or fines. So when federal agencies are not complying with provisions of the Clean Water Act, they can state in court that they are above the law.

I have always believed that the government must live under the same rules that it forces everyone else to live under. Any government which attempts to subvert the law or hide from responsibility by claiming ''sovereign immunity'' from environmental protection requirements, is a government that is above the people it serves, rather than a servant of the people. This legislation would reverse that trend, and force the federal government to waive sovereign immunity when a state brings an action under the Clean Water Act. And the bill ensures that any money that state receives as a result of such an action is placed back into programs that protect the environment or defray the costs of environmental protection or enforcement.

I believe it is important that federal agencies comply with the environmental standards Congress mandates everyone else must comply. By passing the legislation we are offering today, we can restore a degree of certainty to the American people and to our states and localities that their federal government is not exempt from protecting the environment and that their federal government is not above the law. That is why I am proud to cosponsor this legislation. I look forward to working with Senators COVERDELL, DEWINE, and BREAUX over the coming weeks and months in bringing this matter before the full Senate for debate and a vote.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 670. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

TAX CODE LEGISLATION

Mr. JEFFORDS. Mr. President, today I am introducing a bill that will eliminate unnecessary distinctions drawn by the Internal Revenue Code in the tax treatment of payments received by people who open their homes to care for foster children and adults. Currently, the law allows an exclusion from income for foster care payments received by some providers, while denying eligibility for the exclusion to other providers. My bill expands the law's exclusion for foster care payments. By simplifying the tax treatment of foster care payments, the bill will remove the inequities and uncertainties inherent in the current tax treatment.

Under current law, foster care providers are permitted to deduct expenditures incurred for the care of foster individuals. Providers must maintain detailed records to substantiate these deductions. In lieu of this detailed record keeping, section 131 of the Internal Revenue Code allows certain foster care providers to exclude from income the payments they receive for providing foster care. Eligibility for this exclusion depends upon a complicated analysis of three factors: the age of the person in foster care; the type of foster care placement agency; and the source of the foster care payments. For children under age 19 in foster care, section 131 permits providers to exclude payments when a State (or one of its political subdivisions) or a charitable tax-exempt placement agency places the individual in foster care and makes the foster care payments. For persons age 19 and older, section 131 permits providers to exclude foster care payments only when a State (or one of its political subdivisions) places the individual and makes the payments.

This bill will simplify these anachronistic tax rules by expanding the tax code's exclusion to include foster care payments for all persons in foster care, regardless of age. The exclusion will also be available when the foster care placement is made by a private foster care placement agency and even when foster care payments are received through a private foster care placement agency, rather than directly from a State (or one of its political subdivisions). To ensure appropriate oversight, the bill requires that the placement agency be either licensed by, or certified by, a State or a political subdivision thereof.

A qualified foster care payment under this bill must be made pursuant to a foster care program of a State or a political subdivision thereof. My intention is for this bill to cover the wide variety of foster care programs developed by States, some of which are part of larger State programs designed to provide a variety of home- and community-based services to individuals. These foster care programs place children—and in some cases adults—in homes of unrelated families who provide foster care on a full-time basis. Families providing foster care give those in their care the daily support and supervision typically given to a family member. Like traditional families, foster care providers ensure that foster children or adults have a healthy physical environment, get routine and emergency medical care, are adequately clothed and fed, and have satisfying leisure activities. Foster families provide those under their care with intellectual stimulation and emotional support that is all too often lacking in institutional or large congregate settings.

In some States, the State itself (or a political subdivision) administers both child and adult foster care programs. Many States, however, are increasingly entrusting administration of these programs to private placement agencies, approved through licensing or certification procedures, or government-designated intermediary tax-exempt organizations. Through the approval process, private placement agencies are accountable for their use of funds and for the quality of services they provide. The bill is intended to cover both those governmental foster care programs funded solely by State or political subdivision monies, and—especially in the case of adult foster care—programs funded by the federal government, typically through a State's Medicaid Home and Community-Based Waiver program approved by the federal government under 42 U.S.C. section 1396n(c).

While foster care for children has been in existence for decades, foster care for adults is a more recent phenomenon. Sometimes referred to as

''host homes'' or ''developmental homes,'' adult foster care facilities have proven to be an effective alternative to institutional care for adults with disabilities. My home State of Vermont has been at the forefront of efforts to develop individualized alternatives to institutional care. In 1993, Vermont closed the state institution for people with developmental disabilities. Vermont has chosen to rely on foster families, so that people with developmental disabilities can live in homes and participate in the regular routines of life that most of us take for granted. The foster care model has provided people with disabilities a cost-effective opportunity for successful lives in communities, with valued relationships with their foster families that have developed over time.

Vermont authorizes local developmental service providers to act as placement agencies and to contract with families willing to provide foster care in their homes. The tax law's disparate tax treatment of foster care payments impedes these types of arrangements. Persons providing foster care for individuals placed in their homes by the government can exclude foster care payments from income. For providers receiving payments from private agencies, however, the exclusion is not available (unless the individual in foster care is under age 19 and the placement agency is a nonprofit organization). Because of the complexity of current law, providers often receive conflicting advice from tax professionals regarding the proper tax treatment of foster care payments they receive. In addition, these rules discourage willing families from providing foster care in their homes to persons placed by private placement agencies, thus reducing the availability of care alternatives.

Mr. President, this bill will advance the development of family-based foster care services, a highly valued alternative to institutionalization. I urge my colleagues to support it.

● Mr. DODD. Mr. President, I am pleased to again introduce with my colleague, Senator JEFFORDS, a critically important piece of legislation that will ensure fair treatment for individuals and families who provide invaluable care to foster children and adults.

Foster care providers are currently permitted to deduct expenditures made while caring for foster individuals if detailed expense records are maintained to support such deductions. However, section 131 of the Internal Revenue Code permits certain foster care providers to exclude, from taxable income, payments they receive to care for foster individuals. Who specifically is available for this exclusion depends upon a complicated analysis of three factors: the age of the individual receiving foster care services, the type of foster care placement agency, and the source of the foster care payments.

Section 131 permits foster care providers to exclude payments from taxable income only when a state, or one of its political divisions, or a charitable tax exempt placement agency places the individual and makes the foster care payments for children less than 19 years of age. However, for adults over the age of 19, section 131 permits foster care providers to exclude payments from taxable income only when a state, or one of its divisions, places the individual and provides the foster care payments.

Mr. President, I believe we must move to eliminate the inequities and needless complexities of the current system. Because states and localities across the country are increasingly relying on private agencies to arrange for foster care services for both children and adults, this inequity will only become more apparent. Presently, some foster care providers are understandably reluctant to contract with private placement agencies because current law requires such providers to include foster care payments as taxable income. In contrast, current law permits providers who care for foster individuals placed in their homes by government agencies to exclude such payments from taxable income. Current law, therefore, discourages families from providing foster care on behalf of private placement agencies, thereby reducing badly-needed foster care opportunities for individuals requiring assistance.

The bill Senator JEFFORDS and I introduce today will greatly simplify the outdated tax rules applicable to foster care payments. Under our proposed legislation, foster care providers would be able to avoid onerous record keeping by excluding from income any foster care payment received regardless of the age of the individual receiving foster care services, the type of agency that placed the individual, or the source of foster care payments. To ensure appropriate oversight, this bill will require the placement agency to be licensed either by, or under contract with, a state or one of its political divisions.

Mr. President, this legislation accomplishes what current law does not—consistent and fair treatment of families and individuals who open their homes and their hearts to foster children and adults. While this modest proposal was unfortunately not adopted in the last Congress, it is my hope that foster parents may soon realize equitable treatment with the passage of this important legislation.●

By Mr. LEAHY:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

MADRID PROTOCOL IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, I am pleased to introduce implementing legislation for the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Protocol). Last Congress, I introduced an identical bill, S. 2191 which unfortunately the Senate did not consider.

This bill is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small- and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a ''one stop'' international trademark registration process, which would be an enormous benefit for American businesses. This bill is one of many measures I have introduced and supported over the past few years to ensure that American trademark holders receive strong protection in today's world of changing technology and complex international markets.

When I introduced this legislation last year, I also cosponsored S. 2193, legislation to implement the Trademark Law Treaty. S. 2193 simplified trademark registration requirements around the world by establishing a list of maximum requirements which Treaty member countries can impose on trademark applicants. The bill passed the Senate on September 17, 1998, and was signed by the President on October 30, 1998. I am proud of this legislation since all American businesses, and particularly small American businesses, will benefit as a result.

I have in the past supported legislation critical to keeping our trademark laws up-to-date. For example, last year I introduced S. 1727, which authorized a comprehensive study of the effects of adding new generic Top Level Domains on trademark and other intellectual property rights. This bill became law as part of the Next Generation Internet Research Act, S. 1609, which was signed into law on October 28, 1998. I also supported the Federal Trademark Dilution Act of 1995, enacted in the 104th Congress to provide intellectual property rights holders with the power to enjoin another person's commercial use of famous marks that would cause dilution of the mark's distinctive quality.

Together, these measures represent significant steps in our efforts to ensure that American trademark law adequately serves and promote American interests.

The legislation I introduce today would ease the trademark registration burden on small- and medium-sized businesses by enabling businesses to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they

must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection.

Since 1891, the Madrid Agreement Concerning the International Registration of Marks (Agreement) has provided an international trademark registration system. However, prior to adoption of the Protocol, the U.S. declined to join the Agreement because it contained terms deemed inimical to American intellectual property interests. In 1989, the terms of the Agreement were modified by the Protocol, which corrected the objectionable terms of the Agreement and made American participation a possibility. For example, under the Protocol, applications for international trademark extension can be completed in English; formerly, applications were required to be completed in French. It should be noted that the Protocol would not require substantive changes to American trademark law, but merely to certain procedures for registering trademarks. This implementing legislation is identical to legislation that passed the House last year and has been reintroduced this year as H.R. 769, by Representatives HOWARD COBLE (R-NC) and HOWARD BERMAN (D-CA). Indeed, H.R. 769 has already been reported favorably by the House Judiciary Subcommittee on Courts and Intellectual Property.

To date, the Administration has resisted accession to the treaty because of voting rights disputes with the European Union. The EU has sought to retain an additional vote for itself as an intergovernmental entity, in addition to the votes of its member states. I support the Administration's efforts to negotiate a treaty based upon the equitable and democratic principle of one-state, one-vote. However, in anticipation of the eventual resolution of this dispute, the Senate has the opportunity to act now to make the technical changes to American trademark law so that once this voting dispute is satisfactorily resolved and the U.S. accedes to the Protocol, ''one-stop'' international trademark registration can become an immediate reality for all American trademark applicants.

I ask unanimous consent that a copy of the bill and the sectional analysis be placed in the RECORD.

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

S. 671

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 ''Madrid Protocol Implementation Act''.

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946, as amended (15 U.S.C. 1051 et seq.) (commonly referred to as the ''Trademark Act of 1946'') is amended by adding after section 51 the following new title:

''TITLE XII—THE MADRID PROTOCOL

''SEC. 60. DEFINITIONS.

''For purposes of this title:

''(1) MADRID PROTOCOL.—The term 'Madrid Protocol' means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

''(2) BASIC APPLICATION.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

''(3) BASIC REGISTRATION.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

''(4) CONTRACTING PARTY.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

''(5) DATE OF RECORDAL.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

''(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

''(A) the applicant or holder has a bona fide intention to use the mark in commerce,

''(B) the person making the declaration believes that person, or the firm, corporation, or association in whose behalf that person makes the declaration, to be entitled to use the mark in commerce, and

''(C) no other person, firm, corporation, or association, to the best of such person's knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

''(7) EXTENSION OF PROTECTION.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

''(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

''(9) INTERNATIONAL APPLICATION.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

''(10) INTERNATIONAL BUREAU.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

''(11) INTERNATIONAL REGISTER.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

''(12) INTERNATIONAL REGISTRATION.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

''(13) INTERNATIONAL REGISTRATION DATE.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

''(14) NOTIFICATION OF REFUSAL.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

''(15) OFFICE OF A CONTRACTING PARTY.—The term 'Office of a Contracting Party' means—

''(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks, or

''(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

''(16) OFFICE OF ORIGIN.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

''(17) OPPOSITION PERIOD.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

''SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

''The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

''(1) is a national of the United States,

''(2) is domiciled in the United States, or

''(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Commissioner.

''SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

''Upon the filing of an application for international registration and payment of the prescribed fees, the Commissioner shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Commissioner shall transmit the international application to the International Bureau.

''SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

''With respect to an international application transmitted to the International Bureau under section 62, the Commissioner shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of

the goods and services listed in the international registration—

''(1) within 5 years after the international registration date; or

''(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

''SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

''The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

''(1) directly with the International Bureau, or

''(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Commissioner.

''SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

''(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

''(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

''SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

''(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

''(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

''(1) The international registration date, if the request for extension of protection was filed in the international application.

''(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

''(3) The date of priority claimed under section 67.

''SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

''The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

''(1) the international registration contained a claim of such priority; and

''(2)(A) the international application contained a request for extension of protection to the United States, or

''(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

''SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

''(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

''(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

''(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

''(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

''(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Commissioner shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

''(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Commissioner shall transmit to the International Bureau any of the following that applies to such request:

''(A) A notification of refusal based on an examination of the request for extension of protection.

''(B) A notification of refusal based on the filing of an opposition to the request.

''(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

''(2) If the Commissioner has sent a notification of the possibility of opposition under paragraph (1)(C), the Commissioner shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

''(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Commissioner after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

''(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Commissioner shall issue a certificate of extension of protection pursuant to the request.

''(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.

''SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

''(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Commissioner shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

''(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

''(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register, and

''(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

''SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

''(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Commissioner shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

''(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

''(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which

the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed under section 1 or 44.

''SEC. 71. AFFIDAVITS AND FEES.

''(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Commissioner—

''(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; and

''(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, and at the end of each 10-year period thereafter, unless—

''(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; or

''(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Commissioner.

''(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

''SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

''An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

''SEC. 73. INCONTESTABILITY.

''The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Commissioner issues the certificate of the extension of protection under section 69, except as provided in section 74.

''SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

''An extension of protection shall convey the same rights as an existing registration for the same mark, if—

''(1) the extension of protection and the existing registration are owned by the same person;

''(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

''(3) the certificate of extension of protection is issued after the date of the existing registration.''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

MADRID PROTOCOL IMPLEMENTATION ACT—SECTION BY SECTION ANALYSIS

Section 1. Short Title

This section provides a short title: the ''Madrid Protocol Implementation Act.''

Section 2. Amendments to the Trademark Act of 1946

This section amends the ''Trademark Act of 1946'' by adding a new Title XII with the following provisions:

The owner of a registration granted by the Patent and Trademark Office (PTO) or the owner of a pending application before the PTO may file an international application for trademark protection at the PTO.

After receipt of the appropriate fee and inspection of the application, the PTO Commissioner is charged with the duty of transmitting the application to the WIPO International Bureau.

The Commissioner is also obliged to notify the International Bureau whenever the international application has been ''. . . restricted, abandoned, canceled, or has expired . . .'' within a specified time period.

The holder of an international registration may request an extension of its registration by filing with the PTO or the International Bureau.

The holder of an international registration is entitled to the benefits of extension in the United states to the extent necessary to give effect to any provision of the Protocol; however, an extension of an international registration shall not apply to the United States if the PTO is the office of origin with respect to that mark.

The holder of an international registration with an extension of protection in the United States may claim a date of priority based on certain conditions.

If the PTO Commissioner believes that an applicant is entitled to an extension of protection, he or she publishes the mark in the ''Official Gazette'' of the PTO. This serves notice to third parties who oppose the extension. Unless an official protest conducted pursuant to existing law is successful, the request for extension may not be refused. If the request for extension is denied, however, the Commissioner notifies the International Bureau of such action and sets forth the reason(s) why. The Commissioner must also apprise the International Bureau of other relevant information pertaining to requests for extension within the designated time periods.

If an extension for protection is granted, the Commissioner issues a certificate attesting to such action, and publishes notice of the certificate in the ''Gazette.'' Holders of extension certificates thereafter enjoy protection equal to that of other owners of registration listed on the Principal Register of the PTO.

If the International Bureau notifies the PTO of a cancellation of some or all of the goods and services listed in the international registration, the Commissioner must cancel an extension of protection with respect to the same goods and services as of the date on which the international registration was canceled. Similarly, if the International Bureau does not renew an international registration, the corresponding extension of protection in the United States shall cease to be valid. Finally, the holder of an international registration canceled in whole or in part by the International Bureau may file an application for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration.

The holder of an extension of protection must, within designated time periods and under certain conditions, file an affidavit setting forth the relevant goods or services covered an any explanation as to why their nonuse in commerce is related to ''special circumstances,'' along with a filing fee.

The right to an extension of protection may be assigned to a third party so long as the individual is a national of, or is domiciled in, or has a ''bona fide'' business located in a country that is a member of the Protocol; or has such a business in a country that is a member of an intergovernmental organization (like the E.U.) belonging to the Protocol.

An extension of protection conveys the same rights as an existing registration for the same mark if the extension and existing registration are owned by the same person, and extension of protection and the existing registration cover the same goods or services, and the certificate of extension is issued after the date of the existing registration.

Section 3. Effective Date

This section states that the effective date of the act shall commence on the date on which the Madrid Protocol takes effect in the United States.

By Mr. INOUYE:

S. 672. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Finance.

LEGISLATION TO EXTEND THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO URBAN INDIAN HEALTH PROGRAMS

● Mr. INOUYE. Mr. President, I rise today to introduce legislation that would correct an inequity in the current reimbursement rates for health care services provided to low-income Medicaid-eligible American Indians and Alaska Natives through the Indian Health Service (IHS) urban Indian health care programs.

Mr. President, currently, a 100 percent Federal medical assistance percentage (FMAP) applies for the cost of services provided to Medicaid beneficiaries by a hospital, a clinic, or other IHS facility, under the condition that the facilities are operated by the IHS, a tribe, or tribal organization. IHS facilities which are predominately located in rural areas are eligible to receive the 100 percent FMAP, while similar services provided through IHS programs located in urban areas receive only 50–80 percent reimbursement depending on the type of service provided.

This legislation would address this inequity by extending the Federal medical assistance percentage to payments for IHS facilities to urban Indian

health care programs under the Medicaid program, and informal estimates indicate that equalizing the FMAP for IHS programs would cost $17 million over the next 5 years.

With few employment opportunities in tribal reservation communities, most Indians are literally forced to relocate and seek employment in cities, and as a result, roughly half of the total American Indian/Alaska Native population is now residing in urban areas. With that in mind, equalizing the Federal medical assistance percentage for health care provided to Medicaid-eligible Indians through the IHS urban Indian health care programs is essential.

Mr. President, I urge my colleagues to support this legislation.●

By Mr. LEAHY (for himself and Ms. SNOWE):

S. 673. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1999

Mr. LEAHY. Mr. President, today I am re-introducing the ''Omnibus Mercury Emissions Reduction Act of 1999,'' a bill that I originally introduced during the 105th Congress. I am pleased that Senator SNOWE has agreed to cosponsor the bill.

As United States Senators, we all have a responsibility as stewards for the nation and society we will be entrusting to our children and grandchildren. I became a grandfather for the first time a little over a year ago, and this duty has never been more real for me. The ''Omnibus Mercury Emissions Reduction Act of 1999'' is a comprehensive plan to eliminate mercury—one of the last remaining poisons without a specific control strategy—from our air, our waters and our forests. By eliminating mercury pollution from our natural resources, we will protect our nation's most important resource: the young Americans of today and tomorrow.

As we learned from the campaign to eliminate lead, our children are at the greatest risk from these poisons. How many future scientists, doctors, poets, and inspiring teachers have we lost in the last generation because of the toxics they have been exposed to in the womb or in early childhood? Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago. That figure by itself is a tribute to the success of the original Clean Air Act. We should strive to achieve no less with mercury.

Mercury is toxic in every known form and has utterly no nutritional value. At high enough levels it poisons its victims in terribly tragic ways. In Japan, victims of mercury poisoning came to be known as suffering from Minimata Disease, which took its name from the small Minimata Bay in which they caught fish for their food.

For years, the Chisso Company, a chlor-alkali facility that manufactured chlorine, discharged mercury contaminated pollution in the bay, which was consumed by fish and then by people. Their disease was terribly painful, causing tremors and paralysis, and sometimes leading to death. Thankfully, wholesale discharges of mercury like those in Minimata Bay have been eliminated. But a torrent of air pollution still needlessly dumps this heavy metal into the air of North America, poisoning lakes and streams, forests and fields and—most importantly—our children. Mercury control needs to be a priority now because of the neurological damage it causes.

This is not to say that men, women and children are doubled over in agony as they were three decades ago in Japan. Mercury pollution today is more subtle, but it is no less insidious. Wildlife are also being harmed. Endangered Florida panthers have been fatally poisoned by mercury. Loons are endangered as well. In Lake Champlain we have fish advisories for walleye, trout and bass even though we have relatively few mercury emissions within our own state borders. There are now 40 states that have issued fishing advisories for mercury; Vermont's and those of 10 other states cover all of the water bodies in these states. Nearly 1,800 water bodies nationwide have mercury fishing advisories posted. The number of water bodies with mercury advisories has doubled since 1993.

My fellow Vermonters are exposed to mercury and other pollutants that blow across Lake Champlain and the Green Mountains every day from other regions of the country. The waste incinerators and coal-fired power plants are not accountable to the people of Vermont, and therefore a federal role is needed to control the pollution.

That is part of the reason voters send us here. They expect Members of the Congress to determine what is necessary to protect the public health and the environment nationally, then to take the appropriate action. And in many cases, perhaps most, we have done that. But not when it comes to mercury.

Mr. President, what I propose is that we put a stop to this poisoning of America. It is unnecessary, and it is wrong. Mercury can be removed from manufactured products, and much of that has been done. Mercury can be removed from coal-fired powerplants, and now that should be done. With states deregulating their utility industries, this is the right moment and the best opportunity we will have for a generation to make sure powerplants begin to internalize the costs of their pollution. We cannot afford to give them a free ride into the next century at the expense of our children's health.

So, too, should mercury be purged from other known sources such as chlor-alkali plants, medical waste incinerators, municipal combustion facilities, large industrial boilers, landfills, and lighting fixtures.

My bill directs EPA to set mercury emission standards for the largest sources of mercury emissions. The bill requires reducing emissions by 95 percent, but it also lets companies choose the best approach to meet the standard at their facility whether through the use of better technology, cleaner fuels, process changes, or product switching.

The bill also gives people the right-to-know about mercury emissions from the largest sources. That should be the public's right. To facilitate the public's right-to-know and getting mercury containing items out of the waste streams that feed municipal combustion facilities, it also requires labeling of mercury containing items such as fluorescent light bulbs, batteries, pharmaceuticals. The bill also begins a phaseout of mercury from products, with exceptions possible for demonstrated essential uses.

We will hear a lot of rhetoric about how much implementing mercury reduction steps will cost. In advance of those complaints I want to make two points. First, when we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulphur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way. More often than not, assertions about the cost of controlling pollution grossly overestimate and distort reality. If you look at electricity prices of major utilities since the acid rain program was implemented, their rates have remained below the national average and some have actually decreased—even without adjusting for inflation. The mercury controls on coal-fired power plants contained in my bill may add a little over $2 dollars per month to the electric bill of the average residential consumer who receives power from a coal-fired plant. So, for the monthly cost of a slice of pizza or a hamburger and fries we can rein in the more than 50 tons of mercury that are being pumped into our air from power plants.

Secondly, and most importantly, the bottom line here should not be the cost of controlling mercury emissions, but the cost of not controlling mercury. While we may not be able to calculate how many Einstein's we have lost, if we lose one the price has been too high.

Let us make controlling mercury pollution one of our first environmental legacies of the 21st Century.

Mr. President, I ask unanimous consent that the text of the bill and an

overview of the legislation be printed in the RECORD.

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

S. 673

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 ''Omnibus Mercury Emissions Reduction Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on the basis of available scientific and medical evidence, exposure to mercury and mercury compounds (collectively referred to in this Act as ''mercury'') is of concern to human health and the environment;

(2) pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish, are most at risk for mercury-related health impacts such as neurotoxicity;

(3) although exposure to mercury occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of drinking water, and food sources other than fish, that are contaminated with methyl mercury;

(B) dermal uptake through soil and water; and

(C) inhalation of contaminated air;

(4) on the basis of the report entitled ''Mercury Study Report to Congress'' and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), the major sources of mercury emissions in the United States are, in descending order of volume of emissions—

(A) fossil fuel-fired electric utility steam generating units;

(B) solid waste incineration units;

(C) coal- and oil-fired commercial and industrial boiler units;

(D) medical waste incinerators;

(E) hazardous waste combustors;

(F) chlor-alkali plants; and

(G) Portland cement plants;

(5)(A) the Environmental Protection Agency report described in paragraph (4), in conjunction with available scientific knowledge, supports a plausible link between mercury emissions from anthropogenic combustion and industrial sources and mercury concentrations in air, soil, water, and sediments;

(B) the Environmental Protection Agency has concluded that the geographical areas that have the highest annual rate of deposition of mercury in all forms are—

(i) the southern Great Lakes and Ohio River Valley;

(ii) the Northeast and southern New England; and

(iii) scattered areas in the South, with the most elevated deposition occurring in the Miami and Tampa areas and 2 areas in northeast Texas; and

(C) analysis conducted before the date of the Environmental Protection Agency report demonstrates that mercury is being deposited into the waters of Canada;

(6)(A) the Environmental Protection Agency report described in paragraph (4) supports a plausible link between mercury emissions from anthropogenic combustion and industrial sources and concentrations of methyl mercury in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993;

(C) the total number of mercury advisories increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent; and

(D) the United States and Canada have agreed on a goal of virtual elimination of mercury from the transboundary waters of the 2 countries;

(7) the presence of mercury in consumer products is of concern in light of the health consequences associated with exposure to mercury;

(8) the presence of mercury in certain batteries and fluorescent light bulbs is of special concern, particularly in light of the substantial quantities of used batteries and fluorescent light bulbs that are discarded annually in the solid waste stream and the potential for environmental and health consequences associated with land disposal, composting, or incineration of the batteries and light bulbs; and

(9) a comprehensive study of the use of mercury by the Department of Defense would significantly further the goal of reducing mercury pollution.

(b) PURPOSES.—The purposes of this Act are—

(1) to greatly reduce the quantity of mercury entering the environment by controlling air emissions of mercury from fossil fuel-fired electric utility steam generating units, coal- and oil-fired commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants;

(2) to reduce the quantity of mercury entering solid waste landfills, incinerators, and composting facilities by promoting recycling or proper disposal of used batteries, fluorescent light bulbs, and other products containing mercury;

(3) to increase the understanding of the volume and sources of mercury emissions throughout North America;

(4) to promote efficient and cost-effective methods of controlling mercury emissions;

(5) to promote permanent, safe, and stable disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(6) to reduce the use of mercury in cases in which technologically and economically feasible alternatives are available;

(7) to educate the public concerning the collection, recycling, and proper disposal of mercury-containing products;

(8) to increase public knowledge of the sources of mercury exposure and the threat to public health, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish;

(9) to significantly decrease the threat to human health and the environment posed by mercury; and

(10) to ensure that the health of sensitive populations, whether in the United States, Canada, or Mexico, is protected, with an adequate margin of safety, against adverse health effects caused by mercury.

SEC. 3. MERCURY EMISSION STANDARDS FOR FOSSIL FUEL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS.

Section 112 of the Clean Air Act (42 U.S.C. 7412) is amended—

(1) by redesignating subsection (s) as subsection (x); and

(2) by inserting after subsection (r) the following:

''(s) MERCURY EMISSION STANDARDS FOR ELECTRIC UTILITY STEAM GENERATING UNITS.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') applicable to existing and new electric utility steam generating units.

''(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each electric utility steam generating unit shall have an enforceable permit issued under title V that complies with this subsection.

''(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each electric utility steam generating unit shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

''(2) STANDARDS AND METHODS.—

''(A) MINIMUM REQUIRED EMISSION REDUCTION.—Subject to subparagraph (C), the emission standards established under paragraph (1)(A) shall require that each electric utility steam generating unit reduce its annual poundage of mercury emitted, as calculated under subparagraph (B), below its mercury emission baseline, as calculated under paragraph (3)(D), by not less than 95 percent.

''(B) CALCULATION OF ANNUAL POUNDAGE OF MERCURY EMITTED.—

''(i) IN GENERAL.—For each electric utility steam generating unit (referred to in this subparagraph as a 'unit') and each calendar year, the Administrator shall calculate the poundage of mercury emitted per unit for the calendar year, which shall be equal to the product obtained by multiplying—

''(I) the fuel consumption determined under clause (ii) for the unit for the calendar year; by

''(II) the average mercury content determined under clause (iii) for the unit for the calendar year.

''(ii) FUEL CONSUMPTION.—The fuel consumption for a unit shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the calendar year, as submitted to the Secretary of Energy on Department of Energy Form 767.

''(iii) AVERAGE MERCURY CONTENT.—

''(I) SPECIFIC DATA.—The average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during the calendar year.

''(II) ESTIMATED DATA.—If specific mercury content data from the Department of the Interior and the Department of Energy are not available, the average mercury content shall be estimated using the average mercury content of fossil fuel from mines or wells in the geographic region of each mine or well that supplies the unit.

''(C) EMISSION TRADING WITHIN A GENERATING STATION.—

''(i) IN GENERAL.—For the purpose of this subsection, taking into consideration the cost of achieving the emission reduction, the Administrator may allow emission trading among the electric utility steam generating units contained in a power generating station at a single site if the aggregate annual reduction from all such units at the power generating station is not less than 95 percent.

''(ii) UNDERLYING DATA.—In carrying out clause (i), the Administrator shall use mercury emission data calculated under paragraph (3)(D).

''(D) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

''(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material or fuel, or other method;

''(ii) enclose systems or processes to eliminate mercury emissions;

''(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

''(iv) consist of design, equipment, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

''(v) consist of a combination of the measures described in clauses (i) through (iv).

''(3) PERMIT REQUIREMENTS AND CONDITIONS.—

''(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

''(i) enforceable mercury emission standards;

''(ii) a schedule of compliance;

''(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

''(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

''(B) MONITORING AND ANALYSIS.—

''(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

''(I) monitoring and analysis for mercury; and

''(II) determining compliance with this subsection.

''(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

''(iii) OTHER REQUIREMENTS.—

''(I) IN GENERAL.—The requirements for monitoring and analysis under this subparagraph shall include—

''(aa) such requirements that result in a representative determination of mercury in ash and sludge; and

''(bb) such combination of requirements for continuous or other reliable and representative emission monitoring methods that results in a representative determination of mercury in fuel as received by each electric utility steam generating unit;

as are requisite to provide accurate and reliable data for determining baseline and controlled emissions of mercury from each electric utility steam generating unit.

''(II) MINIMUM REQUIREMENT.—If, under subclause (I)(bb), the Administrator does not require an electric utility steam generating unit to use direct emission monitoring methods, the requirements under subclause (I)(bb) shall, at a minimum, result in representative determinations of mercury in fuel as received by the electric utility steam generating unit at such frequencies as are sufficient to determine whether compliance with this subsection is continuous.

''(iv) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

''(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

''(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

''(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

''(iii) SIGNATURE.—Each report required under clause (i) and subparagraph (B)(iii) shall be signed by a responsible official of the electric utility steam generating unit, who shall certify the accuracy of the report.

''(D) MERCURY EMISSION BASELINE.—

''(i) IN GENERAL.—For each electric utility steam generating unit (referred to in this subparagraph as a 'unit'), the Administrator shall calculate the baseline annual average poundage of mercury emitted per unit, which shall be equal to the product obtained by multiplying—

''(I) the baseline fuel consumption determined under clause (ii) for the unit; by

''(II) the baseline average mercury content determined under clause (iii) for the unit.

''(ii) BASELINE FUEL CONSUMPTION.—

''(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—For each unit that began commercial operation before January 1, 1996, the baseline fuel consumption shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the period of calendar years 1996, 1997, and 1998, as submitted annually to the Secretary of Energy on Department of Energy Form 767 (referred to in this clause as 'Form 767').

''(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—Subject to subclause (III), for each unit that begins commercial operation between January 1, 1996, and the date that is 180 days after the date of enactment of this subparagraph, the baseline fuel consumption shall be based on the annual average of the fuel use data submitted on Form 767 for each full year of commercial operation that begins on or after January 1, 1996.

''(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—For each unit that has not been in commercial operation for at least 1 year as of the date that is 180 days after the date of enactment of this subparagraph, the Administrator may determine an interim baseline fuel consumption by—

''(aa) extrapolating from monthly fuel use data available for the unit; or

''(bb) assigning a baseline fuel consumption based on the annual average of the fuel use data submitted on Form 767 for other units that are of similar design and capacity.

''(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—For each unit that begins commercial operation more than 180 days after the date of enactment of this subparagraph, the application for a permit issued in accordance with paragraph (1)(B) for the unit shall include an initial baseline fuel consumption that is based on the maximum design capacity for the unit.

''(V) RECALCULATION AFTER EXTENDED PERIOD OF COMMERCIAL OPERATION.—At such time as a unit described in any of subclauses (II) through (IV) has submitted fuel use data for 3 consecutive years of commercial operation on Form 767, the Administrator shall recalculate the baseline fuel consumption and make modifications, as necessary, to the mercury emission limitations contained in the permit for the unit issued in accordance with paragraph (1)(B).

''(iii) BASELINE AVERAGE MERCURY CONTENT.—

''(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—In the case of a unit described in clause (ii)(I), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during the 3-year period described in clause (ii)(I).

''(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(II), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during each full year of commercial operation that begins on or after January 1, 1996.

''(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(III), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit—

''(aa) during the months used for the extrapolation under clause (ii)(III); or

''(bb) based on the average mercury content of fuel consumed by other units that are of similar design and capacity.

''(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(IV), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy, or data submitted by the unit under subparagraph (B)(iii), that characterize the average mercury content of the fuel consumed by the unit based on the maximum design capacity for the unit.

''(V) ESTIMATED DATA.—If mercury content data described in clauses (I) through (IV) are not available, the baseline average mercury content shall be estimated using the average mercury content of fossil fuel from mines or wells in the geographic region of each mine or well that supplies the unit.

''(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

''(A) IN GENERAL.—

''(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered

through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

''(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

''(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

''(ii) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

''(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from electric utility steam generating units, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

''(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

''(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

''(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each electric utility steam generating unit.

''(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).''.

SEC. 4. MERCURY EMISSION STANDARDS FOR COAL- AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER UNITS.

Section 112 of the Clean Air Act (as amended by section 3) is amended by inserting after subsection (s) the following:

''(t) MERCURY EMISSION STANDARDS FOR COAL- AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER UNITS.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') applicable to existing and new coal- and oil-fired commercial and industrial boiler units that have a maximum design heat input capacity of 10 mmBtu per hour or greater.

''(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each coal- or oil-fired commercial or industrial boiler unit shall have an enforceable permit issued under title V that complies with this subsection.

''(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each coal- or oil-fired commercial or industrial boiler unit shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

''(2) STANDARDS AND METHODS.—

''(A) MINIMUM REQUIRED EMISSION REDUCTION.—Subject to subparagraph (C), the emission standards established under paragraph (1)(A) shall require that each coal- or oil-fired commercial or industrial boiler unit reduce its annual poundage of mercury emitted, as calculated under subparagraph (B), below its mercury emission baseline, as calculated under paragraph (3)(D), by not less than 95 percent.

''(B) CALCULATION OF ANNUAL POUNDAGE OF MERCURY EMITTED.—

''(i) IN GENERAL.—For each coal- or oil-fired commercial or industrial boiler unit (referred to in this subparagraph as a 'unit') and each calendar year, the Administrator shall calculate the poundage of mercury emitted per unit for the calendar year, which shall be equal to the product obtained by multiplying—

''(I) the fuel consumption determined under clause (ii) for the unit for the calendar year; by

''(II) the average mercury content determined under clause (iii) for the unit for the calendar year.

''(ii) FUEL CONSUMPTION.—The fuel consumption for a unit shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the calendar year, as submitted to the Secretary of Energy on Department of Energy Forms EIA–3 and EIA–846 (A,B,C).

''(iii) AVERAGE MERCURY CONTENT.—

''(I) SPECIFIC DATA.—The average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during the calendar year.

''(II) ESTIMATED DATA.—If specific mercury content data from the Department of the Interior and the Department of Energy are not available, the average mercury content shall be estimated using the average mercury content of coal mined or oil produced in the geographic region of each mine or well that supplies the unit.

''(C) EMISSION TRADING WITHIN A FACILITY.—

''(i) IN GENERAL.—For the purpose of this subsection, taking into consideration the cost of achieving the emission reduction, the Administrator may allow emission trading among the coal- and oil-fired commercial and industrial boiler units contained in a facility at a single site if the aggregate annual reduction from all such units at the facility is not less than 95 percent.

''(ii) UNDERLYING DATA.—In carrying out clause (i), the Administrator shall use mercury emission data calculated under paragraph (3)(D).

''(D) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

''(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material or fuel, or other method;

''(ii) enclose systems or processes to eliminate mercury emissions;

''(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

''(iv) consist of design, equipment, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

''(v) consist of a combination of the measures described in clauses (i) through (iv).

''(3) PERMIT REQUIREMENTS AND CONDITIONS.—

''(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

''(i) enforceable mercury emission standards;

''(ii) a schedule of compliance;

''(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

''(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

''(B) MONITORING AND ANALYSIS.—

''(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

''(I) monitoring and analysis for mercury; and

''(II) determining compliance with this subsection.

''(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

''(iii) OTHER REQUIREMENTS.—

''(I) IN GENERAL.—The requirements for monitoring and analysis under this subparagraph shall include—

''(aa) such requirements that result in a representative determination of mercury in ash and sludge; and

''(bb) such combination of requirements for continuous or other reliable and representative emission monitoring methods that results in a representative determination of mercury in fuel as received by each coal- or oil-fired commercial or industrial boiler unit;

as are requisite to provide accurate and reliable data for determining baseline and controlled emissions of mercury from each coal- or oil-fired commercial or industrial boiler unit.

''(II) MINIMUM REQUIREMENT.—If, under subclause (I)(bb), the Administrator does not require a coal- or oil-fired commercial or industrial boiler unit to use direct emission monitoring methods, the requirements under subclause (I)(bb) shall, at a minimum, result in representative determinations of mercury in fuel as received by the boiler unit at such frequencies as are sufficient to determine whether compliance with this subsection is continuous.

''(iv) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

''(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

''(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

''(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

''(iii) SIGNATURE.—Each report required under clause (i) and subparagraph (B)(iii) shall be signed by a responsible official of the coal- or oil-fired commercial or industrial boiler unit, who shall certify the accuracy of the report.

''(D) MERCURY EMISSION BASELINE.—

''(i) IN GENERAL.—For each coal- or oil-fired commercial or industrial boiler unit (referred to in this subparagraph as a 'unit'), the Administrator shall calculate the baseline annual average poundage of mercury emitted per unit, which shall be equal to the product obtained by multiplying—

''(I) the baseline fuel consumption determined under clause (ii) for the unit; by

''(II) the baseline average mercury content determined under clause (iii) for the unit.

''(ii) BASELINE FUEL CONSUMPTION.—

''(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—For each unit that began commercial operation before January 1, 1996, the baseline fuel consumption shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the period of calendar years 1996, 1997, and 1998, as submitted annually to the Secretary of Energy on Department of Energy Forms EIA–3 and EIA–846 (A,B,C) (referred to in this clause as the 'Forms').

''(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—Subject to subclause (III), for each unit that begins commercial operation between January 1, 1996, and the date that is 180 days after the date of enactment of this subparagraph, the baseline fuel consumption shall be based on the annual average of the fuel use data submitted on the Forms for each full year of commercial operation that begins on or after January 1, 1996.

''(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—For each unit that has not been in commercial operation for at least 1 year as of the date that is 180 days after the date of enactment of this subparagraph, the Administrator may determine an interim baseline fuel consumption by—

''(aa) extrapolating from monthly fuel use data available for the unit; or

''(bb) assigning a baseline fuel consumption based on the annual average of the fuel use data submitted on the Forms for other units that are of similar design and capacity.

''(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—For each unit that begins commercial operation more than 180 days after the date of enactment of this subparagraph, the application for a permit issued in accordance with paragraph (1)(B) for the unit shall include an initial baseline fuel consumption that is based on the maximum design capacity for the unit.

''(V) RECALCULATION AFTER EXTENDED PERIOD OF COMMERCIAL OPERATION.—At such time as a unit described in any of subclauses (II) through (IV) has submitted fuel use data for 3 consecutive years of commercial operation on the Forms, the Administrator shall recalculate the baseline fuel consumption and make modifications, as necessary, to the mercury emission limitations contained in the permit for the unit issued in accordance with paragraph (1)(B).

''(iii) BASELINE AVERAGE MERCURY CONTENT.—

''(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—In the case of a unit described in clause (ii)(I), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during the 3-year period described in clause (ii)(I).

''(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(II), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during each full year of commercial operation that begins on or after January 1, 1996.

''(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(III), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit—

''(aa) during the months used for the extrapolation under clause (ii)(III); or

''(bb) based on the average mercury content of fuel consumed by other units that are of similar design and capacity.

''(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(IV), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A), or data submitted by the unit under subparagraph (B)(iii), that characterize the average mercury content of the fuel consumed by the unit based on the maximum design capacity for the unit.

''(V) ESTIMATED DATA.—If mercury content data described in clauses (I) through (IV) are not available, the baseline average mercury content shall be estimated using the average mercury content of coal mined or oil produced in the geographic region of each mine or well that supplies the unit.

''(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

''(A) IN GENERAL.—

''(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

''(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

''(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

''(ii) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

''(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from coal- and oil-fired commercial and industrial boiler units, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

''(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

''(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

''(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each coal- or oil-fired commercial or industrial boiler unit.

''(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).''.

SEC. 5. REDUCTION OF MERCURY EMISSIONS FROM SOLID WASTE INCINERATION UNITS.

(a) SEPARATION OF MERCURY-CONTAINING ITEMS.—Section 3002 of the Solid Waste Disposal Act (42 U.S.C. 6922) is amended by adding at the end the following:

''(c) SEPARATION OF MERCURY-CONTAINING ITEMS.—

''(1) PUBLICATION OF LIST.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish a list of mercury-containing items that shall be required to be separated and removed from the waste streams that feed solid waste management facilities.

''(B) REQUIRED ITEMS.—The list shall include mercury-containing items such as fluorescent light bulbs, batteries, pharmaceuticals, laboratory chemicals and reagents, electrical devices such as thermostats, relays, and switches, and medical and scientific instruments.

''(C) LABELING REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), to facilitate the process of separating and removing items listed under subparagraph (A), each manufacturer of a listed item shall ensure that each item is clearly labeled to indicate that the product contains mercury.

''(ii) BUTTON CELL BATTERIES.—In the case of button cell batteries for which, due to size constraints, labeling described in clause (i) is not practicable, the packaging shall indicate that the product contains mercury.

''(2) PLAN.—

''(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this subsection, each person that transfers, directly or through a contractor, solid waste that may contain a mercury-containing item listed under paragraph (1) to a solid waste management facility shall submit for review and approval by the Administrator (or, in the case of a solid waste management facility located in a State that has a State hazardous waste program authorized under section 3006, the State) a plan for—

''(i) separating and removing mercury-containing items listed by the Administrator under paragraph (1) from the waste streams that feed any solid waste management facility;

''(ii) subject to the other requirements of this subtitle, transferring the separated waste to a recycling facility or a treatment, storage, or disposal facility that holds a permit under this subtitle;

''(iii) monitoring and reporting on compliance with the plan; and

''(iv) achieving full compliance with the plan not later than 18 months after the date of approval of the plan in accordance with subparagraph (B).

''(B) PLAN APPROVAL.—

''(i) DEADLINE.—The Administrator (or the State) shall determine whether to approve or disapprove a plan submitted under subparagraph (A) not later than 180 days after the date of receipt of the plan.

''(ii) PREFERENCE.—In determining whether to approve a plan, the Administrator (or the State) shall give preference to recycling or

stabilization of mercury-containing items over disposal of the items.

''(C) AMENDED PLAN.—

''(i) SUBMISSION.—If the Administrator (or the State) disapproves a plan, the person may submit an amended plan not later than 90 days after the date of disapproval.

''(ii) APPROVAL.—The Administrator (or the State) shall approve or disapprove the amended plan not later than 30 days after the date of receipt of the plan.

''(D) PLAN BY ADMINISTRATOR (OR STATE).—

''(i) IN GENERAL.—If an amended plan is not submitted to the Administrator (or the State) within 90 days after the date of disapproval, or if an amended plan has been submitted and subsequently disapproved, the Administrator (or the State) shall issue a determination that it is necessary for the Administrator (or the State) to promulgate a plan for the person.

''(ii) PLAN.—Not later than 180 days after issuing the determination, the Administrator (or the State) shall develop, publish in the Federal Register (or submit to the Administrator for publication in the Federal Register), implement, and enforce a plan that meets the criteria specified in subparagraph (A) and ensures that full compliance with the plan will be achieved not later than 18 months after the date of publication of the plan.

''(E) ENFORCEABILITY.—Upon approval by the Administrator (or the State) of a plan submitted under subparagraph (A), or upon publication of a plan developed by the Administrator (or the State) under subparagraph (D), the plan shall be enforceable under this Act.''.

(b) SOLID WASTE INCINERATION UNIT MERCURY EMISSION MONITORING AND ANALYSIS.—Section 129(e) of the Clean Air Act (42 U.S.C. 7429(e)) is amended—

(1) by striking ''Beginning (1) 36'' and inserting the following:

''(1) IN GENERAL.—Beginning (A) 36'';

(2) in the first sentence, by redesignating paragraph (2) as subparagraph (B); and

(3) by adding at the end the following:

''(2) SOLID WASTE INCINERATION UNIT MERCURY EMISSION MONITORING AND ANALYSIS.—

''(A) PROCEDURES AND METHODS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations prescribing procedures and methods for—

''(I) monitoring and analysis for mercury emissions from solid waste combustion flue gases; and

''(II) determining compliance with this paragraph.

''(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

''(B) PERMIT REQUIREMENTS.—

''(i) IN GENERAL.—Each permit described in paragraph (1) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements with respect to mercury to ensure compliance with the permit terms and conditions, including a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring.

''(ii) SIGNATURE.—Each report required under clause (i) shall be signed by a responsible official of the solid waste incineration unit or by a municipal official, who shall certify the accuracy of the report.

''(C) ESTABLISHMENT OF MAXIMUM MERCURY EMISSION RATE.—

''(i) DETERMINATION BY THE ADMINISTRATOR.—Based on the reports required to be submitted under subparagraph (B)(i) 36 months, 39 months, and 42 months after the date of enactment of this subparagraph, the Administrator (or the State) shall make a determination as to whether the solid waste incinerator unit has achieved and is continuously maintaining a mercury emission rate of not more than 0.080 milligrams per dry standard cubic meter.

''(ii) REQUIREMENT OF INSTALLATION OF CONTROLS.—If the mercury emission rate specified in clause (i) is not achieved and maintained over the period covered by the reports referred to in clause (i), or over any 2 out of 3 reporting periods thereafter, the Administrator shall require that the solid waste incineration unit install control equipment and techniques that will, within 3 years, result in a mercury emission rate by the unit of not more than 0.060 milligrams per dry standard cubic meter.

''(iii) ENFORCEABILITY.—The requirements of this subparagraph shall be an enforceable modification to any existing or new permit described in paragraph (1) for the solid waste incineration unit.

''(D) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

''(E) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

''(i) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each solid waste incineration unit.

''(ii) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under subparagraph (B).''.

(c) PHASEOUT OF MERCURY IN PRODUCTS.—Section 112 of the Clean Air Act (as amended by section 4) is amended by inserting after subsection (t) the following:

''(u) PHASEOUT OF MERCURY IN PRODUCTS.—

''(1) DEFINITION OF MANUFACTURER.—In this subsection, the term 'manufacturer' includes an importer for resale.

''(2) PROHIBITION ON SALE.—Beginning 3 years after the date of enactment of this paragraph, a manufacturer shall not sell any mercury-containing product, whether manufactured domestically, imported, or manufactured for export, unless the manufacturer has applied for and has been granted by the Administrator an exemption from the prohibition on sale specified in this paragraph.

''(3) PROCEDURES FOR MAKING EXEMPTION APPLICATION DETERMINATIONS.—Before making a determination on an application, the Administrator shall—

''(A) publish notice of the application in the Federal Register;

''(B) provide a public comment period of 60 days; and

''(C) conduct a hearing on the record.

''(4) CRITERIA FOR EXEMPTION.—In making a determination on an application, the Administrator may grant an exemption from the prohibition on sale only if—

''(A) the Administrator determines that the mercury-containing product is a product the use of which is essential;

''(B) the Administrator determines that there is no comparable product that does not contain mercury and that is available in the marketplace at a reasonable cost; and

''(C) through documentation submitted by the manufacturer, the Administrator determines that the manufacturer has established a program to take back, after use by the consumer, all mercury-containing products subject to the exemption that are manufactured after the date of approval of the application.

''(5) TERM OF EXEMPTION.—

''(A) IN GENERAL.—An exemption may be granted for a period of not more than 3 years.

''(B) RENEWALS.—Renewal of an exemption shall be carried out in accordance with paragraphs (3) and (4).

''(6) PUBLICATIONS IN THE FEDERAL REGISTER.—The Administrator shall publish in the Federal Register—

''(A) a description of each exemption application approval or denial; and

''(B) on an annual basis, a list of products for which exemptions have been granted under this subsection.''.

SEC. 6. MERCURY EMISSION STANDARDS FOR CHLOR-ALKALI PLANTS.

Section 112 of the Clean Air Act (as amended by section 5(c)) is amended by inserting after subsection (u) the following:

''(v) MERCURY EMISSION STANDARDS FOR CHLOR-ALKALI PLANTS.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the direct and fugitive emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') applicable to existing and new chlor-alkali plants that use the mercury cell production process (referred to in this subsection as 'mercury cell chlor-alkali plants').

''(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each mercury cell chlor-alkali plant shall have an enforceable permit issued under title V that complies with this subsection.

''(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each mercury cell chlor-alkali plant shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

''(2) STANDARDS AND METHODS.—

''(A) MINIMUM REQUIRED EMISSION REDUCTION.—The emission standards established under paragraph (1)(A) shall require that each mercury cell chlor-alkali plant reduce its annual poundage of direct and fugitive mercury emitted below its mercury emission baseline, as determined by the Administrator, by not less than 95 percent.

''(B) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

''(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material, or other method;

''(ii) enclose systems or processes to eliminate mercury emissions;

''(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point, or through evaporation of a spill;

''(iv) consist of design, equipment, manufacturing process, work practice, or operational standards (including requirements for operator training or certification or spill prevention) in accordance with subsection (h); or

''(v) consist of a combination of the measures described in clauses (i) through (iv).

''(3) PERMIT REQUIREMENTS AND CONDITIONS.—

''(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

''(i) enforceable mercury emission standards;

''(ii) a schedule of compliance;

''(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

''(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

''(B) MONITORING AND ANALYSIS.—

''(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

''(I) monitoring and analysis for mercury; and

''(II) determining compliance with this subsection.

''(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

''(iii) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

''(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

''(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

''(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

''(iii) SIGNATURE.—Each report required under clause (i) shall be signed by a responsible official of the mercury cell chlor-alkali plant, who shall certify the accuracy of the report.

''(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

''(A) IN GENERAL.—

''(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control or another method is disposed of in a manner that ensures that—

''(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

''(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

''(ii) MERCURY-CONTAINING WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

''(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from mercury cell chlor-alkali plants, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

''(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

''(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

''(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each mercury cell chlor-alkali plant.

''(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).''.

SEC. 7. MERCURY EMISSION STANDARDS FOR PORTLAND CEMENT PLANTS.

Section 112 of the Clean Air Act (as amended by section 6) is amended by inserting after subsection (v) the following:

''(w) MERCURY EMISSION STANDARDS FOR PORTLAND CEMENT PLANTS.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations—

''(i) to establish standards for the control of direct dust emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') from crushers, mills, dryers, kilns (excluding emission from such burning of hazardous waste-containing fuel in a cement kiln as is regulated under section 3004(q) of the Solid Waste Disposal Act (42 U.S.C. 6924(q)), and clinker coolers at existing and new Portland cement plants; and

''(ii) to establish standards for the control of fugitive dust emission of mercury from storage, transport, charging, and discharging operations at existing and new Portland cement plants.

''(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each Portland cement plant shall have an enforceable permit issued under title V that complies with this subsection.

''(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each Portland cement plant shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

''(2) STANDARDS AND METHODS.—

''(A) MINIMUM REQUIRED EMISSION REDUCTION.—The emission standards established under paragraph (1)(A) shall require that each Portland cement plant reduce its annual poundage of direct and fugitive mercury emitted below its mercury emission baseline, as determined by the Administrator, by not less than 95 percent.

''(B) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

''(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material, or other method;

''(ii) enclose systems, processes, or storage to eliminate mercury emissions;

''(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

''(iv) consist of design, equipment, manufacturing process, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

''(v) consist of a combination of the measures described in clauses (i) through (iv).

''(3) PERMIT REQUIREMENTS AND CONDITIONS.—

''(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

''(i) enforceable mercury emission standards;

''(ii) a schedule of compliance;

''(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

''(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

''(B) MONITORING AND ANALYSIS.—

''(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

''(I) monitoring and analysis for mercury; and

''(II) determining compliance with this subsection.

''(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

''(iii) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

''(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

''(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

''(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

''(iii) SIGNATURE.—Each report required under clause (i) shall be signed by a responsible official of the Portland cement plant, who shall certify the accuracy of the report.

''(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

''(A) IN GENERAL.—

''(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control or another method is disposed of in a manner that ensures that—

''(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

''(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

''(ii) MERCURY-CONTAINING WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

''(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from Portland cement plants, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

''(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or

replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

''(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

''(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each Portland cement plant.

''(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).''.

SEC. 8. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR MEDICAL WASTE INCINERATORS.

(a) IN GENERAL.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the extent to which the annual poundage of mercury and mercury compounds emitted by each medical waste incinerator in the United States has been reduced below the baseline for the medical waste incinerator determined under subsection (b).

(b) BASELINE.—

(1) USE OF ACTUAL DATA.—As a baseline for measuring emission reductions, the report shall use the mercury and mercury compound emission data that were submitted or developed during the process of permitting of the medical waste incinerator under the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) LACK OF ACTUAL DATA.—If the data described in paragraph (1) are not available, the Administrator shall develop an estimate of baseline mercury emissions based on other sources of data and the best professional judgment of the Administrator.

SEC. 9. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR HAZARDOUS WASTE COMBUSTORS.

(a) IN GENERAL.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the extent to which the annual poundage of mercury and mercury compounds emitted by each hazardous waste combustor in the United States has been reduced below the baseline for the hazardous waste combustor determined under subsection (b).

(b) BASELINE.—

(1) USE OF ACTUAL DATA.—As a baseline for measuring emission reductions, the report shall use the mercury and mercury compound emission data that were submitted or developed during the process of permitting of the hazardous waste combustor under the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) LACK OF ACTUAL DATA.—If the data described in paragraph (1) are not available, the Administrator shall develop an estimate of baseline mercury emissions based on other sources of data and the best professional judgment of the Administrator.

SEC. 10. REPORT ON USE OF MERCURY AND MERCURY COMPOUNDS BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than December 31, 2000, the Secretary of Defense shall submit to Congress a report on the use of mercury and mercury compounds by the Department of Defense.

(b) CONTENTS.—In the report, the Secretary of Defense shall describe—

(1) measures that the Department of Defense is carrying out to reduce the use and emissions of mercury and mercury compounds by the Department; and

(2) measures that the Department of Defense is carrying out to stabilize or recycle discarded mercury or discarded mercury-containing products.

SEC. 11. INTERNATIONAL ACTIVITIES.

(a) STUDY AND REPORT.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency, in cooperation with appropriate representatives of Canada and Mexico, shall study and submit to Congress a report on the sources and extent of mercury emissions in North America.

(b) REVIEW.—Before submitting the report to Congress, the Administrator shall submit the report for—

(1) internal and external scientific peer review; and

(2) review by the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).

(c) REQUIRED ELEMENTS.—The report shall include—

(1) a characterization and identification of the sources of emissions of mercury in North America;

(2) a description of the patterns and pathways taken by mercury pollution through the atmosphere and surface water; and

(3) recommendations for pollution control measures, options, and strategies that, if implemented individually or jointly by the United States, Canada, and Mexico, will eliminate or greatly reduce transboundary atmospheric and surface water mercury pollution in North America.

SEC. 12. MERCURY RESEARCH.

Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended by adding at the end the following:

''(l) MERCURY RESEARCH.—

''(1) ESTABLISHMENT OF PROGRAMS.—The Administrator shall establish—

''(A) a program to characterize and quantify the potential mercury-related health effects on high-risk populations (such as pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish); and

''(B) a mercury public awareness and prevention program targeted at populations most at risk from exposure to mercury.

''(2) STUDY OF IMPLEMENTATION OF MEASURES TO CONTROL MERCURY EMISSIONS.—

''(A) ESTABLISHMENT OF ADVISORY COMMITTEE.—Not later than 3 years after the date of enactment of this subsection, the Secretary of Health and Human Services and the Administrator shall establish an advisory committee to evaluate and prepare a report on the progress made by the Federal Government, State and local governments, industry, and other regulated entities to implement and comply with the mercury-related amendments to the Clean Air Act (42 U.S.C. 7401 et seq.) made by the Omnibus Mercury Emissions Reduction Act of 1999.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory committee shall consist of at least 15 members, of whom at least 1 member shall represent each of the following:

''(I) The Department of Health and Human Services.

''(II) The Agency for Toxic Substances and Disease Registry.

''(III) The Food and Drug Administration.

''(IV) The Environmental Protection Agency.

''(V) The National Academy of Sciences.

''(VI) Native American populations.

''(VII) State and local governments.

''(VIII) Industry.

''(IX) Environmental organizations.

''(X) Public health organizations.

''(ii) APPOINTMENT.—The Secretary of Health and Human Services and the Administrator shall each appoint not fewer than 7 members of the advisory committee.

''(C) DUTIES.—The advisory committee shall—

''(i) evaluate the adequacy and completeness of data collected and disseminated by the Environmental Protection Agency and each State that reports on and measures mercury contamination in the environment;

''(ii) make recommendations to the Secretary of Health and Human Services and the Administrator concerning—

''(I) changes necessary to improve the quality and ensure consistency from State to State of Federal and State data collection, reporting, and characterization of baseline environmental conditions; and

''(II) methods for improving public education, particularly among high-risk populations (such as pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish), concerning the pathways and effects of mercury contamination and consumption; and

''(iii) not later than 4 years after the date of enactment of this subsection, compile and make available to the public, through 1 or more published reports and 1 or more forms of electronic media, the findings, recommendations, and supporting data, including State-specific data, of the advisory committee under this subparagraph.

''(D) COMPENSATION.—

''(i) IN GENERAL.—A member of the advisory committee shall receive no compensation by reason of the service of the member on the advisory committee.

''(ii) TRAVEL EXPENSES.—A member of the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the advisory committee.

''(E) DURATION OF ADVISORY COMMITTEE.—The advisory committee—

''(i) shall terminate not earlier than the date on which the Secretary of Health and Human Services and the Administrator determine that the findings, recommendations, and supporting data prepared by the advisory committee have been made available to the public; and

''(ii) may, at the discretion of the Secretary of Health and Human Services and the Administrator, continue in existence after that date to further carry out the duties described in subparagraph (C).

''(F) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established under this paragraph.

''(G) FUNDING.—The Secretary of Health and Human Services and the Administrator shall each provide 50 percent of the funding necessary to carry out this paragraph.

''(3) REPORT ON MERCURY SEDIMENTATION TRENDS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall submit to Congress a report that characterizes mercury and mercury-compound sedimentation trends in Lake Champlain, Chesapeake Bay, the Great Lakes, the finger lakes region of upstate New York, Tampa Bay, and other water bodies of concern (as determined by the Administrator).

''(4) EVALUATION OF FISH CONSUMPTION ADVISORIES.—

''(A) IN GENERAL.—The Administrator shall evaluate the adequacy, consistency, completeness, and public dissemination of—

''(i) data collected by the Environmental Protection Agency and each State concerning mercury contamination of fish; and

''(ii) advisories to warn the public about the consumption of mercury-contaminated

fish (referred to in this paragraph as 'fish consumption advisories').

''(B) IMPROVEMENT OF QUALITY AND CONSISTENCY.—In conjunction with each State or unilaterally, the Administrator shall implement any changes necessary to improve the quality and ensure consistency from State to State of Federal and State data collection, reporting, characterization of mercury contamination, and thresholds concerning mercury contamination in fish above which fish consumption advisories will be issued.

''(C) REPORTING.—Not later than 2 years after the date of enactment of this subsection and every 2 years thereafter, the Administrator shall prepare and make available to the public, through 1 or more published reports and 1 or more forms of electronic media, information providing detail by State, watershed, water body, and river reach of mercury levels in fish and any fish consumption advisories that have been issued during the preceding 2-year period.

''(D) EFFECT ON STATE AUTHORITY.—Nothing in this paragraph affects any authority of a State to advise residents of the mercury content of commercially sold foods and other products.''.

OVERVIEW OF THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1999

Why has Senator Leahy introduced the ''Omnibus Mercury Emissions Reduction Act of 1999''?

Senator Leahy's concerns about the current and long-term environmental and health consequences in the United States resulting from the discharge of toxic chemicals into the environment are lonstanding. He is particularly concerned about the effects of mercury. He is also concerned about transport of air pollution from other parts of the nation to the lakes, rivers, forests, and agricultural lands of Vermont.

EPA's ''Mercury Study Report to Congress,'' mandated by the 1990 Clean Air Act, documents mercury pollution sources and troubling trends in mercury pollution in the United States.

Mercury is one of the last major pollutants without an overall pollution control strategy, and as a result it remains largely uncontrolled.

What are the key findings of the ''Mercury Study Report to Congress''?

Scientific and medical evidence show that exposure to mercury and mercury compounds is harmful to human health, and concentrations of it in the environment are arising (e.g., in lake and river sediments).

Pregnant women and their developing fetuses, women of child-bearing age, and children under the age of 8 are most at risk for mercury-related health effects such as neurotoxicity.

Neurotoxicity symptoms include impaired vision, speech, hearing, and walking; sensory disturbances; incoordination of movements; nervous system damage very similar to congenital cerebal palsy; mental disturbances; and, in some cases, death.

Exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish but can also occur through ingestion of methylmercury contaminated drinking water and food sources other than fish, and dermal uptake through soil and water.

The major sources of mercury emissions in the United States are coal-fired electrical utility steam generating units, solid waste combustors, commercial and industrial boilers, medical waste incinerators, hazardous waste combustors, chlor-alkali plants (which manufacture chlorine and sodium hydroxide), and Portland cement plants.

EPA's analysis of mercury deposits and transport, in conjunction with available scientific knowledge, supports a plausible link between mercury emissions from combustion and industrial sources and mercury concentrations in air, soil, water, and sediments.

The following geographical areas have the highest annual rate of deposition of mercury in all forms: the southern Great Lakes and Ohio River Valley; the Northeast and southern New England; and scattered areas in the South, with the most elevated deposition occurring in the Miami and Tampa areas and in two areas in northeast Texas.

The analysis of mercury deposits and transport supports a plausible link between mercury emissions from combustion and industrial sources and methyl mercury concentrations in freshwater fish. In 1997, 40 states have issued health advisories warning the public about consuming mercury-tainted fish, compared to 27 states in 1993. Eleven states have issued state-wide advisories, and 5 states have issued advisories for coastal waters. Mercury advisories have increased 98 percent from 899 in 1993 to 1,782 in 1998.

The presence of mercury in consumer products is of concern in light of the health consequences associated with exposure to mercury.

The presence of mercury in certain batteries and fluorescent light bulbs is of special concern, particularly given the substantial quantities of used batteries and fluorescent light bulbs that are discarded annually in the solid waste stream and the potential for environmental and health consequences associated with land disposal, composting, or municipal waste incineration.

Estimates of U.S. Annual Mercury Emissions Rates for the Largest Emitting Source Categories Source of Data: Mercury Study Report to Congress, December 1997

Coal Fired Utility Boilers: 52 tons per year
Solid Waste Combustors: 30 tons per year
Commercial/Industrial Boilers: 29 tons per year
Medical Waste Incinerators: 16 tons per year
Hazardous Waste Combustors: 7 tons per year
Chlor-Alkali Plants: 7 tons per year
Portland Cement Plants: 5 tons per year

Key features of the ''Omnibus Mercury Emissions Reduction Act of 1999''

Directs EPA to promulgate mercury emissions standards and regulatory strategies for the largest emitting source categories: fossil-fuel fired electric utility steam generating units; fossil-fuel fired commercial and industrial boilers; solid waste combustors; chlor-alkali plants; and Portland cement plants.

Requires Reports to Congress: By EPA on progress in implementing mercury emission reductions for medical waste incinerators pursuant to existing regulations; by EPA on progress in implementing mercury emission reductions for hazardous waste combustors pursuant to existing regulations; by the Department of Defense on the use of mercury and mercury compounds by DoD.

Other features of ''Omnibus Mercury Emissions Reduction Act of 1999''

Directs EPA to work with Canada and Mexico to inventory the sources and pathways of mercury air and water pollution within North America, and recommend options and strategies to greatly reduce transboundary atmospheric and surface water mercury pollution in North America.

Expanded research into characterizing the health effects of mercury pollution to critical populations (i.e., pregnant women and their fetuses, women of child bearing age, and children).

Requires safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other pollution control systems so that the hazards emanating from mercury are not merely transferred from one environmental medium to another.

Requires annual public reporting (hardcopy publication and Internet) of facility-specific emissions of mercury and mercury compounds;

Requires labeling of mercury containing items such as fluorescent light bulbs, batteries, pharmaceuticals, laboratory chemicals and reagents, electrical devices such as thermostats, relays, and switches, and medical and scientific equipment.

Begins a phase out of mercury from products. Exceptions may be made for essential uses.

Implementation of public awareness and prevention programs.

More consistent state-by-state information on mercury-related fish consumption advisories.

Expanded characterization of mercury sedimentation trends and effects in Lake Champlain, the Great Lakes, the Chesapeake Bay, the finger lakes region of upstate New York, Tampa Bay, and other major water bodies.

By Mr. FITZGERALD:

S. 674. A bill to require truth-in-budgeting with respect to the on-budget trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee report, the other committee have 30 days to report or be discharged.

TRUTH-IN-BUDGETING ACT OF 1999

● Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 674

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 ''Truth-in-Budgeting Act of 1999''.

SECTION 2. HONEST REPORTING OF THE DEFICIT.

(a) IN GENERAL.—Effective for fiscal year 2001, the President's budget, the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974, and the concurrent resolution on the budget shall include—

(1) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal years; and

(2) the deficit or surplus excluding the on-budget trust funds, including the projected levels for at least the next 5 fiscal years.

(b) ITEMIZATION.—Effective for fiscal year 2001, the President's budget and the budget report of the CBO required under section 202(e) of the Congressional Budget Act of 1974 shall include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.●

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 312

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 312, a bill to require certain entities that operate homeless shelters to identify and provide certain counseling to homeless veterans, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 552

At the request of Mr. ALLARD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 552, a bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 625

At the request of Mr. ROTH, his name was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Concurrent Resolution 17, a concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Nebraska [Mr. KERREY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. ABRAHAM], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. GREGG], the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE CONCURRENT RESOLUTION 20—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2000 THROUGH 2009

Mr. DOMENICI, from the Committee on the Budget, reported the following original concurrent resolution:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

(a) DECLARATION.—

(1) IN GENERAL.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2000 including the appropriate budgetary levels for fiscal years 2001 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974.

(2) FISCAL YEAR 1999 BUDGET RESOLUTION.—S. Res. 312, approved October 21, 1998, (105th Congress) shall be considered to be the concurrent resolution on the budget for fiscal year 1999.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,214,000,000.
Fiscal year 2002: $1,455,158,000,000.
Fiscal year 2003: $1,531,015,000,000.
Fiscal year 2004: $1,584,969,000,000.
Fiscal year 2005: $1,648,259,000,000.
Fiscal year 2006: $1,681,438,000,000.
Fiscal year 2007: $1,735,646,000,000.
Fiscal year 2008: $1,805,517,000,000.
Fiscal year 2009: $1,868,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $−7,433,000,000.
Fiscal year 2002: $−53,118,000,000.
Fiscal year 2003: $−32,303,000,000.
Fiscal year 2004: $−49,180,000,000.
Fiscal year 2005: $−62,637,000,000.
Fiscal year 2006: $−109,275,000,000.
Fiscal year 2007: $−135,754,000,000.
Fiscal year 2008: $−150,692,000,000.
Fiscal year 2009: $−177,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,456,294,000,000.
Fiscal year 2002: $1,487,477,000,000.
Fiscal year 2003: $1,560,513,000,000.
Fiscal year 2004: $1,612,278,000,000.
Fiscal year 2005: $1,655,843,000,000.
Fiscal year 2006: $1,697,402,000,000.
Fiscal year 2007: $1,752,567,000,000.
Fiscal year 2008: $1,813,739,000,000.
Fiscal year 2009: $1,873,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,214,000,000.

Fiscal year 2002: $1,455,158,000,000.
Fiscal year 2003: $1,531,015,000,000.
Fiscal year 2004: $1,582,070,000,000.
Fiscal year 2005: $1,638,428,000,000.
Fiscal year 2006: $1,666,608,000,000.
Fiscal year 2007: $1,715,883,000,000.
Fiscal year 2008: $1,780,697,000,000.
Fiscal year 2009: $1,840,699,000,000.

(4) DEFICITS OR SUPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: $−6,313,000,000.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.
Fiscal year 2004: $2,899,000,000.
Fiscal year 2005: $9,831,000,000.
Fiscal year 2006: $14,830,000,000.
Fiscal year 2007: $19,763,000,000.
Fiscal year 2008: $24,820,000,000.
Fiscal year 2009: $27,816,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,635,900,000,000.
Fiscal year 2001: $5,716,100,000,000.
Fiscal year 2002: $5,801,000,000,000.
Fiscal year 2003: $5,885,000,000,000.
Fiscal year 2004: $5,962,200,000,000.
Fiscal year 2005: $6,029,400,000,000.
Fiscal year 2006: $6,088,100,000,000.
Fiscal year 2007: $6,138,900,000,000.
Fiscal year 2008: $6,175,100,000,000.
Fiscal year 2009: $6,203,500,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,510,000,000,000.
Fiscal year 2001: $3,377,700,000,000.
Fiscal year 2002: $3,236,900,000,000.
Fiscal year 2003: $3,088,200,000,000.
Fiscal year 2004: $2,926,000,000,000.
Fiscal year 2005: $2,742,900,000,000.
Fiscal year 2006: $2,544,200,000,000.
Fiscal year 2007: $2,329,100,000,000.
Fiscal year 2008: $2,099,500,000,000.
Fiscal year 2009: $1,861,100,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,812,000,000.
(B) Outlays, $274,567,000,000.
Fiscal year 2001:
(A) New budget authority, $303,616,000,000.
(B) Outlays, $285,949,000,000.
Fiscal year 2002:
(A) New budget authority, $308,175,000,000.
(B) Outlays, $291,714,000,000.
Fiscal year 2003:
(A) New budget authority, $318,277,000,000.
(B) Outlays, $303,642,000,000.
Fiscal year 2004:
(A) New budget authority, $327,166,000,000.
(B) Outlays, $313,460,000,000.
Fiscal year 2005:
(A) New budget authority, $328,370,000,000.
(B) Outlays, $316,675,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,111,000,000.
Fiscal year 2007:
(A) New budget authority, $330,870,000,000.
(B) Outlays, $313,687,000,000.
Fiscal year 2008:
(A) New budget authority, $332,176,000,000.
(B) Outlays, $317,103,000,000.
Fiscal year 2009:
(A) New budget authority, $333,452,000,000.
(B) Outlays, $318,041,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $12,511,000,000.
(B) Outlays, $14,850,000,000.
Fiscal year 2001:
(A) New budget authority, $12,716,000,000.
(B) Outlays, $15,362,000,000.
Fiscal year 2002:
(A) New budget authority, $11,985,000,000.
(B) Outlays, $14,781,000,000.
Fiscal year 2003:
(A) New budget authority, $13,590,000,000.
(B) Outlays, $14,380,000,000.
Fiscal year 2004:
(A) New budget authority, $14,494,000,000.
(B) Outlays, $14,133,000,000.
Fiscal year 2005:
(A) New budget authority, $14,651,000,000.
(B) Outlays, $13,807,000,000.
Fiscal year 2006:
(A) New budget authority, $14,834,000,000.
(B) Outlays, $13,513,000,000.
Fiscal year 2007:
(A) New budget authority, $14,929,000,000.
(B) Outlays, $13,352,000,000.
Fiscal year 2008:
(A) New budget authority, $14,998,000,000.
(B) Outlays, $13,181,000,000.
Fiscal year 2009:
(A) New budget authority, $14,962,000,000.
(B) Outlays, $13,054,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $17,955,000,000.
(B) Outlays, $18,214,000,000.
Fiscal year 2001:
(A) New budget authority, $17,946,000,000.
(B) Outlays, $17,907,000,000.
Fiscal year 2002:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,880,000,000.
Fiscal year 2003:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,784,000,000.
Fiscal year 2004:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,772,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2006:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2007:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2008:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2009:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $49,000,000.
(B) Outlays, $−650,000,000.
Fiscal year 2001:
(A) New budget authority, $−1,435,000,000.
(B) Outlays, $−3,136,000,000.
Fiscal year 2002:
(A) New budget authority, $−163,000,000.
(B) Outlays, $−1,138,000,000.
Fiscal year 2003:
(A) New budget authority, $−84,000,000.
(B) Outlays, $−1,243,000,000.
Fiscal year 2004:
(A) New budget authority, $−319,000,000.
(B) Outlays, $−1,381,000,000.
Fiscal year 2005:
(A) New budget authority, $−447,000,000.
(B) Outlays, $−1,452,000,000.
Fiscal year 2006:
(A) New budget authority, $−452,000,000.
(B) Outlays, $−1,453,000,000.
Fiscal year 2007:
(A) New budget authority, $−506,000,000.
(B) Outlays, $−1,431,000,000.
Fiscal year 2008:
(A) New budget authority, $−208,000,000.
(B) Outlays, $−1,137,000,000.
Fiscal year 2009:
(A) New budget authority, $−76,000,000.
(B) Outlays, $−1,067,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $21,520,000,000.
(B) Outlays, $22,244,000,000.
Fiscal year 2001:
(A) New budget authority, $21,183,000,000.
(B) Outlays, $21,729,000,000.
Fiscal year 2002:
(A) New budget authority, $20,747,000,000.
(B) Outlays, $21,023,000,000.
Fiscal year 2003:
(A) New budget authority, $22,479,000,000.
(B) Outlays, $22,579,000,000.
Fiscal year 2004:
(A) New budget authority, $22,492,000,000.
(B) Outlays, $22,503,000,000.
Fiscal year 2005:
(A) New budget authority, $22,536,000,000.
(B) Outlays, $22,429,000,000.
Fiscal year 2006:
(A) New budget authority, $22,566,000,000.
(B) Outlays, $22,466,000,000.
Fiscal year 2007:
(A) New budget authority, $22,667,000,000.
(B) Outlays, $22,425,000,000.
Fiscal year 2008:
(A) New budget authority, $22,658,000,000.
(B) Outlays, $22,361,000,000.
Fiscal year 2009:
(A) New budget authority, $23,041,000,000.
(B) Outlays, $22,738,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14,831,000,000.
(B) Outlays, $13,660,000,000.
Fiscal year 2001:
(A) New budget authority, $13,519,000,000.
(B) Outlays, $11,279,000,000.
Fiscal year 2002:
(A) New budget authority, $11,288,000,000.
(B) Outlays, $9,536,000,000.
Fiscal year 2003:
(A) New budget authority, $11,955,000,000.
(B) Outlays, $10,252,000,000.
Fiscal year 2004:

(A) New budget authority, $12,072,000,000.
(B) Outlays, $10,526,000,000.
Fiscal year 2005:
(A) New budget authority, $10,553,000,000.
(B) Outlays, $9,882,000,000.
Fiscal year 2006:
(A) New budget authority, $10,609,000,000.
(B) Outlays, $9,083,000,000.
Fiscal year 2007:
(A) New budget authority, $10,711,000,000.
(B) Outlays, $9,145,000,000.
Fiscal year 2008:
(A) New budget authority, $10,763,000,000.
(B) Outlays, $9,162,000,000.
Fiscal year 2009:
(A) New budget authority, $10,853,000,000.
(B) Outlays, $9,223,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $9,864,000,000.
(B) Outlays, $4,470,000,000.
Fiscal year 2001:
(A) New budget authority, $10,620,000,000.
(B) Outlays, $5,754,000,000.
Fiscal year 2002:
(A) New budget authority, $14,450,000,000.
(B) Outlays, $10,188,000,000.
Fiscal year 2003:
(A) New budget authority, $14,529,000,000.
(B) Outlays, $10,875,000,000.
Fiscal year 2004:
(A) New budget authority, $13,859,000,000.
(B) Outlays, $10,439,000,000.
Fiscal year 2005:
(A) New budget authority, $12,660,000,000.
(B) Outlays, $9,437,000,000.
Fiscal year 2006:
(A) New budget authority, $12,635,000,000.
(B) Outlays, $9,130,000,000.
Fiscal year 2007:
(A) New budget authority, $12,666,000,000.
(B) Outlays, $8,879,000,000.
Fiscal year 2008:
(A) New budget authority, $12,642,000,000.
(B) Outlays, $8,450,000,000.
Fiscal year 2009:
(A) New budget authority, $13,415,000,000.
(B) Outlays, $8,824,000,000.
(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $51,325,000,000.
(B) Outlays, $45,333,000,000.
Fiscal year 2001:
(A) New budget authority, $51,128,000,000.
(B) Outlays, $47,711,000,000.
Fiscal year 2002:
(A) New budget authority, $51,546,000,000.
(B) Outlays, $47,765,000,000.
Fiscal year 2003:
(A) New budget authority, $52,477,000,000.
(B) Outlays, $46,720,000,000.
Fiscal year 2004:
(A) New budget authority, $52,580,000,000.
(B) Outlays, $46,207,000,000.
Fiscal year 2005:
(A) New budget authority, $52,609,000,000.
(B) Outlays, $46,022,000,000.
Fiscal year 2006:
(A) New budget authority, $52,640,000,000.
(B) Outlays, $45,990,000,000.
Fiscal year 2007:
(A) New budget authority, $52,673,000,000.
(B) Outlays, $45,990,000,000.
Fiscal year 2008:
(A) New budget authority, $52,707,000,000.
(B) Outlays, $46,007,000,000.
Fiscal year 2009:
(A) New budget authority, $52,742,000,000.
(B) Outlays, $46,033,000,000.
(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $5,343,000,000.
(B) Outlays, $10,273,000,000.
Fiscal year 2001:
(A) New budget authority, $2,704,000,000.
(B) Outlays, $7,517,000,000.
Fiscal year 2002:
(A) New budget authority, $1,889,000,000.
(B) Outlays, $4,667,000,000.
Fiscal year 2003:
(A) New budget authority, $2,042,000,000.
(B) Outlays, $2,964,000,000.
Fiscal year 2004:
(A) New budget authority, $2,037,000,000.
(B) Outlays, $2,120,000,000.
Fiscal year 2005:
(A) New budget authority, $2,030,000,000.
(B) Outlays, $1,234,000,000.
Fiscal year 2006:
(A) New budget authority, $2,027,000,000.
(B) Outlays, $931,000,000.
Fiscal year 2007:
(A) New budget authority, $2,021,000,000.
(B) Outlays, $795,000,000.
Fiscal year 2008:
(A) New budget authority, $2,019,000,000.
(B) Outlays, $724,000,000.
Fiscal year 2009:
(A) New budget authority, $2,013,000,000.
(B) Outlays, $668,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $66,549,000,000.
(B) Outlays, $65,355,000,000.
Fiscal year 2002:
(A) New budget authority, $67,295,000,000.
(B) Outlays, $66,037,000,000.
Fiscal year 2003:
(A) New budget authority, $73,334,000,000.
(B) Outlays, $68,531,000,000.
Fiscal year 2004:
(A) New budget authority, $76,648,000,000.
(B) Outlays, $72,454,000,000.
Fiscal year 2005:
(A) New budget authority, $77,464,000,000.
(B) Outlays, $75,891,000,000.
Fiscal year 2006:
(A) New budget authority, $78,229,000,000.
(B) Outlays, $77,189,000,000.
Fiscal year 2007:
(A) New budget authority, $79,133,000,000.
(B) Outlays, $78,119,000,000.
Fiscal year 2008:
(A) New budget authority, $80,144,000,000.
(B) Outlays, $79,109,000,000.
Fiscal year 2009:
(A) New budget authority, $80,051,000,000.
(B) Outlays, $79,059,000,000.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $156,181,000,000.
(B) Outlays, $152,986,000,000.
Fiscal year 2001:
(A) New budget authority, $164,089,000,000.
(B) Outlays, $162,357,000,000.
Fiscal year 2002:
(A) New budget authority, $173,330,000,000.
(B) Outlays, $173,767,000,000.
Fiscal year 2003:
(A) New budget authority, $184,679,000,000.
(B) Outlays, $185,330,000,000.
Fiscal year 2004:
(A) New budget authority, $197,893,000,000.
(B) Outlays, $198,499,000,000.
Fiscal year 2005:
(A) New budget authority, $212,821,000,000.
(B) Outlays, $212,637,000,000.
Fiscal year 2006:
(A) New budget authority, $228,379,000,000.
(B) Outlays, $228,323,000,000.
Fiscal year 2007:
(A) New budget authority, $246,348,000,000.
(B) Outlays, $245,472,000,000.
Fiscal year 2008:
(A) New budget authority, $265,160,000,000.
(B) Outlays, $264,420,000,000.
Fiscal year 2009:
(A) New budget authority, $285,541,000,000.
(B) Outlays, $284,941,000,000.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $208,652,000,000.
(B) Outlays, $208,698,000,000.
Fiscal year 2001:
(A) New budget authority, $222,104,000,000.
(B) Outlays, $222,252,000,000.
Fiscal year 2002:
(A) New budget authority, $230,593,000,000.
(B) Outlays, $230,222,000,000.
Fiscal year 2003:
(A) New budget authority, $250,743,000,000.
(B) Outlays, $250,871,000,000.
Fiscal year 2004:
(A) New budget authority, $268,558,000,000.
(B) Outlays, $268,738,000,000.
Fiscal year 2005:
(A) New budget authority, $295,574,000,000.
(B) Outlays, $295,188,000,000.
Fiscal year 2006:
(A) New budget authority, $306,772,000,000.
(B) Outlays, $306,929,000,000.
Fiscal year 2007:
(A) New budget authority, $337,566,000,000.
(B) Outlays, $337,761,000,000.
Fiscal year 2008:
(A) New budget authority, $365,642,000,000.
(B) Outlays, $365,225,000,000.
Fiscal year 2009:
(A) New budget authority, $394,078,000,000.
(B) Outlays, $394,249,000,000.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $250,873,000,000.
(B) Outlays, $257,033,000,000.
Fiscal year 2002:
(A) New budget authority, $263,620,000,000.
(B) Outlays, $266,577,000,000.
Fiscal year 2003:
(A) New budget authority, $276,386,000,000.
(B) Outlays, $276,176,000,000.
Fiscal year 2004:
(A) New budget authority, $285,576,000,000.
(B) Outlays, $285,388,000,000.
Fiscal year 2005:
(A) New budget authority, $297,942,000,000.
(B) Outlays, $298,128,000,000.
Fiscal year 2006:
(A) New budget authority, $304,155,000,000.
(B) Outlays, $304,593,000,000.
Fiscal year 2007:
(A) New budget authority, $310,047,000,000.
(B) Outlays, $310,948,000,000.
Fiscal year 2008:
(A) New budget authority, $323,315,000,000.
(B) Outlays, $324,766,000,000.
Fiscal year 2009:
(A) New budget authority, $333,562,000,000.
(B) Outlays, $335,104,000,000.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $14,239,000,000.
(B) Outlays, $14,348,000,000.
Fiscal year 2001:
(A) New budget authority, $13,768,000,000.
(B) Outlays, $13,750,000,000.
Fiscal year 2002:
(A) New budget authority, $15,573,000,000.
(B) Outlays, $15,555,000,000.
Fiscal year 2003:
(A) New budget authority, $16,299,000,000.
(B) Outlays, $16,281,000,000.
Fiscal year 2004:
(A) New budget authority, $17,087,000,000.
(B) Outlays, $17,069,000,000.
Fiscal year 2005:
(A) New budget authority, $17,961,000,000.
(B) Outlays, $17,943,000,000.
Fiscal year 2006:
(A) New budget authority, $18,895,000,000.
(B) Outlays, $18,877,000,000.
Fiscal year 2007:
(A) New budget authority, $19,907,000,000.
(B) Outlays, $19,889,000,000.
Fiscal year 2008:
(A) New budget authority, $21,033,000,000.
(B) Outlays, $21,015,000,000.

Fiscal year 2009:
(A) New budget authority, $22,233,000,000.
(B) Outlays, $22,215,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $44,724,000,000.
(B) Outlays, $45,064,000,000.
Fiscal year 2001:
(A) New budget authority, $44,255,000,000.
(B) Outlays, $44,980,000,000.
Fiscal year 2002:
(A) New budget authority, $44,728,000,000.
(B) Outlays, $45,117,000,000.
Fiscal year 2003:
(A) New budget authority, $45,536,000,000.
(B) Outlays, $46,024,000,000.
Fiscal year 2004:
(A) New budget authority, $45,862,000,000.
(B) Outlays, $46,327,000,000.
Fiscal year 2005:
(A) New budget authority, $48,341,000,000.
(B) Outlays, $48,844,000,000.
Fiscal year 2006:
(A) New budget authority, $46,827,000,000.
(B) Outlays, $47,373,000,000.
Fiscal year 2007:
(A) New budget authority, $47,377,000,000.
(B) Outlays, $45,803,000,000.
Fiscal year 2008:
(A) New budget authority, $47,959,000,000.
(B) Outlays, $48,505,000,000.
Fiscal year 2009:
(A) New budget authority, $48,578,000,000.
(B) Outlays, $49,150,000,000.
(16) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $23,434,000,000.
(B) Outlays, $25,349,000,000.
Fiscal year 2001:
(A) New budget authority, $24,656,000,000.
(B) Outlays, $25,117,000,000.
Fiscal year 2002:
(A) New budget authority, $24,657,000,000.
(B) Outlays, $24,932,000,000.
Fiscal year 2003:
(A) New budget authority, $24,561,000,000.
(B) Outlays, $24,425,000,000.
Fiscal year 2004:
(A) New budget authority, $24,467,000,000.
(B) Outlays, $24,356,000,000.
Fiscal year 2005:
(A) New budget authority, $24,355,000,000.
(B) Outlays, $24,242,000,000.
Fiscal year 2006:
(A) New budget authority, $24,242,000,000.
(B) Outlays, $24,121,000,000.
Fiscal year 2007:
(A) New budget authority, $24,114,000,000.
(B) Outlays, $23,996,000,000.
Fiscal year 2008:
(A) New budget authority, $23,989,000,000.
(B) Outlays, $23,885,000,000.
Fiscal year 2009:
(A) New budget authority, $23,833,000,000.
(B) Outlays, $23,720,000,000.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $12,339,000,000.
(B) Outlays, $13,476,000,000.
Fiscal year 2001:
(A) New budget authority, $11,916,000,000.
(B) Outlays, $12,605,000,000.
Fiscal year 2002:
(A) New budget authority, $12,080,000,000.
(B) Outlays, $12,282,000,000.
Fiscal year 2003:
(A) New budget authority, $12,083,000,000.
(B) Outlays, $12,150,000,000.
Fiscal year 2004:
(A) New budget authority, $12,099,000,000.
(B) Outlays, $12,186,000,000.
Fiscal year 2005:
(A) New budget authority, $12,112,000,000.
(B) Outlays, $11,906,000,000.
Fiscal year 2006:
(A) New budget authority, $12,134,000,000.
(B) Outlays, $11,839,000,000.
Fiscal year 2007:
(A) New budget authority, $12,150,000,000.
(B) Outlays, $11,873,000,000.
Fiscal year 2008:
(A) New budget authority, $12,169,000,000.
(B) Outlays, $12,064,000,000.
Fiscal year 2009:
(A) New budget authority, $12,178,000,000.
(B) Outlays, $11,931,000,000.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $275,682,000,000.
(B) Outlays, $275,682,000,000.
Fiscal year 2001:
(A) New budget authority, $271,443,000,000.
(B) Outlays, $271,443,000,000.
Fiscal year 2002:
(A) New budget authority, $267,855,000,000.
(B) Outlays, $267,855,000,000.
Fiscal year 2003:
(A) New budget authority, $265,573,000,000.
(B) Outlays, $265,573,000,000.
Fiscal year 2004:
(A) New budget authority, $263,835,000,000.
(B) Outlays, $263,835,000,000.
Fiscal year 2005:
(A) New budget authority, $261,411,000,000.
(B) Outlays, $261,411,000,000.
Fiscal year 2006:
(A) New budget authority, $259,195,000,000.
(B) Outlays, $259,195,000,000.
Fiscal year 2007:
(A) New budget authority, $257,618,000,000.
(B) Outlays, $257,618,000,000.
Fiscal year 2008:
(A) New budget authority, $255,177,000,000.
(B) Outlays, $255,177,000,000.
Fiscal year 2009:
(A) New budget authority, $253,001,000,000.
(B) Outlays, $253,001,000,000.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, $−8,033,000,000.
(B) Outlays, $−8,094,000,000.
Fiscal year 2001:
(A) New budget authority, $−8,480,000,000.
(B) Outlays, $−12,874,000,000.
Fiscal year 2002:
(A) New budget authority, $−6,437,000,000.
(B) Outlays, $−19,976,000,000.
Fiscal year 2003:
(A) New budget authority, $−4,394,000,000.
(B) Outlays, $−4,835,000,000.
Fiscal year 2004:
(A) New budget authority, $−4,481,000,000.
(B) Outlays, $−5,002,000,000.
Fiscal year 2005:
(A) New budget authority, $−4,515,000,000.
(B) Outlays, $−5,067,000,000.
Fiscal year 2006:
(A) New budget authority, $−4,619,000,000.
(B) Outlays, $−5,192,000,000.
Fiscal year 2007:
(A) New budget authority, $−5,210,000,000.
(B) Outlays, $−5,780,000,000.
Fiscal year 2008:
(A) New budget authority, $−5,279,000,000.
(B) Outlays, $−5,851,000,000.
Fiscal year 2009:
(A) New budget authority, $−5,316,000,000.
(B) Outlays, $−5,889,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, $−34,260,000,000.
(B) Outlays, $−34,260,000,000.
Fiscal year 2001:
(A) New budget authority, $−36,876,000,000.
(B) Outlays, $−36,876,000,000.
Fiscal year 2002:
(A) New budget authority, $−43,626,000,000.
(B) Outlays, $−43,626,000,000.
Fiscal year 2003:
(A) New budget authority, $−37,464,000,000.
(B) Outlays, $−37,464,000,000.
Fiscal year 2004:
(A) New budget authority, $−37,559,000,000.
(B) Outlays, $−37,559,000,000.
Fiscal year 2005:
(A) New budget authority, $−38,497,000,000.
(B) Outlays, $−38,497,000,000.
Fiscal year 2006:
(A) New budget authority, $−39,178,000,000.
(B) Outlays, $−39,178,000,000.
Fiscal year 2007:
(A) New budget authority, $−40,426,000,000.
(B) Outlays, $−40,426,000,000.
Fiscal year 2008:
(A) New budget authority, $−41,237,000,000.
(B) Outlays, $−41,237,000,000.
Fiscal year 2009:
(A) New budget authority, $−42,084,000,000.
(B) Outlays, $−42,084,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than June 18, 1999, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary—

(1) to reduce revenues by not more than $0 in fiscal year 2000, $142,034,000,000 for the period of fiscal years 2000 through 2004, and $777,587,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE HOUSE OF REPRESENTATIVES.

Not later than June 11, 1999, the Committee on Ways and Means shall report to the House of Representatives a reconciliation bill proposing changes in laws within its jurisdiction necessary—

(1) to reduce revenues by not more than $0 in fiscal year 2000, $142,034,000,000 for the period of fiscal years 2000 through 2004, and $777,587,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. RESERVE FUND FOR A FISCAL YEAR 2000 SURPLUS.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEAR 2000.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal year 2000 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000, the Chairman of the Committee on the Budget shall make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the on-budget surplus for fiscal year 2000 estimated in the report submitted pursuant to subsection (a) and—

(1) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(2) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by that amount for fiscal year 2000; and

(3) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $500,000,000 in budget authority and in outlays for fiscal year 2000; and

(2) $6,000,000,000 in budget authority and $5,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $6,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

(b) LIMITATION.—The Chairman shall not make the adjustments authorized in this section if legislation described in subsection (a) would cause an on-budget deficit when taken with all other legislation enacted for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(c) BUDGETARY ENFORCEMENT.—Revised allocations under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations contained in this resolution.

SEC. 203. TAX REDUCTION RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, the Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2000 through 2009.

(b) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 204. CLARIFICATION ON THE APPLICATION OF SECTION 202 OF H. CON. RES. 67.

Section 202(b) of H. Con. Res. 67 (104th Congress) is amended—

(1) in paragraph (1), by striking ''the deficit'' and inserting ''the on-budget deficit or cause an on-budget deficit''; and

(2) in paragraph (6), by—

(A) striking ''increases the deficit'' and inserting ''increases the on-budget deficit or causes an on-budget deficit''; and

(B) striking ''increase the deficit'' and inserting ''increase the on-budget deficit or cause an on-budget deficit''.

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER.

(a) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(b) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974, except that there shall be no limit on debate.

SEC. 206. AUTHORITY TO PROVIDE COMMITTEE ALLOCATIONS.

In the event there is no joint explanatory statement accompanying a conference report on the concurrent resolution on the budget for fiscal year 2000, and in conformance with section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget of the House of Representatives and of the Senate shall submit for printing in the Congressional Record allocations consistent with the concurrent resolution on the budget for fiscal year 2000, as passed by the House of Representatives and of the Senate.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR USE OF OCS RECEIPTS.

(a) IN GENERAL.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that would use proceeds from Outer Continental Shelf leasing and production to fund historic preservation, recreation and land, water, fish, and wildlife conservation efforts and to support coastal needs and activities, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR MANAGED CARE PLANS THAT AGREE TO PROVIDE ADDITIONAL SERVICES TO THE ELDERLY.

(a) IN GENERAL.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to provide: additional funds for medicare managed care plans agreeing to serve elderly patients for at least 2 years and whose reimbursement was reduced because of the risk adjustment regulations, provided that to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional level and spending aggregates to carry out this section. These revised allocations, functional levels, and spending aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and spending aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(d) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 209. RESERVE FUND FOR MEDICARE AND PRESCRIPTION DRUGS.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that significantly extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, the Chairman of the Committee on the Budget may change committee allocations and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) PRESCRIPTION DRUG BENEFIT.—The adjustments made pursuant to subsection (a) may be made to address the cost of the prescription drug benefit.

(c) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the

purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 210. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON MARRIAGE PENALTY.

(a) FINDINGS.—Congress finds that—

(1) differences in income tax liabilities caused by marital status are embodied in a number of tax code provisions including separate rate schedules and standard deductions for married couples and single individuals;

(2) according to the Congressional Budget Office (CBO), 42 percent of married couples incurred ''marriage penalties'' under the tax code in 1996, averaging nearly $1,400;

(3) measured as a percent of income, marriage penalties are largest for low-income families, as couples with incomes below $20,000 who incurred a marriage penalty in 1996 were forced to pay nearly 8 percent more of their income in taxes than if they had been able to file individual returns;

(4) empirical evidence indicates that the marriage penalty may affect work patterns, particularly for a couple's second earner, because higher rates reduce after-tax wages and may cause second earners to work fewer hours or not at all, which, in turn, reduces economic efficiency; and

(5) the tax code should not improperly influence the choice of couples with regard to marital status by having the combined Federal income tax liability of a couple be higher if they are married than if they are single.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that significantly reducing or eliminating the marriage penalty should be a component of any tax cut package reported by the Finance Committee and passed by Congress during the fiscal year 2000 budget reconciliation process.

SEC. 302. SENSE OF THE SENATE ON IMPROVING SECURITY FOR UNITED STATES DIPLOMATIC MISSIONS.

It is the sense of the Senate that the levels in this resolution assume that there is an urgent and ongoing requirement to improve security for United States diplomatic missions and personnel abroad, which should be met without compromising existing budgets for International Affairs (Function 150).

SEC. 303. SENSE OF THE SENATE ON ACCESS TO MEDICARE HOME HEALTH SERVICES.

(a) FINDINGS.—The Senate finds that—

(1) medicare home health services provide a vitally important option enabling homebound individuals to stay in their own homes and communities rather than go into institutionalized care; and

(2) implementation of the Interim Payment System and other changes to the medicare home health benefit have exacerbated inequalities in payments for home health services between regions, limiting access to these services in many areas and penalizing efficient, low-cost providers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate the levels in this resolution assume that the Senate should act to ensure fair and equitable access to high quality home health services.

SEC. 304. SENSE OF THE SENATE REGARDING THE DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS OF THE SELF-EMPLOYED.

(a) FINDINGS.—The Senate finds that—

(1) under current law, the self-employed do not enjoy parity with their corporate competitors with respect to the tax deductibility of their health insurance premiums;

(2) this April, the self-employed will only be able to deduct only 45 percent if their health insurance premiums for the tax year 1998;

(3) the following April, the self-employed will be able to take a 60-percent deduction for their health insurance premiums for the tax year 1999;

(4) it will not be until 2004 that the self-employed will be able to take a full 100-percent deduction for their health insurance premiums for the tax year 2003;

(5) the self-employed's health insurance premiums are generally over 30 percent higher than the health insurance premiums of group health plans;

(6) the increased cost coupled with the less favorable tax treatment makes health insurance less affordable for the self-employed;

(7) these disadvantages are reflected in the higher rate of uninsured among the self-employed which stands at 24.1 percent compared with 18.2 percent for all wage and salaried workers, for self-employed living at or below the poverty level the rate of uninsured is 53.1 percent, for self-employed living at 100 through 199 percent of poverty the rate of uninsured is 47 percent, and for self-employed living at 200 percent of poverty and above the rate of uninsured is 17.8 percent;

(8) for some self-employed, such as farmers who face significant occupational safety hazards, this lack of health insurance affordability has even greater ramifications; and

(9) this lack of full deductibility is also adversely affecting the growing number of women who own small businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that tax relief legislation should include parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums.

SEC. 305. SENSE OF THE SENATE THAT TAX REDUCTIONS SHOULD GO TO WORKING FAMILIES.

It is the sense of the Senate that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate savings, investment, job creation, and economic growth.

SEC. 306. SENSE OF THE SENATE ON THE NATIONAL GUARD.

(a) FINDINGS.—The Senate finds that—

(1) the Army National Guard relies heavily upon thousands of full-time employees, Military Technicians and Active Guard/Reserves, to ensure unit readiness throughout the Army National Guard;

(2) these employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the drill weekends and annual active duty training of the traditional Guardsmen to be dedicated to preparation for the National Guard's warfighting and peacetime missions;

(3) when the ability to provide sufficient Active Guard/Reserves and Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families is degraded;

(4) the Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 23,500 Active Guard/Reserves and 25,500 Technicians; and

(5) the fiscal year 2000 budget request for the Army National Guard provides resources sufficient for approximately 21,807 Active Guard/Reserves and 22,500 Technicians, end strength shortfalls of 3,000 and 1,693, respectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that the Department of Defense will give priority to providing adequate resources to sufficiently fund the Active Guard/Reserves and Military Technicians at minimum required levels.

SEC. 307. SENSE OF THE SENATE ON EFFECTS OF SOCIAL SECURITY REFORM ON WOMEN.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security benefit structure is of particular importance to low-earning wives and widows, with 63 percent of women beneficiaries aged 62 or older receiving wife's or widow's benefits;

(2) three-quarters of unmarried and widowed elderly women rely on Social Security for more than half of their income;

(3) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(4) women tend to live longer and tend to have lower lifetime earnings than men do;

(5) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time; and

(6) during these years in the workforce, women earn an average of 70 cents for every dollar men earn.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their entire old age; and

(3) the Congress and the President should take these factors into account when considering proposals to reform the Social Security system.

SEC. 308. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—The Senate finds that—

(1) the National Institutes of Health is the Nation's foremost research center;

(2) the Nation's commitment to and investment in biomedical research has resulted in better health and an improved quality of life for all Americans;

(3) continued biomedical research funding must be ensured so that medical doctors and scientists have the security to commit to conducting long-term research studies;

(4) funding for the National Institutes of Health should continue to increase in order to prevent the cessation of biomedical research studies and the loss of medical doctors and research scientists to private research organizations; and

(5) the National Institutes of Health conducts research protocols without proprietary interests, thereby ensuring that the best health care is researched and made available to the Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the pattern of budgetary increases for biomedical research.

SEC. 309. SENSE OF CONGRESS ON FUNDING FOR KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The agreement signed by the Administration on November 12, 1998, regarding legally binding commitments on greenhouse gas reductions is inconsistent with the provisions of S. Res. 98, the Byrd-Hagel Resolution, which passed the Senate unanimously.

(2) The Administration has agreed to allowing at least 2 additional years for negotiations on the Buenos Aires Action Plan to determine the provisions of several vital aspects of the Treaty for the United States, including emissions trading schemes, carbon sinks, a clean development mechanism, and developing Nation participation.

(3) The Administration has not submitted the Kyoto Protocol to the Senate for ratification and has indicated it has no intention to do so in the foreseeable future.

(4) The Administration has pledged to Congress that it would not implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(5) Congress agrees that Federal expenditures are required and appropriate for activities which both improve the environment and reduce carbon dioxide emissions. Those activities include programs to promote energy efficient technologies, encourage technology development that reduces or sequesters greenhouse gases, encourage the development and use of alternative and renewable fuel technologies, and other programs justifiable independent of the goals of the Kyoto Protocol.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that funds should not be provided to put into effect the Kyoto Protocol prior to its Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with previous Administration assurances to Congress.

SEC. 310. SENSE OF THE SENATE ON FEDERAL RESEARCH AND DEVELOPMENT INVESTMENT.

(a) FINDINGS.—The Senate finds the following:

(1) A dozen internationally, prestigious economic studies have shown that technological progress has historically been the single most important factor in economic growth, having more than twice the impact of labor or capital.

(2) The link between economic growth and technology is evident: our dominant high technology industries are currently responsible for 80 percent of the value of today's stock market, ⅓ of out economic output, and half of our economic growth. Furthermore, the link between Federal funding of research and development (R&D) and market products is conclusive: 70 percent of all patent applications cite nonprofit or federally-funded research as a core component to the innovation being patented.

(3) The revolutionary high technology applications of today were spawned from scientific advances that occurred in the 1960's, when the government intensively funded R&D. In the 3 decades since then, our investment in R&D as a fraction of Gross Domestic Product (GDP) has dropped to half its former value. As a fraction of the Federal budget, the investment in civilian R&D has dropped to only ⅓ its value in 1965.

(4) Compared to other foreign nation's investment in science and technology, American competitiveness is slipping: an Organization for Economic Co-opertion and Development report notes that 14 countries now invest more in basic and fundamental research as a fraction of GDP than the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal investment in R&D should be preserved and increased in order to ensure long-term United States economic strength. Funding for Federal agencies performing basic scientific, medical, and precompetitive engineering research pursuant to the Balanced Budget Agreement Act of 1997 should be a priority for the Senate Budget and Appropriations Committees this year, within the Budget as established by this Committee, in order to achieve a goal of doubling the Federal investment in R&D over an 11 year period.

SEC. 311. SENSE OF THE SENATE ON COUNTER-NARCOTICS FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) the drug crisis facing the United States is a top national security threat;

(2) the spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy;

(3) effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use; and

(4) the percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume the following:

(1) All counter-narcotics agencies will be given a high priority for fully funding their counter-narcotics mission.

(2) Front line drug fighting agencies are dedicating more resources for intentional efforts to continue restoring a balanced drug control strategy. Congress should carefully examine the reauthorization of the United States Customs service and ensure they have adequate resources and authority not only to facilitate the movement of internationally traded goods but to ensure they can aggressively pursue their law enforcement activities.

(3) By pursuing a balanced effort which requires investment in 3 key areas: demand reduction (such as education and treatment); domestic law enforcement; and international supply reduction, Congress believes we can reduce the number of children who are exposed to and addicted to illegal drugs.

SEC. 312. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

(a) FINDINGS.—The Senate finds that—

(1) more than 26,500 students from 250 tribes nationwide attend tribal colleges. The colleges serve students of all ages, many of whom are moving from welfare to work. The vast majority of tribal college students are first-generation college students;

(2) while annual appropriations for tribal colleges have increased modestly in recent years, core operation funding levels are still about ½ of the $6,000 per Indian student level authorized by the Tribally Controlled College or University Act;

(3) although tribal colleges received a $1,400,000 increase in funding in fiscal year 1999, because of rising student populations, these institutions faced an actual per-student decrease in funding over fiscal year 1998; and

(4) per student funding for tribal colleges is only about 63 percent of the amount given to mainstream community colleges ($2,964 per student at tribal colleges versus $4,743 per student at mainstream community colleges).

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) this resolution recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) the levels in this resolution assume that such priority consideration reflects Congress's intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 313. SENSE OF THE SENATE ON THE SOCIAL SECURITY SURPLUS.

(a) FINDINGS.—The Congress finds that—

(1) according to the Congressional Budget Office (CBO) January 1999 ''Economic and Budget Outlook,'' the Social Security Trust Fund is projected to incur annual surpluses of $126,000,000,000 in fiscal year 1999, $137,000,000,000 in fiscal year 2000, $144,000,000,000 in fiscal year 2001, $153,000,000,000 in fiscal year 2002, $161,000,000,000 in fiscal year 2003, and $171,000,000 in fiscal year 2004;

(2) the fiscal year 2000 budget resolution crafted by Chairman Domenici assumes that Trust Fund surpluses will be used to reduce publicly-held debt and for no other purposes, and calls for the enactment of statutory legislation that would enforce this assumption;

(3) the President's fiscal year 2000 budget proposal not only fails to call for legislation that will ensure annual Social Security surpluses are used strictly to reduce publicly-held debt, but actually spends a portion of these surpluses on non-Social Security programs;

(4) using CBO's re-estimate of his budget proposal, the President would spend approximately $40,000,000,000 of the Social Security surplus in fiscal year 2000 on non-Social Security programs; $41,000,000,000 in fiscal year 2001; $24,000,000,000 in fiscal year 2002; $34,000,000,000 in fiscal year 2003; and $20,000,000,000 in fiscal year 2004; and

(5) spending any portion of an annual Social Security surplus on non-Social Security programs is wholly-inconsistent with efforts to preserve and protect Social Security for future generations.

(b) SENSE OF SENATE.—It is the Sense of Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress shall reject any budget, that would spend any portion of the Social Security surpluses generated in any fiscal year for any Federal program other than Social Security.

SEC. 314. SENSE OF THE SENATE ON SALE OF GOVERNOR'S ISLAND.

It is the sense of the Senate that the levels in this resolution assume that the sale of Governor's Island should be completed prior to the end of fiscal year 2000.

SEC. 315. SENSE OF THE SENATE ON PELL GRANT FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the President's proposed reductions in the Pell Grant program are incompatible with his proposed $125 increase in the Pell Grant maximum award;

(2) the President's proposed reductions should be rejected; and

(3) within the discretionary allocation provided to the Appropriations Committee, the maximum grant award should be raised, to the maximum extent practicable and funding for the Pell Grant program should be higher than the level requested by the President.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

SESSIONS AMENDMENT NO. 121

Mr. STEVENS (for Mr. SESSIONS) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . CROP LOSS ASSISTANCE.—(a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105–277), is amended—

(1) in subsection (a), by inserting ''(not later than June 15, 1999)'' after ''made available''; and

(2) in subsection (g)(1), by inserting ''or private crop insurance (including a rain and hail policy)'' before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums are necessary to carry out the amendments made by subsection (a): *Provided,* That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

COVERDELL AMENDMENT NO. 122

Mr. STEVENS (for Mr. COVERDELL) proposed an amendment to the bill, S. 544, supra; as follows:

On page 8, line 21, by inserting after ''Honduras:'' the following: ''*Provided further,* That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras:''

DASCHLE (AND JOHNSON) AMENDMENT NO. 123

Mr. STEVENS (for Mr. DASCHLE for himself and Mr. JOHNSON) proposed an amendment to the bill, S. 344, supra; as follows:

On page 39, line 20, strike ''$209,700,000'' and insert ''$217,700,000''.

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

LOTT AMENDMENT NO. 124

Mr. LOTT proposed an amendment to amendment No. 81 proposed by Mrs. HUTCHISON to the bill, S. 544, supra; as follows:

Strike all after the word SEC. . and insert the following:

FINDINGS.—

The Senate Finds That—

(1) United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States; and

(2) Kosovo is a province in the Federal Republic of Yugoslavia, a sovereign state:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

ADDITIONAL STATEMENTS

TRIBUTE TO HUMANITARIAN AID IN CENTRAL AMERICA

● Mr. GRAHAM. Mr. President, I rise to offer a personal tribute to the countless Americans who personify the finest traditions of charity by giving much-needed humanitarian supplies to the storm-ravaged people of Central America.

We are a generous people. For centuries, we have responded to human needs, to end suffering and to help those who were afflicted by the wrath of nature.

I have just returned from Central America, where the devastation of Hurricane Mitch is still felt by millions, many of whom are children. In communities throughout this neighboring region, storm victims continue to lack basic food, shelter, clothing and medical care. Damage to roads and bridges hampers the ability to move goods to market, and to transport emergency supplies.

As a repeat visitor to Central America since Hurricane Mitch, I can personally attest to the widespread human suffering caused by this fierce storm. But I have also witnessed the outpouring of humanitarian assistance from the United States and its impact in Central America.

By any measure, the myriad acts of kindness by the American people to our neighbors in need have been inspirational to all those who deplore the hunger of a child or the suffering of the sick. The list of examples of the humanitarian response to Hurricane Mitch is indeed lengthy, but I would like to cite a few examples.

As we paused last fall to celebrate Thanksgiving, a young Floridian named Abhishek Gupta read news accounts of the poor and needy at home and abroad. This high school student, along with other young people, raised thousands of dollars for charities in Florida and to help the victims of Hurricane Mitch in Central America.

During the period between Christmas and New Year's Abhishek joined a medical mission to Honduras and Nicaragua, taking food, clothing and medical supplies.

Meanwhile, for years the American Nicaraguan Foundation has helped distribute donations in Nicaragua through local outlets, including Catholic relief groups. In response to Hurricane Mitch, the foundation purchased and received food and medicine for victims.

With transport help from the U.S. military, these supplies were part of the immediate response in November to hurricane devastation.

Rebuilding the hard-hit communities of Central America will be a long-term process, and much work remains to be done. But as we re-commit ourselves this year to continue to help victims of last year's hurricane, we should applaud the multitudes of kind-hearted and dedicated people who have given time and resources to assist our neighbors.●

EDUCATIONAL ACHIEVEMENT

● Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1998–99 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, ''Hoosier Farmers—Global Impact.'' Considering the importance of our expanding global market-place, students were asked to select a country or region of the world that buys products from Hoosier farmers and then creatively describe the value of this relationship to both trading partners. I would like to submit for the RECORD the winning essays of Wyatt James Roth of Pulaski County and Jennifer Tarr of Orange County. As state winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 19, 1999 during a visit to our Nation's Capitol.

The essays are as follows:

CORN'S TICKET TO THAILAND

(By Jennifer Tarr, Orange County)

This little kernel of Indiana's corn is going places. It will travel halfway around the world to the Southeast Asian country of Thailand. Come along with me . . .

FIRST STOP: INDIANA FIELD

I grew up in a field in Indiana. Less government subsidies make farmers rely more on international trade for income. Indiana farms had $5.39 billion in sales receipts for all commodities ranking it 14th in U.S. sales. Indiana had 3.2% of all U.S. exports ranking it 9th. That's why I'm on my trip.

SECOND STOP: GRAIN BIN

Corn prices are only $1.80 per bushel. With 9.7 billion bushels harvested in 1997, about 1.4 billion bushels are being stored in these bins. We're here partly because exports are down due to the strong American dollar and declining values of foreign currency. In Thailand, the baht is off 58%. U.S. economic sanctions also hurt exports because it takes trade away from Indiana farmers.

THIRD STOP: GRAIN BARGE

I'm on my way! Part of Thailand's trade was cut back due to trade with Russia who is exporting crops for the first time since the Soviet breakup. This takes income from Indiana farmers.

FOURTH STOP: THAILAND TABLE

I'm at this table as supper, but my friends may be used for everything from food to gasoline. Farmers here will use us to feed poultry, their main farm product. Because 96% of the world lives outside of the U.S., we need to export Indiana goods to those markets to prosper. Trade with other countries is critical to being competitive in today's world.

It's been a wonderful trip! Everyone gained something. Thailand gained with food that they couldn't have grown and Indiana farmers gained with income in an unsteady market.

HOOSIER FARMERS—GLOBAL IMPACT

(By Wyatt James Roth, Pulaski County)

''Good morning, class,'' exclaimed social studies teacher, Mr. Beach. ''Today's lesson should prove both interesting and educational for you. We have with us today, Mr. Toshitomo Kobiyashi, from Japan. He and I will be talking to you about agricultural products that we sell to Japan and how they help not only his country, but ours as well. First of all, let me explain that when we sell products to Japan or any other country, the process of a product leaving our country and going to another place is called exportation. Indiana farmers depend on the export of their farm products such as corn, soybeans, and wheat, along with beef and pork, for their livelihood.''

''Yes, Mr. Beach, and we in Japan are very thankful for these products. My people used to rely on rice as a major source of food. This is still there, but we have also developed other tastes, one of which is the taste for red meat. We buy breeding stock from Indiana farmers, which is the reason I am in Indiana. I was sent here to buy hogs for breeding so that we can supply our people with pork.''

''Mr. Kobiyashi, why doesn't your country raise all of these products in Japan so that you don't have to buy them from us?''

''Good question, young man! Japan is too small and too heavily populated to grow everything in its own country. That is why we depend on the United States so much for these products.''

''Yes, class,'' added Mr. Beach, ''Indiana farmers and Japanese consumers both benefit from our agricultural trade. Our farmers sell their products for cash and Japan buys them for consumption. This is called supply and demand.''

''Ah, yes, Mr. Beach. It is a good trade. Thank you for having me and thanks to the Indiana farmers for the products that they grow. As we say in Japanese, Sianara!''

1998–99 DISTRICT ESSAY WINNERS

District 1: Wyatt Roth, Katie Jaskowiak.
District 2: Peter Rummel, Sarah Showalter.
District 3: Brian Blume, Ashley Sizemore.
District 4: Kurt Biehl, Ashley Height.
District 5: Cody Porter, Annie Morgan.
District 6: Drew Relssaus, Katherine Delph.
District 7: Anjelica Dortch.
District 8: Nicholas Reding, Katie Kugele.
District 9: Joey Smith, Jennifer Tarr.
District 10: Josh Robinson, Karla Roberts.

COUNTIES REPRESENTED

Allen: Rashon Thomas.
Cass: Brian Blume, Allison Henry.
Decatur: Nicholas Reding.
Dubois: Roger Lueken, Laura Begle.
Elkhart: Peter Rummel.
Franklin: Zachary Grubbs, Katie Kugele.
Hamilton: Drew Reissaus, Lisa Denning.
Howard: Matt Bell.
Jasper: Ryan Anderson, Ashley Sizemore.
Jay: Davis Bowen, Joanna Knipp.
Lake: Danny Pace.
Lawrence: Wendy McDonald.
Madison: Aaron Justison, Carey Justison.
Marion: Christopher Patton, Katherine Delph.
Monroe: Anjelica Dortch.
Newton: Brian Tatum, Kassie Koselke.
Noble: Joshua Butler, Sarah Showalter.
Ohio: Karla Roberts.
Orange: Jennifer Tarr.
Pulaski: Wyatt Roth, Julie Sehstedt.
Starke: Karl Hall, Amy Pflugshaupt.

St. Joseph: Joshua Lichtenbarger, Katie Jaskowiak.
Vermillion: Cody Porter, Annie Morgan.
Wabash: Kurt Biehl, Ashley Height.
Warrick: Joey Smith, Maggie Springstun.
Washington: Josh Robinson, Jennifer Goering.
Wayne: James McGuire, Victoria Rommer.●

EDUCATION-FLEXIBILITY ACT

● Mr. FEINGOLD. Mr. President, I was pleased to join 97 of my colleagues to vote in favor of the Education Flexibility Partnership Act, or Ed-Flex, last week. This bill expands the current federal Ed-Flex pilot program to all states and allows them to waive certain federal education requirements for local schools, so long as schools are accountable for making education improvements, and does so without altering federal requirements concerning health, safety and civil rights. It is my hope that Ed-Flex can help increase student achievement by serving as a catalyst for innovative school reform at the state and local levels.

Mr. President, while I am pleased the Senate passed the underlying Ed-Flex bill, I am disappointed that the bill includes amendments that would force local schools to choose between smaller classes and students with special needs. These amendments could undermine the important class size reduction program agreed to on a bipartisan basis last year. I was also deeply disappointed with the defeat of the Kennedy/Murray class size amendment, which would have built on the down payment of 30,000 teachers agreed to last year and finished the job by authorizing class size funding for the next six years.

My own State of Wisconsin has been a leader among the states trying to reduce class size in the early grades. Wisconsin's Student Achievement Guarantee in Education or SAGE class size reduction program, has proven conclusively that smaller classes make a difference in our children's education. SAGE officials want the Federal Government to be a partner in Wisconsin's effort to reduce class size. Federal funds are an important complement to Wisconsin's ongoing SAGE program and will ensure that SAGE continues to thrive. The rejection of the Kennedy/Murrary amendment sends a discouraging message to schools in my State and across the nation that are just beginning to make decisions about how to implement the class size funds agreed to last year.

It is very unfortunate Mr. President that two critically important federal programs, funds for special education and to reduce class size, were pitted against each other during the Ed-Flex debate. I am fully committed to funding for special education, but not at the expense of funds to reduce class size. The promise of these critically important education funds affecting our nation's children should not fall victim to partisan maneuvers. Congress should not be choosing one over the other—both special education and class size are national education priorities. American parents should know those in Congress who pit these programs against each other are the friend of neither.

Finally, Mr. President, while I understand that Ed-Flex is not a panacea for America's education problems, I do believe it will improve the federal, state and local partnership needed to ensure our children receive the best quality education possible. I am confident that the conference committee will protect the class size funds agreed to last year and that Congress will vote on an improved version of Ed-Flex in the near future.●

TRIBUTE TO ALFRED TESTA JR.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Alfred Testa on his departure as the Director of Manchester Airport. Fred has been the Director of Manchester Airport since 1991. He has brought about tremendous and exciting change to the airport during his tenure and I am proud to have worked with him during his distinguished career.

Fred came to Manchester after serving as Deputy Director of T.F. Green Airport in Warwick, Rhode Island. He is a graduate of the University of Rhode Island with a B.A. in Political Science and earned his J.D. at Suffolk University Law School. He is an Accredited Airport Executive with the American Association of Airport Executives and is a regular lecturer on airport development, management and marketing.

Fred has been the driving force behind the substantial growth at Manchester Airport. When Fred began as Manchester Airport's Director, the airport handled approximately 700,000 passengers a year and there were six commercial airlines that serviced the airport. Today, there are eleven commercial airlines based there, and last year, the airport served almost 2 million travelers. Fred's efforts have played a key role in the City of Manchester's nationally recognized renaissance.

Fred has worked closely with each member of the New Hampshire Congressional Delegation - educating, advising, and encouraging us to undertake a number of vital federal initiatives at the airport. He has vigorously pursued support for the Residential Sound Insulation Program; the New Passenger Terminal; the New Armed Forces Reserve Center; the Manchester Airport Access Road; and the Runway, Taxiway, Parking, Roadway and Terminal Improvements and U.S. Customs Service's at the renovated Ammon Terminal. It has been my great privilege to work with Fred on these and other important airport projects which have fundamentally changed for the better air transportation services for New Hampshire. Fred deserves the highest admiration and praise for these significant accomplishments.

Fred leaves Manchester Airport to become the Director of Philadelphia International Airport. Aldermen and the Mayor of Manchester have expressed high praise for the work Fred did for the City of Manchester, and I strongly agree. His leadership and effective advocacy for safe and efficient airline transportation will be fondly remembered by all New Hampshire citizens.

Once again, I would like to commend Fred Testa on his service to Manchester Airport and the State of New Hampshire. His work was greatly beneficial to the City and the State, and I wish him well. It has been a pleasure to represent Fred Testa in the United States Senate, and I am proud to call him my friend.●

TRIBUTE TO MR. MARTIN SANTINI

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Martin Santini, an architect and planner who has literally helped New Jersey build and grow. His entrepreneurial spirit is to be commended as the firm he founded, Ecoplan, celebrates its 25th year in existence. Ecoplan is an award-winning architectural, planning, and design firm, whose clients include the State of New Jersey. His peers have recognized his talent, accomplishments, and contributions to the State as he has been elected as president of the New Jersey chapter of the American Institute of Architects. He is a registered architect in six States and licensed as a professional planner in the State of New Jersey.

After graduating with both Bachelor of Architecture and Master of Architecture, as well as an Urban Planning degree, Martin established his own firm in 1974. Ecoplan has been dedicated to providing quality design services and producing creative solutions that add lasting value to its client's projects. After 25 years of committed service, his firm has grown exponentially. Recently, Ecoplan was ranked as the 14th largest architectural firm in New Jersey by New Jersey Business Magazine. To date, Ecoplan has designed and built over 1,000 structures in the Tri-State region. As Ecoplan's president, Martin has been largely responsible for this success.

Martin and Ecoplan have served the State of New Jersey well. Ecoplan's clients include numerous municipalities, counties, boards of education, housing authorities, and police departments. They have served the public sector well by closely maintaining construction budgets and schedules, which are so important in Ecoplan has also served the private sector and various communities well, building schools, medical offices, YMCAs, condominiums, townhouses, apartments, single family homes, corporate headquarters, restaurants, commercial office buildings, warehouses, and a wide variety of additions, renovations, and interior design projects.

Martin and his firm have served the State of New Jersey by improving our schools, housing our citizens, and providing a workplace for our government employees. His dedication to the success of his firm and his steadfast commitment to his clients embody the entrepreneurial spirit. I am proud to recognize Martin's accomplishments and contributions today and I know he will continue to serve New Jersey well in the years to come.●

CONSUMER BANKRUPTCY ACT OF 1999

● Mr. ROTH. Mr. President, I rise today to ask that my name be added as a cosponsor to S. 625, the Bankruptcy Reform Act. It is clear that a reform of our consumer bankruptcy laws is called for. The United States is at the height of its prosperity, yet in these good economic times bankruptcy filings are at an all time high.

Of course, no matter how well the Nation is doing as a whole, individuals and individual families may need to fall back upon bankruptcy protection. The reforms included in the bipartisan Grassley-Torricelli proposal will not punish legitimate uses of the bankruptcy codes. Rather this bill will root-out what I agree are its illegitimate uses, and assert rights of consumers filing for bankruptcy. S. 625 also extends or authorizes several necessary bankruptcy judgeships, including one in Delaware, and reenacts farm bankruptcy laws among its provisions.

This bill also makes changes in the way that tax claims are handled in bankruptcy. As chairman of the Finance Committee, I have a strong interest in these tax-related provisions. As Senator GRASSLEY mentioned when he introduced the bill, we both expect to modify a number of the provisions at the appropriate time.

Mr. President, I am glad to join my friend and fellow Delaware Senator, JOE BIDEN, as a cosponsor of the Bankruptcy Reform Act. I look forward to its consideration on the Senate floor in the coming months.●

MEASURE PLACED ON THE CALENDAR—H.R 975

Mr. GORTON. Mr. President, I understand there is no further business to come before the Senate today. Therefore, I would like to say that I also understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

Mr. GORTON. I object to further consideration of the measure at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 16. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, MARCH 22, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon, Monday, March 22. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 4 p.m., under the following guidelines: Senator NICKLES or his designee in control of the time between 12 noon and 1 p.m., Senator DURBIN or his designee in control of the time between 1 and 2 p.m., the remaining time between 2 and 4 p.m. to be equally divided between the majority and minority leaders or their designees.

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

Mr. GORTON. I further ask unanimous consent that at the conclusion of morning business the Senate resume consideration of S. 544, the supplemental appropriations bill.

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

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will reconvene on Monday at 12 noon and begin a period of morning business until 4 p.m. The first 2 hours of morning business time have been reserved for general statements, with the second 2 hours reserved for the two leaders, with the understanding that statements during that time will be in relation to Kosovo.

Following morning business, the Senate will resume consideration of the supplemental appropriations bill. The leader has announced there will be no rollcall votes during Monday's session; however, it is hoped that Members who still have amendments to the supplemental bill will come to the floor on Monday to offer and debate those amendments. Any votes ordered with respect to the supplemental bill will be postponed to occur on Tuesday, at a time to be determined by the two leaders.

A cloture motion was filed today on the Lott second-degree amendment relating to Kosovo. That vote will occur on Tuesday at 2:15 p.m. The cooperation of all Senators will be necessary next week in order to finish the supplemental bill and the budget resolution prior to the Easter recess.

ADJOURNMENT UNTIL MONDAY, MARCH 22, 1999

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

There being no objection, the Senate, at 2:32 p.m., adjourned until Monday, March 22, 1999, at noon.

CONFIRMATION

Executive nomination confirmed by the Senate March 19, 1999:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.