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Senate

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

PRAYER

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

Blessed Father, thank You for motivating millions of Americans to pray for the women and men of this Senate and all of us who are privileged to work with them. Around the clock, prayers of intercession are prayed for the work of this Senate. Help us to remember that You are seeking to answer those prayers as the Senators are offered Your wisdom and guidance. Your mighty power is impinging on them as a result of people's prayers. An unlimited supply of supernatural strength and vision from You is ready to be released because of the faithful intercession of Your people. Grant the Senators a sense of awe and wonder and humility by realizing that their creativity comes from Your Spirit as a result of the prayers of the American people.

Help us to be ready to pray for each other here in the Senate family. We renew our commitment to pray not only for those with whom we agree, but also for those with whom we disagree, our political adversaries and those who test our patience. Bind us together as prayer partners as we deal with the diversity of ideas, for You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mr. GRAMM. Mr. President, I understand the Democrat leader has a statement to make. Let me just say to our colleagues, we are going to take up the bill providing loan guarantees to those who would develop the technology and make the investments to bring local television to rural America. We expect there to be opening statements this morning. Let me say, since there is no one here on the other side to debate the issue, I intend at some point to ask unanimous consent that we might have an hour or so for opening statements and then I might be recognized to offer an amendment at that point. If there is an objection to that, then I will go ahead and offer an amendment at the conclusion of my statement.

Let me say we should have votes throughout the day. We are confident we will finish this bill today—or we hope to.

Following the disposition of this bill, there will be a cloture vote on the motion to proceed to the gasoline tax legislation. After the cloture vote, the Senate will begin a period of morning business with statements expected by Senator BROWNBACK on the marriage penalty.

I thank our colleagues for their attention.

Mr. President, before I go into a discussion of the bill, I ask unanimous consent I might yield to the Democrat leader to make a statement on his leadership time, and then that I might be recognized to make the initial opening statement.

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

Mr. REID. Mr. President, while the two managers of the bill are on the floor, the Senator from Texas asked that there be an hour for opening statements. The Senator from Maryland, the manager on the minority side, thinks that is a good idea.

Mr. GRAMM. Mr. President, that being the case, let me ask unanimous consent, following the comments of the acting Democrat leader, that there be an hour equally divided for opening statements and that at the conclusion of that hour I be recognized to offer an amendment.

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

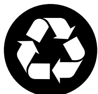
GAS TAX REPEAL

Mr. REID. Mr. President, I want to take a little while this morning to lay the foundation for a vote we will be taking later today. There is going to be a limited amount of time to talk about the cloture vote on the gas tax repeal.

No one is happy about the cost of gasoline in America today. It is something of which we are all aware, especially those of us on the west coast. In the State of Nevada, there are places where gas can cost more than $2 a gallon. In California, that is the rule rather than the exception.

However, what the majority is attempting to do today, in moving this legislation forward, is something that should not take place. The bill was placed on the calendar under what we call rule XIV. That means it is acted on in an expedited fashion. It goes right here. It has not had a single hearing in the Finance Committee, the committee of jurisdiction. There is no companion bill that has passed the House. If this bill is passed by this body, only two things can happen: No. 1, it will lie here on the desk indefinitely; or, No. 2, it can be sent to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.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House where it will be automatically blue slipped, meaning that the bill is dead. So it is quite clear the repeal of the gas tax is nothing more than an effort to make a political statement, and I think the political statement is not appropriate.

If the majority is serious about this matter, it should call up, for example, the House-passed tax bill. There is one there, H.R. 3081, dealing with minimum wage and various other tax matters.

I do not believe there is anyone in this body who does not want a tax decrease on fuel. But this is not the way to go about it. Let's keep in mind where we are. OPEC has agreed to produce more oil. In addition to that, there are other nations, such as Mexico and Norway, that have agreed to produce more oil. It is going to take some time before these gas prices go down, but they will.

To show how really frail in logic the majority is on this matter, they recognize it should be just a short-term fix. That is, by the end of the year a certain mechanical thing would happen that would reestablish the tax. Remember, we are talking about a tax of 4.3 cents per gallon. So I think the action by the majority leader is wrong.

There are a lot of things we can do, I think, to meet some of the demands for fuel we have in this country. For example, there are 300,000 barrels of oil every day produced in our country, in Alaska, that are shipped to Asia. Should that oil not be shipped to the United States? Obviously, the answer is yes.

There is also every reason to believe there are things we can do to lessen our dependency on this foreign oil. We could develop alternative fuels. I think we could improve the efficiency of energy use through different economy measures. One of the things we have not done for many years is advance and enhance fuel efficiency standards, what we call CAFE. Given the modern technology that we have, there is no reason in the world we cannot produce automobiles in America that are more fuel efficient. We did it once before, and it was tremendous. It was unheard of, that cars would get over 20 miles to the gallon of gasoline, but we were able to do that through modern technology.

We need to promote renewable energy. In what ways? Geothermal, solar, wind. As soon as the energy crisis was over, it seemed we backed off from that as a government. We fight every year in this Senate Chamber. Every year, there is a battle. I am the ranking member of the Energy and Water Development Subcommittee on Appropriations. Senator DOMENICI, from New Mexico, is the chairman. We have an ongoing battle in here every year, trying to get more money for alternative energy programs—geothermal, solar, wind.

There are other things that simply need to be done that are not being done. Reducing the price of fuel by 4.3 cents a gallon for part of a year is not the solution to the problem.

It is important that we recognize some of the things that are being written around the country. There are lots of things being written about how foolish it would be to reduce the price of gas for part of the year by 4.3 cents a gallon, especially when one keeps in mind the tremendous infrastructure needs in this country.

Take, for instance, the State of Nevada. I hope to travel to Nevada tomorrow to be part of a very large celebration. That celebration will deal with cutting a ribbon to open a highway project, the largest public works project in the history of the State of Nevada, except for Hoover Dam and a few other programs. Certainly, without question, it is the largest public works project that relates to highways. This one thing we call the spaghetti bowl cost $100 million.

Those moneys came from this tax. When the American consumer goes to the fuel pump and buys gasoline, there is money taken every time, about 18 cents a gallon, and put into a trust fund. That money can be used for the construction of roads, bridges, highways. That is why I am able to go to Las Vegas tomorrow and cut the ribbon on this project. It will alleviate traffic problems significantly in that area.

These programs take place all over America, and if we cut this program, if we eliminate this 4.3-cents-a-gallon gasoline tax, it will mean we will not have approximately $6 billion a year for construction projects around the country.

That is why there is a bipartisan effort to defeat this foolish proposal to take away this tax.

I was here yesterday afternoon when Senator WARNER of Virginia, who serves, and has served for many years, on the Environment and Public Works Committee and is one of the senior members of that committee, said it is not the right thing to do. Sitting in the position of Presiding Officer yesterday was Senator VOINOVICH of Ohio. He was relieved of his duties as Presiding Officer and came down and gave a speech as to why this should not be done.

I hope we will look at this and realize that papers all over America, not the least of which is the New York Times, talks about the ''Gasoline Tax Follies.'' This means it is simply a foolish thing to do.

Quoting from the New York Times:

> Let's start with why the oil cartel should love this proposal.
>
> Put yourself in the position of an OPEC minister: What sets the limits to how high you want to push oil prices? The answer is that you are afraid that too high a price will lead people to use less gasoline, heating oil and so on. Suppose, however, that you can count on the U.S. Government to reduce gasoline taxes whenever the price of crude oil rises. Then Americans are less likely to reduce their oil consumption if you conspire to drive prices up—which makes such a conspiracy a considerably more attractive proposition.

They go on to say:

> A cynic might suggest that that is the point.

They are being critical in this article, among other things, about Gov. George W. Bush pushing for repeal of this gas tax. In fact, they say, as others say, it appears his solution to all the problems in America today is tax reduction. For example, we know he wants over a $1 trillion tax cut over the next few years. The American people do not accept this. Why? Because they think it is more important that we have targeted tax cuts and we also spend these moneys, if we have extra moneys, to do something about education, to fix the prescription drug problem we have with Medicare, make sure we bolster Social Security, and, most important, that we do something to reduce the $5 trillion debt that has accumulated.

This New York Times article goes on to state:

> A cynic might suggest that that is the point. But I'd rather think that Mr. Bush isn't deliberately trying to throw his friends in the oil industry a few extra billions; I prefer to believe that the candidate, or whichever adviser decided to make gasoline taxes an issue, was playing a political rather than a financial game. . . .
>
> This is one case in which a tax cut would lead directly to cutbacks in a necessary and popular government service.

I hope the Senate, in a bipartisan fashion, will resoundingly defeat this effort to roll back this 4.3-cents-a-gallon gas tax. There are other places we can look to move taxes back or adjust taxes. Certainly, this is not one of those places. We need to do better than this.

I repeat, I hope in a bipartisan fashion this afternoon we will defeat the motion to invoke cloture on the repeal of the 4.3-cents-a-gallon gas tax.

The PRESIDING OFFICER. The Senator from Texas.

MEASURES PLACED ON THE CALENDAR—S. 2314 AND S. 2323

Mr. GRAMM. Mr. President, I understand there are two bills at the desk due for their second reading.

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

The bill clerk read as follows:

> A bill (S. 2314) for the relief of Elian Gonzalez.
>
> A bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

Mr. GRAMM. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2097, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved areas, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Launching Our Communities' Access to Local Television Act of 2000''.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals, but for applicable Federal, State, or local laws or regulations;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements

(the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act; and

(C) shall remain sufficiently capitalized.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder

of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board may charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board may charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of the administration of the provisions of this Act.

(b) REPORT.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on each audit conducted under subsection (a).

SEC. 7. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

SEC. 8. RETRANSMISSION OF LOCAL TELEVISION BROADCAST STATIONS.

An applicant shall be subject to applicable rights, obligations, and limitations of title 17, United States Code. If a local broadcast station requests carriage of its signal and is located in a market not served by a satellite carrier providing service under a statutory license under section 122 of title 17, United States Code, the applicant shall carry the signal of that station without charge, and shall be subject to the applicable rights, obligations, and limitations of sections 338, 614, and 615 of the Communications Act of 1934.

SEC. 9. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by other widely marketed means.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (3), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

The PRESIDING OFFICER. There will now be 1 hour for general debate equally divided. The Senator from Texas.

Mr. GRAMM. Mr. President, at the end of the last session of Congress, we passed a very important piece of legislation establishing the legal framework whereby local television stations and satellites could negotiate contracts under which television broadcasts could be carried by satellite.

In the midst of that conference, a sizable majority of the conference committee members from the House and the Senate concluded there was a problem in rural America that the bill they were considering would not address: that there were substantial economic impediments to the development of systems that would deliver the local television broadcast into remote, isolated, and rural areas of the country.

In trying to deal with this situation, with all the time constraints in the midst of a conference, an effort was made to write a loan guarantee into that bill. That loan guarantee program has subsequently been offered in the House and is pending before the House committee. And when I talk about it again, I will be talking about the bill as introduced in the House.

There was great concern at that time about how the system would work and what it would cost. As a result of numerous negotiations and a lot of good will, a decision was made to drop that provision at the end of the last session with a commitment I made that, by the end of this month, we would report a loan guarantee bill from the Banking Committee to address this very real concern. I am happy to say that on a bipartisan basis we reported such a bill by unanimous vote and we, in doing so, fulfilled the commitment we made at the end of the last session.

Rather than go through a fairly complicated bill in detail, I will focus in my opening statement on the problems we face—why it is difficult—why there are economic perils involved—in guaranteeing loans to do something that has never been done before using technology that is unproven, why it is so expensive to do this, and then how we have tried to deal with each of these problems.

It is important to remember that when the Congressional Budget Office looked at the loan guarantee program pending in the House of Representatives, they concluded that of the loan guarantees that would be made—and let's be precise, a loan guarantee is where the taxpayers are committed to stand in the place of the borrower should the borrower default—roughly 45 percent of the $1.25 billion worth of loans made under that bill will be defaulted.

When I say defaulted, I am not saying just that the borrower would be unable to pay that face amount. I am saying that if one looks at the CBO estimate—which is an estimate of the present value of the losses they estimate will arrive, remembering that a loss 20 years from now is discounted using the Government's cost of borrowing—what they concluded was, as the bill is structured in the House, we were looking at the potential of the taxpayers paying 45 percent of the cost of these loan guarantees as a result of their being defaulted and ultimately not being repaid.

The Banking Committee, in looking at this number, concluded that it presented an unacceptable risk for the American taxpayer.

Sometimes people get confused by these estimated CBO costs because the cost often looks low because it is the present value of a default which would occur 10 years, 20 years, even 25 years from now.

But basically, the CBO analysis of the House bill is that we are looking at a potential default rate of about 45 percent.

How did we try to deal with that?

We held a set of hearings where we heard from experts in industry, and we worked with the Congressional Budget Office. We decided there were two ways we could reduce the probability the taxpayer was going to end up paying off these loans.

One way we could do would be to set up a board that could exercise independent judgment as to the quality of the project being proposed and the risks that were involved, and that we could put someone who was responsible, who had knowledge of financial markets, and who was responsible to the taxpayer, in a position to make that judgment.

We concluded we should have a board made up of the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the Secretary of Agriculture, or their designees—but their designees would have to be people who were appointed by the President and confirmed by the Senate.

Our first line of defense is the good judgment and prudence of the three people on this board. The House would give that basically to a Government agency, but we have rejected that.

Our second and, by far, our more important line of defense is that we do not guarantee the entire loan. The loan would have only an 80-percent guarantee.

What this means is, when a private lender makes this loan, they are going to be liable for 20 percent. The protection we get from that requirement is not just that they lose the first 20 percent, and then we lose the other 80 percent, if the loan goes bad—that is important; and we guarantee that the taxpayer is protected first, unlike the House bill—but what we get is far more important because with a private lender, if they are liable for 20 percent of the money, they are going to perform their due diligence, they are going to scrutinize this loan, and they are going to realize that if the loan goes bad, they are going to lose 20 percent of the money they have lent.

As we initially wrote this bill—in fact, the language of the bill as reported out of the Banking Committee I will amend in our first amendment today in an effort to reach a compromise—the logic was that we would have a private lender. The language of the bill requires that they be FDIC insured, that they would make the loan, and that they would be liable for 20 percent of the cost.

Why is this so important? We are not talking about making a loan to deliver electricity to rural America, where we have a captive customer base, where someone cannot buy electricity from anybody else. We are not talking about making a loan to deliver telephone service to rural America where you either buy from the telephone co-op or you do not have a telephone. We are talking about a very risky business where there will be no guaranteed ratepayer. Nothing in this bill—nothing in law—requires any American living in a rural area to buy these services. So there is no captive base. When we get to the discussion of the amendment I will offer, we are going to be discussing this in detail because this is very important.

The second important risk is, no one has ever done what we are proposing to do. We have one company proposing to use a satellite, which has a directed beam so that it would send a signal into a geographic area, and they are pretty confident it is going to work. In fact, they are going to invest over $1 billion to build such a system to basically service these top 40 markets in terms of viewership.

But the plain truth is, no one has ever used that satellite. So while we hope it will work, while we have reason to believe it will work, and while the fact that somebody is willing to invest $1 billion in it suggests to me it might very well work, we do not know it will work. It has never been proven on the scale we are talking about.

But there is a second and more fundamental risk. It is one that I think, in our rush to do something here, we want to look beyond. It is not the risk that the technology does not work.

Let's say we are talking about a satellite—and our bill is neutral in terms of technology—but let's say someone comes in and asks for a loan of $1.25 billion to build and launch and put into orbit a directed beam satellite. Obviously, you have the risk that somehow the system does not work, it is not launched into orbit. Maybe they would buy insurance. I assume a lender would require that. Maybe it would work; maybe it wouldn't work.

But let's say it does work. The biggest risk you face in dealing with new technology is we have no guarantee, that if someone borrowed $1.25 billion and we guaranteed 80 percent of it —and it worked perfectly—that 2 years from now some young computer genius, getting a degree in computer science at Texas A&M, might not develop a technology that would use the Internet to deliver the local TV signal and would do it at one one-thousandth of the cost of this satellite.

I say to my colleagues, if that happened, obviously, it would be a godsend for rural America because then everybody would have local television, and they would have it inexpensively, but it would not be a godsend for the taxpayer because we all know that if that happened, which would be the answer to someone's prayer, it would not be the answer to the taxpayer's prayer. The company that launched that satellite and invested $1.25 billion in it would lose every customer they had to someone who could sell for one one-thousandth of their cost.

Let me say, this isn't just theoretical, this is happening every day in America.

The taxpayer would be on the hook for over $800 million of losses.

This is risky business, which is why the Congressional Budget Office estimates that the House bill will have a default rate of roughly 45 cents out of every $1 that is loaned. That is risky business.

We have tried to deal with this by establishing a loan board to exercise due diligence, requiring a private lender, as it is now written, and an FDIC-insured lender, so basically we are talking about an institution that is in business to make money, and they are going to be making loans. They can make loans to anybody—to REA or to a private, for-profit company. They know as the bill is now written, they are going to be liable for 20 percent of that loan. If it goes bad, they will lose that money.

It is my understanding that we are going to have a series of amendments that assault, in my opinion, these two basic protections of this bill. One amendment, which has been discussed, is the amendment to let Government lend the money. I totally and absolutely reject that. If we let Government lend any of this money, we destroy the whole foundation of this bill. Our protection is, if Chase Manhattan is lending this money, they are liable for 20 percent of the money. If the loan goes bad, they lose that money, and somebody will probably lose their job. So they are going to be paying attention to their business.

On the other hand, if we allow an amendment which says the Government can make the loan guaranteed part directly, we are eliminating some of the due diligence that is at the very heart of this bill and which CBO has scored as lowering the cost of this loan by $100 million.

The second proposal that is going to be made, a proposal I am going to accept but with a very important amendment, relates to the CFC, which is the Cooperative Finance Corporation. This is basically a captive lender of the REA. It is an entity that is given tax exemption. Why is it given tax exemption? It is given tax exemption because it is serving a public purpose: it is a lending institution that historically has lent money to REAs to provide telephone service and electric power.

The important difference between a loan to provide telephone service or electric power and a loan to launch a satellite or to invest in an unproven technology is twofold. One, we have been doing phones a long time. We have been generating power for over 100 years. We know how to do it. There is no uncertainty about the technology of

telephones and power generation in a traditional sense.

Second, in these activities, they have captive customers. Where I am an REA customer, I can't buy power from anybody else. So if a mistake is made, there is an easy way to cover it up—raise my rates. There won't be an easy way to cover up a mistake here because there won't be any captive ratepayer whose rate can be raised.

Let me make it clear, I have the highest opinion of the CFC. I think it has done a great job. It was chartered and given a tax subsidy to do that job in the public interest, and I think it does that job well. But I believe we are taking an unnecessary risk in letting the CFC make these loans. I am willing to do that as part of an effort to have a bipartisan compromise but only under the following circumstances:

No. 1, what we are being asked to do is take out of the bill the requirement that the lender be FDIC insured. When we do that, we open up this whole process to institutions that we may never have considered. So we have two sort of boilerplate requirements. One is, if it is a traditional financial institution, they have to meet two requirements: First, no self-dealing; that is, they can't lend the money to themselves, so to speak; and, second, they have to meet the normal capital requirement, which is, you can't lend more than 10 or, in some cases, 15 percent of your capital to any one borrower.

Now, for the CFC, we don't impose—in the final compromise I offered last night—the 10-percent loan to one borrower restriction. I would prefer it, but I know that some of my colleagues are opposed to it because CFC is opposed to it.

What we require is the following: To be sure we are talking about CFC and not some other Government or some other nonprofit entity that none of us have thought about, we say that to qualify, a nonprofit institution must have one of the three highest credit ratings on a long-term bond. Some people have gotten confused between a credit rating on a long-term bond and a credit rating on any commercial paper. Almost any institution can issue a 30-day note that will be AAA rated. We are talking about lending for 25 years here, so the fact that somebody can get a good rating for short-term borrowing, what we want to know is their rating for long-term lending. That is what is significant.

The first requirement is that those nonprofits that can participate must have one of the top three ratings and the Cooperative Finance Corporation qualifies.

The second requirement, which I think is of equal importance, is that the board must find that by making this loan the Cooperative Finance Corporation will not see its credit rating decline, that in making the loan they are not jeopardizing the good credit they have.

Why is that important? We have, as best I can estimate—and we are trying to get the final number—25 million Americans who are captive ratepayers. They are customers of REA for telephone and for electric power—one or the other and, in some cases, both. If the rating of the CFC in borrowing money to lend principally to co-ops is diminished by making this loan, every ratepayer of every co-op in America will end up paying more because this happened. We want to prevent that from happening. I am going to argue all day long, if I have to, that we should not imperil 25 million Americans who are captive ratepayers by allowing CFC to get into a risky business that can push down their credit rating.

What I am proposing and will propose in the first amendment, when the general debate is over, is that we let CFC make the loans but that the board has to find that, in making the loans, CFC is not going to downgrade its creditworthiness, and in the process impose new costs on ratepayers.

Finally, if their creditworthiness does decline, then they would be required, in an arm's length transaction, to sell this note on the open market. I think these are important requirements.

Someone may argue that the CFC has engaged in providing television services. That is a real stretch because what really happened is the co-ops borrowed $100 million to enter into a contract with Direct Television where they were the marketing arm of Direct Television. As it turns out, over 80 percent of what they were doing, they have subsequently sold off to a private company named Pegasus that is a long way from launching a satellite and engaging in this business.

Let me sum up.

I think we have put together a well-crafted bill. To this point, this bill costs $100 million less than the House bill. It is still risky business. Let's remember that if this loan is defaulted, rural America is probably going to lose its television service.

I hope my colleagues will look at the amendment I have offered, and I hope it can be accepted.

I thank all members of the Banking Committee, Republicans and Democrats, for the bipartisanship we had in committee.

I thank Senator CONRAD BURNS. I thank him for his leadership. There is no question that we would not be here today were it not for his persistence. I also thank him for not only trying to get television signals to rural America but trying to do it in the right way. It is very easy when you are trying to deal with all the groups that hope to benefit from some program such as this to just throw caution to the wind and say don't worry about the cost. I thank Senator BURNS not only for the leadership in seeing that we are writing this bill, but for his leadership in seeing that we are doing it right.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I will be very brief because Senator JOHNSON is going to handle the time on this side. He has been very intimately involved in shaping this legislation and has done an outstanding job and I think made a major contribution.

The bill that is now before us is a consequence of a unanimous consent agreement that was reached last year. Much discussion took place within the committee. As a consequence, we were able to move considerably closer on many of the issues that divided Members when we first addressed S. 2097. In fact, I think it is fair to say, with the exception of the issue Senator JOHNSON will raise on the floor, we have a consensus product before us that we can move through in short order.

We seek a loan guarantee program that will provide comprehensive television service for the American people at the best possible price. We are particularly concerned about rural Americans who have either no access or inadequate access to local television service. We seek to obtain that for them at an affordable price and yet, at the same time, protect the American taxpayer as we move forward with the loan guarantee program. Obviously, you have to strike the right balance among these objectives. I think the bill, with the Johnson amendment, with the proposal of the very able Senator from South Dakota, would accomplish that.

The chairman has gone over some of the specific provisions of the bill. I think it is important to note that the board we are providing, which will grant the loan guarantees, is made up from the Federal Reserve, the Treasury, and the Department of Agriculture. The day-to-day administration of the program would be done by the Rural Utilities Service, which would also write the regulations, subject to the approval of the board. The Rural Utilities Service is the most experienced agency in the Federal Government in dealing with this type of investment in rural areas. Therefore, we think they have a clear understanding of what is involved.

The guarantee level provided in the legislation is 80 percent. That differs, of course, from the House bill. It is designed to provide some additional safeguards. We also worked to ensure that the legislation would give priority to the projects seeking to provide services to areas in this country that are unserved and underserved, as we move toward trying to provide a universal service.

Senator JOHNSON led the effort on our side. We were markedly assisted by Senator BAUCUS, Senator HARKIN, and many others. I know there are a number of Senators on the Republican side of the aisle, too, who come from rural areas who are very deeply concerned about this issue.

Let me touch on the one important improvement that I hope will be made to this legislation, and that is the

Johnson initiative. The bill, as it is now before us, requires that the lenders involved in this program be FDIC insured. That is the requirement in the bill as it now stands. Many believe this is unnecessarily restrictive, that there are a number of other lenders and, in particular, the National Rural Utilities' Cooperative Finance Corporation, the CFC, which would be barred from participating in the program as the bill now stands.

Senator JOHNSON is intending to address that issue. Actually, the lender we are talking about—the Cooperative Finance Corporation—is extremely well capitalized. It has over 11 percent shareholders' equity capital, which is better than 9 of the 10 largest banks in the country. The credit rating agencies rate CFC's debt as high as any of the largest federally insured banks and higher than most. So by these market standards, they are an extremely strong and well-managed financial institution. I see no reason to exclude it from the program. I think we can adjust to accommodate this issue.

I think we can achieve a broad, if not total, consensus on this legislation. I think, in fact, including lenders of this nature in the program will help to encourage the participation of organizations, such as rural cooperatives that have the most experience in doing business in rural areas and therefore make it more likely that the program will reach its ultimate goal of universal service in rural areas.

So I am supportive of the legislation with this change that we will seek to make. I think it meets all the questions and concerns that have been raised in a balanced and straightforward manner. Again, I thank Senator JOHNSON for his leadership on this issue, and I commend all the members of the committee, the chairman and all the members on his side, and on our side, who worked closely together to try to work out agreeable solutions to most of the concerns that have been expressed.

I think if we can address this one remaining concern on the floor in a positive and constructive way, we will have done a good piece of legislative work and will be able to move this issue forward.

Mr. President, I will yield the floor. Senator JOHNSON will manage the remainder of the time of the debate on this side of the aisle.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, may I inquire as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes. The Senator from South Dakota has 22 minutes.

Mr. JOHNSON. Mr. President, I yield myself 15 minutes.

Mr. President, I rise today in support of S. 2097, which will help provide local broadcast coverage for all Americans. Under legislation we passed last year, satellite companies are for the first time free to broadcast local network broadcasting into local markets. What we are doing today will make that benefit a reality for Americans who live outside the largest 40 television markets across America.

As do many colleagues, I represent a State with rural viewers who should not be left out of the information age. South Dakota is one of the 16 States that do not have a single city among the top 70 markets. Without this loan guarantee, markets such as Sioux Falls and Rapid City simply will not get local service, despite the fact there is a great need for the reception of that local broadcasting.

This proposal is about more than just providing sports or entertainment programming over local channels. It is a critical way to receive important local news, public affairs, storm information, road reports, public safety, school closings, and so on. Rural Americans need the same opportunity to access their local networks as do our urban friends, and this legislation would go a long way toward making that a reality.

I want to thank the chairman of the Banking Committee, Senator GRAMM, for his hard work on this important issue. He correctly raised several issues which have strengthened this bill, adding critical taxpayer protections to the program. I want to thank Senator SARBANES, the ranking member of the Banking Committee for his hard work on this legislation as well.

As a sign of the support we have for this package, I have agreed with Senators GRAMM and SARBANES to oppose all amendments to the bill with one exception. I will be offering shortly an amendment to correct a significant flaw in this bill. Other than that one change, I believe we have produced a substantive bill that will produce this service to all Americans without resorting to risks for the American taxpayers.

S. 2097 provides an 80 percent guarantee of projects to bring local to local to all markets. The remaining 20 percent will be private capital provided by qualified lenders. These private capital will bring market discipline to the program. No entity will fund a project it has not scrutinized, that it does not believe will succeed.

We have created an oversight board consisting of the Federal Reserve Chairman, the Secretary of the Treasury, and the Secretary of Agriculture. This board will review loan applicants with a eye toward fiscal discipline. The Fed and Treasury are especially tasked with ensuring that the taxpayer dollars are protected. They will look carefully at the proposals and support projects that will work. The USDA brings expertise in rural America to this venture. The experience of the Rural Utilities Service, with its $40 billion loan portfolio and phenomenally low default rate, will make this a sound venture.

The combination of these experts plus the market discipline of a lender with 20 percent of the project at risk, will screen applicants so only the soundest, most viable proposals are funded.

With this program, we can take a giant step for rural America. All of our citizens will be enabled to follow local events. In states like South Dakota, wide stretches of area are not served by any form of local programming; this bill for the first time makes that possible.

There is one area where the bill could be improved. The bill in its current form requires that lenders be FDIC insured to participate in the program. This would effectively eliminate rural electric cooperatives and telephone systems from participation in the program.

This limitation excludes private finance corporations that have years of experience lending to rural utilities (including institutions that have years of experience in lending guaranteed loans). It would also exclude institutions with billions of dollars of assets, that operate on a national basis, are highly rated by the rating agencies and file with the Securities Exchange Commission.

The amendment I will be offering is supported by Senators THOMAS and GRAMS and others. It is bipartisan in nature. It simply allows qualified lenders with experience and expertise in these types of programs to participate in the funding subject to board approval, keeping in mind always that everything we do must be approved by the Federal Reserve, Treasury, and USDA. As an example, Cooperative Financing Corporation is AA rated and considered to be ''the best investment in the high quality electric utility sector'' by Shearson Lehman. These are the types of lenders that should be potentially part of this program.

I encourage my colleagues to support rural America by making S. 2097 more likely to successfully provide local to local to smaller markets. My amendment provides, but does not mandate, alternate financing options. The purpose behind the change is to allow participants in the program to seek the lowest possible interest rate. Those dollars saved on interest make the program more likely to succeed, and improve the viability of the program, making it more likely the loans will be repaid without recourse to the guarantee.

This issue has aroused the greatest level of constituent concern in quite some time in my State. With this amendment to S. 2097, we will provide a fiscally responsible, prudent response to the concerns raised by thousands of our constituents. The issue which Senator GRAMM has ably outlined this morning is in response to a concern Senators THOMAS and GRAMS and I also share but to which we take a different approach.

The view of those of us who will be offering our amendment as a second-degree amendment, I believe, to Senator GRAMS' amendment would be to

recognize that institutions that have years of experience in lending to rural electric and telephone cooperatives should not be excluded from participation.

Our amendment simply allows qualified lenders that have experience and expertise in these kinds of programs to participate subject to board approval. It will also require eligible lenders that have at least one issue of outstanding debt that is rated in one of the three categories rated by a national statistical rating agency. This will ensure that an expanded list of lenders will have subjected themselves to rigorous market discipline. The CFC and other private lenders have substantial experience providing multiple million-dollar loans in cooperative environments and provide important protections in rural areas.

We encourage all of our colleagues to support rural America by supporting S. 2097. We are more likely to succeed in doing that by providing local-to-local programming to these smaller markets.

Mr. President, I do not have any additional Members on the floor at the moment with opening remarks. I withhold my time but yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Texas, chairman of the Banking Committee, and also the ranking member of the Banking Committee, my good friend from South Dakota, for his work on this bill.

We offered in the Satellite Home Viewers Act last year, an amendment in conference that would enable us to help people in smaller markets around the country. This would help people to receive their local television signal on satellite by facilitating the delivery of these local stations in the gray areas—the B contour and the C contour where reception is poor —in the station's area of dominant influence.

I chair the Communications Subcommittee of the Commerce Committee. In Montana, we have great distances to cover with few people in between. Other States share this difficulty and also the geographical challenge posed by the mountains. Since the television signal is line of sight, mountains can make the problem of providing local coverage for people in hard to reach places even harder to solve. So, how do we do that? How do we level the playing field and still provide the compulsory licensing for cable, and for satellite television users and, of course, for those local programmers?

I think we now have before us a better bill than the one we offered last year. This bill is more complete, because it takes into account both the agencies that are going to make the loans, and also those who will be borrowing the money. It puts some responsibility on each of the parties to make sure, No. 1, that it works and, second, that they assume some of the risk so taxpayers' money is not in jeopardy.

I thank the Senate Banking Committee for their commitment in bringing this issue to the Senate floor as fast as they possibly could. Their word has been good, and by working with the Agriculture Committee and also a lot of us individually, the Banking Committee has helped us build a better bill than we had last year.

Providing access to local television signals is crucial to rural States. With over-the-air broadcast signals and cable delivery limited by geography in my own State, satellite television has been a staple of the so-called video marketplace for many years. Montana has the highest penetration level of satellite television of any State, at over 35 percent.

When I initially proposed the legislation in this area, I was concerned that, without it, only the largest television markets in America would receive local-to-local service as authorized by the Satellite Home Viewer Improvement Act. These are the profitable cities such as New York and Los Angeles with millions of television households. But it is not so profitable a venture in areas where we have quite a lot of dirt between light bulbs.

The issue we will be debating, of course, will be the amendment offered by my good friend from South Dakota and the cosponsors.

Let's talk about the other 140 TV markets in this country. There are 16 States, including my own, that do not have a single city in the top 70 markets. It is time we help those 16 States gain equal footing with the ones with more urban populations. Just because they are small doesn't mean they should be left out of the mix when we talk about local to local, because people enjoy their local sports, they enjoy their local weather, they enjoy their local news. It doesn't do any good for anybody who lives in rural Kentucky to watch a station that is based out of Charlotte, NC.

We have to find ways of delivering their signal off the satellite. The ability to receive local television signals is much more than just having access to local sports or entertainment programming. It is a critical and an immediate way to receive local news, weather, and community information.

Access to local signals is particularly critical in rural areas, such as Montana, when we experience flooding and other weather situations, including blizzards.

This is very important. The LOCAL TV Act reflects the belief that the loan guarantee program should not favor one technology, it should be technology neutral. It is a win-win for consumers. It is also a win-win for the taxpayers, and I urge my colleagues to support this. I don't think we have received more mail on any other subject since I have been here. Whenever they start turning our networks off the satellite, we get immediate responses.

I look at this the way I looked at REA when I was a lad on a farm in northwest Missouri. I have made this speech many times. Had it not been for the Rural Electrification Administration, we would be watching television by candlelight. That is fact. We were in rural areas. We would never have seen the build-out of electricity or power to our farms and ranches.

We have to take the same look at smaller markets in television because the only support they get is through advertising. That advertising is based on viewership, and the profitability of that station is at stake and, with that, the services they provide. I think it is pretty important.

This bill is set up with a three-member board. It offers access. The administration is very tight, and it also protects the taxpayer. Remember, the taxpayers' dollars are at stake.

We will move through the debate on different amendments that will come up and should be debated. The concept of the bill, if passed right now as it is, is darn good. There are a couple of amendments that I think will improve this piece of legislation.

Mr. KERREY. Mr. President, I rise today in strong support of the LOCAL TV Act of 2000. Last year, Congress passed a law allowing satellite providers to retransmit local signals into local markets, but we knew then that the large satellite providers had no plans to provide ''local into local'' into rural areas, completely ignoring Nebraska and 14 other states. At the time I strongly supported the inclusion of a $1.25 billion loan guarantee program to encourage companies to retransmit local signals in rural areas. Unfortunately, political wrangling left this important provision behind as we passed the bill.

I am pleased that the Senate has fulfilled its promise to pass a loan guarantee program before April 1, 2000. The LOCAL TV Act of 2000 will provide $1.25 billion in loan guarantees to companies to bring local stations into currently unserved areas. Local stations are vital to a community, broadcasting local news, sports, weather, and emergency warnings. A small but significant portion of the U.S. population cannot receive local television signals from any means, while as much as half of the population must settle for New York or Los Angeles news (so-called distant network signals) via satellite. Nebraska has over 270,000 satellite viewers who cannot receive their local stations through their satellite dishes. This bill will provide the financial backing necessary to support companies to bring local television to all areas of America. ''Local into local'' has become another technology that urban areas are able to enjoy, while rural communities get left behind. The LOCAL TV Act will ensure that does not happen.

I have great confidence in the Rural Utilities Service (RUS) which is charged with administering this loan guarantee program. Many previous programs launched through RUS to help

close the gap between urban and rural areas have proven successful. The public/private partnership between RUS and its borrowers has helped develop electric, telecommunications, and safe, clean drinking water in rural America. It has also fostered rural economic development across the nation. I believe the RUS will administer this program with the same expertise it has demonstrated in the past.

Bridging the so-called ''Digital Divide'' remains one of my top priorities. It is absurd that some areas of the country cannot receive high speed internet access, local television programming, or other technologies, simply because they live too far from a big city. I will continue to work hard to bring the newest technologies into all regions of Nebraska. The LOCAL TV Act of 2000 is an important step in this direction, so I enthusiastically support this legislation.

Ms. COLLINS. Mr. President, I rise to lend my support for S. 2097, the Launching Our Communities' Access to Local Television, legislation of which I am proud to be an original cosponsor.

Mr. President, this legislation is simply about equity. Should satellite customers in the rural Maine communities of Lovell and Greenville and Fort Fairfield have the right to receive the local broadcasts of stations in Portland, Bangor, and Presque Isle, Maine? Should they have the ability to receive their local news, emergency weather forecasts, information about school closures, and the wrap-up of the local school sports via satellite? My answer is yes, of course, they should.

While Congress authorized the ability of local network stations to broadcast their local signals via satellite by passing the Satellite Home Viewer Improvement Act last November, current satellite capacity only allows the top 40 to 50 television markets to receive this unique service. Unfortunately, this excludes the Portland, Bangor, and Presque Isle, Maine, markets and the satellite customers within those markets who want to view local programming.

This last year has been a particularly difficult and frustrating one for satellite customers. We took an important step in addressing many of the problems they and local broadcasters have experienced by passing the Satellite Home Viewer Improvement Act. We are, however, lacking a final component. Providing a rural loan guarantee program that is technologically-neutral, fiscally responsible, and focused on underserved markets will encourage companies to bring important information access to my State's rural communities and lead us to a conclusion of this important issue. I urge my colleagues to pass this important legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I think it is now timely for me to offer an amendment.

The PRESIDING OFFICER. The Senator from South Dakota has 15 minutes remaining.

Mr. JOHNSON. Mr. President, I yield back the reminder of my time so we can proceed with the substance of this legislation.

AMENDMENT NO. 2897

(Purpose: To address certain lending practices)

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2897.

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

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

The amendment is as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

''(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

''(I) is provided by any entity engaged in the business of commercial lending—

''(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

''(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

''(II) is provided by a nonprofit corporation engaged primarily in commercial lending, if the Board determines that the nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and that such rating will not decline upon the nonprofit corporation's approval and funding of the loan;

''(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made by a governmental entity or affiliate thereof, or a Government-sponsored enterprise as defined in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) or any affiliate thereof;

''(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

''(III) if a nonprofit corporation fails to maintain the debt rating required by subclause (i)(II), the subject loan shall be sold to another entity described in clause (i) through an arm's length transaction, and the Board shall by regulation specify forms of acceptable documentation evidencing the maintenance of such debt rating;

''(IV) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the issued and outstanding voting and nonvoting interests of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;''.

Mr. GRAMM. Mr. President, let me try to explain the amendment and what the issue is. I know there are strong feelings on both sides of the issue. I believe we have worked out 95 percent of the bill to everybody's satisfaction. But we now have come down to an issue. I really believe that while there will be extraneous amendments offered, this and possibly one other amendment might be the only amendments we will be actively debating.

Let me first explain what the bill now does. Then I would like to explain the changes my amendment makes, why I am making them, and then I would like to address the overall issue we are about to debate, potentially through a second-degree amendment or through another freestanding amendment.

In the bill as it is now written—as it passed unanimously in committee, even though I knew an amendment was going to be offered—in order to make a loan that the Federal Government guarantees, you have to be an insured depository institution. There has been objection raised to this because of a desire on the part of the Cooperative Finance Corporation. This is a captive lender, for all purposes, for America's REAs, with a very proud record and with a great record of achievement.

The question then is, if we take out of the bill that a lender has to be FDIC insured—and remember we are having the taxpayer guarantee the loan they are making—What kind of protections do we need for that guarantee to be extended? I have offered this amendment, really, as an effort at a compromise where we take the FDIC lender out but where we set specifically three sets of rules to apply to different lenders.

The first two have to do with commercial for-profit lenders. They are the standard kind of constraints you would normally see in any financial transaction; that is, they have to meet the capital requirement which traditionally, for banks and S&Ls, has been that you cannot lend more than 10 percent or 15 percent of your capital to any one borrower.

Second, we eliminate the potential for any for-profit institution to lend to an affiliate. What we are trying to do here is ban self-dealing. I do not believe there is any objection to these two provisions, but it is very important that they be in the bill.

Now we get to the controversy. What do we do about nonprofit lenders? Let me remind my colleagues, institutions are not nonprofit for nothing. We grant a very special privilege to an institution when we make it a nonprofit institution because we dramatically lower its costs. And we do it because that institution is serving a public purpose.

In this case, the institution that is basically going to be discussed here is CFC, the Cooperative Finance Corporation. Its public purpose is that it provides funding at a very low cost to our REAs that are providing telephone and electric power to rural America. It is true that it makes some other loans, but the principal purpose for its lending is REA power and REA telephone.

What we are saying is for these nonprofits, since they are carrying out a Government function, even though they may be chartered as private institutions, they are chartered with tax exemption because they are promoting a public purpose. Therefore, we do have some concern about them.

Now, if Citigroup or Bank of America or Chase makes this loan and it is defaulted and they lose 20 percent of it, I am not happy about it—and I am very unhappy about the taxpayer losing 80 percent—but I figure they are in this for profit. They know what they are doing and what they do to their credit rating and what they do to their profitability; that is their business. That is what for-profit private enterprise is about.

I am more concerned about what a nonprofit corporation does because it is nonprofit and it is carrying out a public purpose. In the case of CFC, that public purpose is to make loans to bring electric power and telephone, and to continually modernize both to rural America. More important, they are lending money to 25 million captive customers. Why do I say captive? Because if you are buying power from the REA, you do not have the right to buy it from anybody else. If you are buying telephone services through an REA affiliate, you do not have the right to buy telephone services from anybody else, on a hard line anyway. So in making loans, these nonprofits, and principally CFC, are carrying out a public mandate in providing these services for rural America as cheaply as possible.

Why should there be a certain set of rules for nonprofit corporations? Because they are nonprofit; because they do have tax exemption; because they are supposed to be promoting a public purpose. If Citigroup or Bank of America makes a bad loan and it is defaulted, people do not have to do business with them. They can borrow money from somebody else. But if the CFC makes a bad loan and their credit rating goes down, then every REA customer for electric power and telephone, all of whom are captive customers, would have to pay higher prices; hence, the public interest in seeing that we protect the interests of those ratepayers.

How do we protect the interests of the ratepayers in this amendment? I have colleagues on both sides of the aisle who want the CFC to be able to make these loans. Frankly, if this were left to me, I would not do it that way. The whole logic of this is for-profit lending. But in an effort to try to reach a compromise, we would let CFC, this tax-exempt entity which is providing credit to rural America, make these loans. But the board would have to find, in making the loan, that they would not lower their credit rating.

Why is that important? Why should we care what the credit rating of CFC is? Because that credit rating affects their ability to borrow money, affects the interest they have to pay, and since they are in turn lending that money to REA providers who have captive American customers—25 million of them—if they do something speculative and drive down their bond rating, everybody in rural America is going to pay more money for electric power and telephones.

The restriction we are imposing is hardly overwhelming. All it says is, where we are dealing with a nonprofit lender, where the Congressional Budget Office has estimated the probability of default is such that 45 percent of the loan will be defaulted under the House bill, if they want to make this loan, doesn't it sound reasonable on behalf of the 25 million ratepayers in rural America that we would simply ask that the board—the Secretary of the Treasury, the Federal Reserve Board chairman, and the Secretary of Agriculture—that they determine that the CFC is not going to see its bond rating go down as a result of making this loan?

Why do we care if it goes down? Because if it goes down, every buyer of electricity, every buyer of telephone services in rural America, is going to pay more money. That is why we should care. So we say, if the board finds that this is not going to lower their credit rating, they can do it.

We have a provision that says, if the CFC's credit rating is lowered—and credit rating agencies, when they change somebody's credit, say why they have changed it, so that if they change it and the reason is this loan—we require the loan to be sold so it can move to restore their credit rating.

I believe this is an eminently reasonable amendment, and while it does not bear directly on the loan guarantee, it does bear directly on another issue, and that is the well-being of 25 million Americans who live in rural America. I represent more of them than any other Senator here. I am not indifferent to CFC taking action that will drive up interest rates and drive up power rates and telephone rates in my State to Texans who choose to live in rural areas. That is what this amendment is about.

This amendment, in responding to a request by Members of the Senate, takes out the requirement that you have to have an insured lender. That opens it up potentially to anybody.

We tighten it up in three ways. We say if you are a commercial lender—a bank, for example—you have to meet the capital requirements and the loan-asset ratio that is currently the law, and you cannot do self-dealing. You cannot lend it to your brother-in-law, and you cannot lend it to the bank. It has to be an arm's length transaction.

For those lenders, such as Morgan Stanley, that do not have a capital requirement, we say they have to have one. We are not going to guarantee a loan that Morgan Stanley makes if that loan is more than 10 percent of their capital. Why? Because it is risky, and if they lose money, it enhances the chances that the taxpayers will lose money.

Finally, for nonprofits, we do not have a capital requirement, but what we say is, since we gave this institution nonprofit status to perform a public purpose—in the case of CFC, to make loans to electrify and bring telephones to rural America—that if the board finds that by making this loan it is going to drive down their bond rating and drive up their cost of borrowing and, in turn, drive up power rates and phone rates for 25 million Americans, the board will be required to not guarantee their loan. I hope my colleagues will look at this provision.

Let me give an example. Under current market conditions, the 1-year cost of borrowing for dropping from a AA to a AA− is 5 basis points, or $500,000 on a $1 billion loan. Over 10 years, that would be $5 million. It is pretty relevant when one is talking about dropping a bond rating. If it just dropped by one notch, from AA to AA− on a 10-year loan, that 5 basis points will cost $5 million. If you drop from AA to BB, then the cost will drive by a great multiple of that.

This is a reasonable issue. It is not an issue directly involved in this loan, but it is an issue that, unfortunately, has gotten pulled into it. I hope my colleagues on both sides of the aisle will look at this very closely.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2898 TO AMENDMENT NO. 2897

(Purpose: To improve the loan guarantee program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. THOMAS, Mr. GRAMS, Mr. ROBB, Mr. WELLSTONE, Mr. HARKIN, and Mr. BAUCUS, proposes an amendment numbered 2898 to amendment No. 2897.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

''(D) The loan is provided by an insured depository institution (as defined in section 3 of the F.D.I. Act) that is acceptable to the Board, or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical

rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this act and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;''.

Mr. JOHNSON. Mr. President, we have reached concurrence on the core of this legislation, and I commend Senator GRAMM for his work with us on that matter. We have had bipartisan cooperation.

We have one remaining issue in particular, however, that remains to be resolved. Senator GRAMM has an amendment which opens up the possibility of CFC financing but under very circumscribed conditions, which I contend are so severe as to make CFC financing very unlikely. The question is: What can we do to lower the cost of financing to make this programming available to rural Americans and yet do so in a responsible, fiscally prudent manner?

The amendment offered by Senator GRAMM does essentially three things:

First, it requires that any lender that is a nonprofit, such as a CFC, cannot provide financing under this act unless the board determines the credit rating of the lender will not decline upon the approval and funding of the loan.

Second, it requires that nonprofit lenders sell any loans guaranteed under this act if their credit rating declines.

Third, it excludes GSE lenders, such as CoBank, from participating in this program.

It is inappropriate, I believe, to require the board to make a judgment on the impact on the credit rating of a nonprofit lender, such as a CFC, because, one, it places the burden of proof on the lender to show why its rating would not decrease. Under the proposed amendment, the board would need to predict future actions of credit rating agencies, and I do not believe this is a reasonable requirement to impose on a governmental board.

In reaching the bipartisan compromise in this legislation, I went along with the creation of a board. This was a good idea on the part of Chairman GRAMM. It involved the Federal Reserve, the Treasury, as well as the Department of Agriculture, to oversee this lending to make sure we have that extra element of prudence. But I believe it is simply not fair to put a burden of proof on the board to certify in advance what, in fact, is going to happen to a rating on the part of a CFC or another nonprofit.

Wall Street credit rating agencies make determinations on credit ratings on a continuous basis. This is a real world market discipline that is imposed on lenders by the capital markets. A board of three people, qualified as they may be, is not an appropriate substitute for market discipline. It makes no sense, I believe, to charge this board with the requirement to predict that the credit rating of any lender will not decline.

CFC raises funds in the private capital markets through sale of bonds, sale of equity hybrid securities, and by equity investments by CFC owners. All of these entities have expressed their confidence in CFC, and that is a real test of the CFC's strength.

The CFC has demonstrated over its 30-year life that it understands rural energy and telecommunications markets. It has done a fine job of evaluating credit risks and has made sound credit decisions. CFC is not a new or untested entity in the marketplace.

It may be argued that all CFC loans are to ''utilities with captive customers.'' This is not true. Many rural electric and telephone cooperatives do have a monopoly position in their service areas, just as other utilities do. However, in the electric area, deregulation is being implemented in a number of States, and co-ops and other utilities in those States are, in fact, facing a competitive marketplace.

In the telecommunications area, CFC, through its controlled affiliate, the Rural Telephone Finance Cooperative, has made loans to a number of projects that include highly competitive services, including wireless telephone services, PCS, and CLEC service in rural areas that were previously poorly served by incumbent providers.

The question then is: Why add an additional layer of bureaucratic review to one class of lenders—CFC and other nonprofits—when that level of review is not imposed on other lenders? This delays implementation in this needed program, adds costs, and provides a competitive advantage to for-profit finance companies.

The amendment does not require banks to be within the highest three ratings categories, and most are not.

Why would this provision be applied to nonprofit lenders and not to for-profit banks?

I have a chart here which I think is interesting. The bottom line shows the Cooperative Finance Corporation's AA− rating under S&P and Aa3 rating under Moody, which compares with the largest banks in America. I think it is of interest that even if there were a decline, the CFC would still have a rating higher than most of the largest banks in the United States.

A second point has to do with the requirement that a lender sell its loan if its credit rating declines. The requirement that a nonprofit lender sell a loan guaranteed under this act if its credit rating declines is an onerous provision that would cause significant financial stress and costs to the lender. If such a decline in a lender's rating should occur, a forced sale at that time could result in still further financial losses.

This is basically, I believe, a poisonous provision designed to exclude nonprofit lenders, such as the CFC. Even if the credit rating of an AA rated company would decline to AA−, it would still have a significantly higher credit rating than the vast majority of banks in America. No similar requirement is being imposed on banks. I believe the idea of requiring a lender to sell loans is not the proper remedy.

The last point I would make is, I believe the exclusion of lenders under the program is an unwise public policy. The exclusion of lenders under this program will only increase the cost of funds to borrowers and ultimately to rural and other TV viewers.

The bill already establishes a sound process for the evaluation of projects applying for financing. This process includes approval by a board that includes the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of Agriculture, advice from NTIA, evaluation, underwriting and analysis by the Rural Utilities Service, and the commitment of private lenders that are on the line to take a very substantial risk in the event of default by a project funded under this program.

I believe that much of what we have accomplished in this legislation—the creation of a board and an 80-percent guaranteed loan rather than the 100 percent which, frankly, was the idea being pushed in the House and which I originally thought might be the way to go—we have diminished to an 80-percent guarantee; we have set up a board. I think we have a responsible approach to this guaranteed loan process.

But I do believe that Senator GRAMM's amendment would go one step further to the point of, in effect, making it very difficult, if not impossible, for the board and institutions, such as a Cooperative Financing Corporation, to participate in the program.

Keep in mind, our amendment does not require that the CFC be involved at all. It simply makes it an alternative financing strategy that would be available for the board, with the Secretaries of Commerce, Treasury, and USDA to evaluate. I have great confidence in their leadership.

I think if we were to adopt this second-degree amendment, we would be back to what I believe would be a clean bill.

I look forward to additional debate.

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

Mr. JOHNSON. Yes, I yield to the Senator from Maryland.

Mr. SARBANES. It is my understanding that the House-committee-reported bill provided a 100-percent guarantee. Is that correct?

Mr. JOHNSON. The Agriculture Committee in the House of Representatives reported a 100-percent guaranteed bill. The Commerce Committee, it is my understanding, is working on a bill that may involve an 80-percent guarantee.

Mr. SARBANES. I just want to make the point that in our committee, we agreed to an 80-percent guarantee, which I think was, in the end, accepted by everyone on the committee, although there were differing views about that question. I think it does provide an important measure of safety in considering this matter.

Secondly, is it correct that if these institutions, which amendment No. 2898 addresses in terms of qualifying—if this amendment carries, the board that is being established under this legislation would still have to approve any loan guarantee made by such an institution, is that correct?

Mr. JOHNSON. That is absolutely correct.

Mr. SARBANES. In other words, the institutions, they are only being included in the sense that they are eligible to submit their proposal to the board. It does not mean they can then go ahead and do these loan guarantees simply on their own. They have to obtain board approval in order to do that; that is, this board of the Federal Reserve, the Treasury, and the Department of Agriculture. Is that correct?

Mr. JOHNSON. That is absolutely right.

Mr. SARBANES. Thirdly, I just make this observation. We are allowing FDIC institutions to do this. But, of course, in a sense, that creates an extra exposure that one of these institutions would not have because the Government, the taxpayer, would be exposed on the loan guarantee. But, in addition, if the institution itself were to run into serious trouble, there would be taxpayer exposure on the Federal deposit insurance for the depositors of that institution. Is that correct?

Mr. JOHNSON. That is right.

Mr. SARBANES. Of course, we do not have the latter in the case of these institutions. I think we have to exercise caution and prudence, but as you have pointed out, certainly for the CFC, they rank very well indeed. It seems to me they ought to qualify. I think the limitations have a great deal of difficulty connected with them, which the Senator has outlined in his statement.

I thank the Senator.

Mr. JOHNSON. I thank the Senator from Maryland for his leadership on this issue. He has been of great assistance to us. When we ultimately pass this legislation, a great share of credit goes to the Senator.

I also note that the second-degree amendment, which is pending, is a bipartisan amendment. I express appreciation particularly to Senators THOMAS of Wyoming and GRAMS of Minnesota for their work and their staffs' work on this legislation. Those two Senators share a very great concern for access to local programming for rural residents. I am appreciative of that kind of bipartisan cooperation on this second-degree amendment.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to discuss the pending second-degree amendment, of which I am a cosponsor.

First, I thank the Senator from Texas for his good work in getting this bill moved forward. We remember that this came up last year when we talked about the local-to-local broadcasting, and so on. The Senator—properly, I think—suggested it be sent back for more consideration by the Banking Committee. Indeed, it was. He promised us at that time that this bill would come forward. He has adhered to that promise and is out here with it now.

The other thing on which I agree with the Senator from Texas is that he has divided this responsibility and there is an 80-percent guarantee. I agree with that. There needs to be someone who has some risk and promises that there will be more attention paid to it. I have agreed with all those things.

What we are talking about is being able to include a not-for-profit financing organization that has been involved with rural telecommunications, that has been involved with rural electric, and, indeed, serves the rural area. Very appropriately, that should be considered.

By the way, this is the Cooperative Finance Corporation, not the Commodity Finance Corporation that has been mentioned a time or two. It is not set up by the Feds. It is a private co-op without Federal support.

CFC is adequately capitalized, so it has actually better ratings than most of those banks.

Furthermore, as we talk about the requirement that might include increased costs to rural electrics—rural electrics, by the way, with which I am rather familiar, having worked in that area before I came to the Senate—they can get their financing other places; they are not captive borrowers from the CFC.

I think this second-degree amendment is one that simply provides more opportunity for this unit, this nonprofit unit, owned by rural people, to participate in the financing of an effort to provide rural television, local-to-local television, the kinds of coverage we now do not have in Wyoming. If you want to see ABC, you have to get your program from California or from Chicago. We are saying we can provide that locally so you can get local news, local information. We think that is very important. Of course, that is what this bill is all about.

The proposal that is before us and that we seek to second degree places the burden of proof to show that the lender's ratings will not decrease. Under the proposed amendment, this board would need to predict what the financial condition is going to be. That is a pretty unreasonable requirement for this governmental board composed of Cabinet officers or their designees.

Secondly, of course, Wall Street rating agencies make these kinds of ratings, and they will be making it here. This, after all, is a market function. CFC raises its capital in the private capital markets through the sale of bonds, through the sale of equity securities, equity investments. So these things are all a function of the market and are tested by the market. We don't need to set up an artificial organizational effort to do that.

CFC is over 31 years old. I think it has $600 million worth of capitalization. They have been in the energy and telecommunications markets. They are mature. What we are saying is that we appreciate very much the Senator's willingness to allow these kinds of nonprofits to participate, but our argument basically is there are restrictions and regulations here that are not needed. They are additional bureaucratic reviews that are not necessary in order to accomplish the purpose the Senator has set forth.

I won't take longer. I am very much in favor of this bill. I hope we will move to pass it quickly. I thank Senator JOHNSON and Senator GRAMS for joining in this effort to make some changes. I do not think they changed the policy direction that the Senator from Texas takes, and I urge the support of the second-degree amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in opposition to the amendment.

I think, as people try to follow this debate, it often looks complicated, but if they burrow into the real issue, it boils down to this: In trying to accommodate those who want the Cooperative Finance Corporation to participate in this program, I have taken from the bill in my amendment the requirement that the lender be FDIC insured. I have set out some conditions. For banks, I require that they meet a capital requirement and that they do not engage in self-dealing. That requirement is not in this amendment that would strike my amendment. Under this amendment, potentially we could have an 80-percent Government guaranteed loan to some institution that is lending the money to itself. I am opposed to that. I am adamantly opposed to that. I think that is an outrage.

Under this provision, we could have an institution lend all of its capital and the Federal Government is going to guarantee 80 percent of it. Under this amendment which strikes my amendment, some institution somewhere could lend 100 percent of its capital, and the Federal Government is going to guarantee 80 percent of it. I don't think so. Under the amendment I have offered, I have said that in such institutions, we are not going to guarantee their loan if they are lending more than 10 percent of their capital. This is taxpayers' money we are talking about. Both of those provisions are dropped.

This amendment does a curtsy toward fiscal responsibility in that it says for a lender to qualify, they have to have one of the top three ratings on at least one issue of outstanding debt. You can issue a 30-day note, and almost anybody can get a AAA rating for their credit for 30 days, but the taxpayer is going to be on the hook for 25 years. The fact that a borrower could get a good rating for a 30-day note does not excite me very much, when the taxpayer is going to be on the hook for

25 years. And that does not even apply to the CFC. They don't have to have any capital requirement at all. Every other nonprofit institution does in their amendment, but not CFC.

Let me explain the issue of the CFC. The Congressional Budget Office has estimated that the loan guarantee in the House is going to have 45 percent of the loan defaulted. The scoring by the Congressional Budget Office of the House bill assumes 45 percent of the loan guarantee the Federal Government makes will be defaulted and that the taxpayer will be left holding the bag. That is what the present value of $350 million is when you are discounting on a 25-year bond.

This is risky business. We are lending money on a technology that has never worked anywhere. We are talking about totally new technology. I know there are people running around saying: We are going to have a directed beam satellite. Where are they? Show me one. Where is one working in the world today? They may work.

The point is, this is new technology. We are talking about somebody borrowing the money, launching a satellite, for example, using brand new technology, cutting it on, it works. Maybe it works; maybe it doesn't work. The Congressional Budget Office believes this is risky business. They assume 45 percent of the loan is not going to be repaid.

I have tried to build in protections, and those protections are critical. The most important protection is that a private lender is on the hook for 20 percent.

Our Presiding Officer used to be in the banking business. He did not often get an 80-percent Government loan guarantee, but when he was on the hook for 20 percent, he paid attention to his business because it was his money. The guarantee that we are getting is that people are going to be judicious with the part we are not guaranteeing.

Why do we treat nonprofits differently? What is this issue about credit rating of nonprofits? Why should Joe Brown who lives in San Geronimo Creek, TX, care about the credit rating of the Cooperative Finance Corporation when he is going to guarantee 80 percent of the loan they make? What difference does it make to him?

First of all, why do they have a tax exemption at the Cooperative Finance Corporation? Because we gave it to them to promote a public purpose. What was the public purpose? The public purpose was to provide electricity to rural America and to provide telephone to rural America and to keep it moderate. That is why they have a tax exemption—because they are providing a public purpose.

In letting them be involved in an activity where, under the conditions set in the House, 45 percent of the loan will be, according to the estimate of CBO, defaulted, all I have asked is that this nonprofit organization, or any other, since they are performing a public purpose by lending money to provide electricity in rural Texas and rural America, I want the board to find that their credit rating is not going to go down as a result of making this loan.

Now, our colleague from South Dakota says, what business is it of ours whether the credit rating of the Cooperative Finance Corporation goes down or not? It is my business. It is my business because I have over a million Texans who buy electric power and/or telephone from rural co-ops that borrow money from the CFC. That is why it is my business. If they make a bad loan and their credit rating goes down, the cost of borrowing money to maintain electric power and telephone in my State is going to go up, and my ratepayers, who are captive—they can't buy electric power from anybody else and they can't buy hard-line telephone services from anybody else—are going to end up paying more money. That is why I care. That is why it is relevant.

Now, this is risky business we are engaged in here. All I am trying to do is say, if you want the financial institution that has historically serviced REA and serviced electric power and telephone—and let me remind my colleagues you don't lose money lending money to an electric co-op to provide telephone or electric power generation. Why? Because you have a captive market so that if the loan doesn't work out, you raise the rates—you restructure the loan, you raise the rates to pay it.

In this case, if that satellite doesn't go into orbit, whose rates are you going to raise? You are going to raise the rates of people in Texas who are buying electric power. That is whose rates you are going to raise. That satellite doesn't work. You don't have anybody buying its services. They have a right not to buy them. You are not going to be able to raise their rates. So all I am trying to do is say before we let this lending institution, with a proud history, which has done a great job—and I don't dispute any of that—this tax-exempt lender that we gave tax exemption to electrify America and to provide phone services to America, before we have them make a loan that the Congressional Budget Office says 45 percent of, under the House structure, will be defaulted, before we let them do it—why is it so offensive to have, among other people, Alan Greenspan look at their loan and their proposal and try to make an estimate as to whether or not making this loan is going to drive down their bond rating and drive up the cost of electric power and telephone services in rural America? Do we not trust Alan Greenspan to make an honest judgment?

I don't understand this issue. It seems to me what we have is a captive lender that somehow desperately wants to get into a business we didn't give it tax exemption to do. We have a mission creep here on a gigantic scale. Now, I am willing to let them do the mission creep as long as it doesn't cost Texas consumers of electric power and telephone services in rural Texas money. If it is not going to cost them money, I am willing to let them basically dramatically change the business they are in. If they make a $1.25 billion loan, that is larger by far—twice as big—than any loan they have ever made. Their average loan is less than $20 million. I would say that is a pretty dramatic change in business. If we are going to let them do that, all I am asking is that there be somebody responsible—and I would call Alan Greenspan responsible—who is going to look at their application and make a determination as to whether this is going to drive down their bond rating and cost every REA customer in America a bunch of money.

The second provision is if, in fact, it does drive down their bond rating, I want them to sell it and get out of that business. You might say how dare we tell them they can't engage in some of the most speculative lending in America. How dare we tell them that. Well, the reason we dare tell them that is they are tax exempt. We gave them a very special privilege to do a certain kind of work, and that special privilege was to bring electricity and telephone service to America. I know we have let them get into other kinds of business. We let them make a loan so that REAs could go into a partnership with Direct Television. But they didn't put up any satellite or develop any new technology, and they didn't take any real risk. This is big-time risk.

So the difference between the two amendments is, first of all, this amendment, in my opinion, is not very well crafted in that it strikes all of my provisions against self-dealing, all of the provisions in my amendment—and you don't have to worry about that when you are dealing with FDIC institutions because they have those requirements already. But those provisions in my amendment that were struck by this amendment are pretty important. If we are going to have the taxpayers on the hook for over $800 million, I want to be sure somebody is not lending this money to his brother in law, or to an affiliate of the company. I don't understand why those provisions were struck by this amendment.

Secondly, if we have a traditional REA lender in the Cooperative Finance Corporation making loans, I am willing to let them into this business if they want to get into it; though, to the best of my mental ability, I can't see why they want in this business. But they do. They are determined to get into it. I am saying, let them in the business, but don't let them in if it is going to drive up the cost of electric power and telephone service to rural America by driving down their bond rating.

I thought, when we made the concession to treat these nonprofits differently by not requiring them to meet a capital requirement for the size of their loans, that the compromise was

going to be accepted. But it seems to me that, basically, what we are trying to do is we are trying to go back and undo all the other stuff we have done in this bill because the logic of the bill is that we are going to have a private lender who is going to be on the hook. Now, some people say, won't the Cooperative Finance Corporation be on the hook? Who will be on the hook if they lose $800 million? Who really loses? Whose money is it? Well, ultimately, who is going to lose is the people who are buying electric power in America, in rural areas, and people who are buying telephone services, because they are going to lose a very cheap source of credit because the Cooperative Finance Corporation is going to end up losing its double-A rating.

So that is what this whole issue is about. Unfortunately, we have a series of votes in the Budget Committee, and we don't have proxy voting. It is going to require Senator JOHNSON, Senator SARBANES, and I to be there.

I ask unanimous consent that we set aside this amendment, that we let other amendments be offered in our absence, but that we don't reach a final disposition of any amendment until the hour of 1:30.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Reserving the right to object, and I don't intend to object, if I might inquire of the Senator so I am clear about this, we have a number of Members who would like to speak to the Senator's amendment and the second-degree amendment. I assume they will have an opportunity in that context.

Mr. GRAMM. They will. Under the unanimous consent, any Member could speak on this amendment and on the bill, and any Member could offer another amendment. But there could be no final disposition of an amendment until 1:30 when we are back and have an opportunity to address it.

I would prefer, if no one objects, to let people offer amendments because we want to finish this bill today. It is not going to hurt my feelings if somebody offers an amendment when I am gone. I can read it when I get back and discuss it.

Mr. SARBANES. Reserving the right to object, I suggest to the Senator that 2 o'clock might be a better time.

Mr. GRAMM. Mr. President, I ask unanimous consent to change the request to 2 o'clock.

Mr. SARBANES. And then, for clarification, the time between now and 2 would be spent either debating what is before us at the moment or offering some other amendment and debating that amendment.

Mr. GRAMM. That is correct.

Mr. SARBANES. One of those amendments might be involved.

Mr. GRAMM. That is correct.

Mr. SARBANES. I have no objection.

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

Mr. JOHNSON. Mr. President, if I might take 1 minute—I know there are a number of others who want to address this legislation, and I have to return to the Budget Committee as well for a series of votes—let me observe, having listened carefully to the chairman's remarks, that I think the differences we have are fairly straightforward, in a sense.

On the one hand, our amendment says we have already come up with some safety provisions with an 80-percent guarantee rather than 100 percent, and so on. But what we are suggesting is that guidelines be adopted by the board, by Mr. Greenspan, by Treasury, and by USDA. They certainly have it within their prerogative to develop whatever guidelines they feel appropriate to ensure that the lending practices are secure and sound from the perspective of the taxpayers.

The Senator from Texas, rather than relying on the Fed, the Treasury and USDA, is suggesting that he will impose guidelines statutorily. We now have, I believe, the consequence of, in effect, shutting out the CFC from participating in the program.

I think we have a solid piece of legislation with the Johnson-Thomas-Grams amendment. We would then turn to the board as the chief instrument for any further fine-tuning of what kind of provisions might be helpful to them in seeing to it that these loans are handled in due course and in the proper fashion.

I think that is the difference we have between the underlying Gramm amendment and our second-degree amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by Senator GRAMM, and am also in opposition, then, to the second-degree amendment offered by Senator JOHNSON.

The Gramm amendment puts all possible lenders on an equal footing. I believe we must protect the taxpayers. It is the primary charge for the Banking Committee to ensure that this program does not turn into a source of free money. The amendment would do that and make the requirements for lending institutions equal regardless of the lender.

I have concerns about allowing lenders that are active in the farm credit programs—Government-sponsored enterprises—to get into risky business ventures potentially lending to a new satellite TV venture. The CFC and farm credit banks focus their lending on electric and telephone loans, as well as farm operating and housing loans. They don't have experience with launching satellites.

Where taxpayer money is concerned, we can't just open up the program to any lender that has previously participated in the Rural Utilities Service program. Too much is at stake.

The amendment would not only allow FDIC-insured institutions to make the loan, but it allows investment banks and commercial lending institutions such as GE Capital and TransAmerica to make the loan. These institutions have unique knowledge of market risks of investing in satellite services.

The amendment also provides for not-for-profit cooperative lending corporations to participate in the program only if the loan can be made and not cause the credit rating to fall below an AA rating. A lower credit rating could cause rate increases for rural electric and telephone customers.

The Gramm amendment also restricts all lenders to lend only up to 10 percent of their net equity. This solution ensures that no lender is treated differentially.

The comment was made earlier that the board is going to be required to predict the future on the ratings for the CFC. That is what boards do. They don't predict the past. They predict the future. And they have to determine whether there will be a significant impact on a lending institution.

Earlier we saw a chart. It pointed out that CFC has an AA rating. And it showed the other 10 rating agencies.

One of the things that emphasis was not placed on was the asset size of those different institutions. The banks range in size from $716 billion in assets down to $63 billion in assets. CFC has $15 billion in assets—one-fourth of what the smallest of the 10 banks have.

Why is this important? We are talking about a $1.25 billion loan. That is a pretty significant portion of $15 billion. We should pay attention to the impact that it can have on that institution. That is why we have a board to make those decisions.

The basis for this legislation is to create incentives for private investors to use their own risk capital to bring local television service to rural areas. The Congress decided it was in the national interest to allow satellite companies to rebroadcast local television stations to their home markets. The loan guarantee program is designed to make that possible in smaller markets, such as Casper, WY, and Glendive, MT. It is not being created to give away the taxpayers' money.

The amendment that Senator GRAMM has offered levels the playing field for all lenders and addresses the concerns of the Banking Committee. One of those concerns is how to bring more lenders into the program and ensure that any potential qualified borrower can participate. Rural electric cooperatives borrow through the Cooperative Finance Corporation. It is a private corporation with an AA credit rating that caters to the special needs of rural electric cooperatives. Historically, they lend for electricity and telephone projects. A loan to launch a satellite and provide local television stations in rural areas is a much bigger and much different risk than an electric project. There is less guarantee that the service will attract customers or that the launch of the satellite will be successful.

The rural language that members of the Banking Committee have been working on with the distinguished Senator from Texas protects the REA members and CFC from taking a bigger risk than necessary but allows them to take the risk. It does not give any lender an advantage over any other lender to obtain the guarantee.

I believe Congress should make the playing field as level as possible for all participants. I don't think it should give more potential to those that have some Federal connection. Senator GRAMM's language does that. I urge its adoption. I urge a vote against the second-degree amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2896

(Purpose: To require that the entity, if any, that receives the entire amount of the available loan guarantee shall provide in each under-served area or unserved area in each State all the local television broadcast signals broadcast in such State)

Mr. BUNNING. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. BUNNING) proposes an amendment numbered 2896.

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

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

The amendment is as follows:

On page 33, between lines 11 and 12, insert the following:

(4) REQUIREMENT RELATING TO APPLICANT RECEIVING ENTIRE GUARANTEE AMOUNT.—The entire amount of the guarantee available under subsection (f) may not be provided for the guarantee of a single loan unless the applicant for the loan agrees to provide in each unserved area and underserved area of each State the signals of all local television stations broadcast in such State.

Mr. BUNNING. Mr. President, this amendment is pretty simple. It says that any entity that receives the entire $1.25 billion loan under this bill must provide to its subscribers all of the local television broadcast signals which are broadcast in that State.

Since coming to the Senate I have heard from my constituents about satellite TV more than any other issue. More than impeachment, Social Security, taxes, or anything else.

That might sound strange, but I constantly hear from Kentuckians who are unhappy that they can't get local news and local programming. Believe me, when the University of Kentucky is playing basketball, that's a big deal.

Kentucky is rural, and a lot of our communities are isolated and hard to reach. Cable isn't an option for them because the cable companies won't come—it's too expensive to wire them.

And they often can't get a clear signal with traditional TV antennae because of the geography and landscape of our commonwealth. This has led many Kentuckians to try satellite coverage, but then they often hear more about New York City, Los Angeles, or Chicago.

With my amendment, I am trying to make sure Kentuckians and other Americans living in rural areas get local news and local programming. In Kentucky, this problem is made even worse because much of our State is dominated by media markets from surrounding States, making it even harder to get local programming.

I live in northern Kentucky near Cincinnati, OH. It is frustrating to constantly hear Ohio news and not be able to find out what is happening in Louisville, Lexington, Paducah, or Bowling Green.

In talking with the industry, the satellite technology soon is going to allow for spot beaming to provide local-to-local coverage for everyone. I think that is great. I encourage them to keep pushing forward. I also want to make sure that if anyone gets the full value of this loan, then they have to provide local programming for local areas. These loans are going to be guaranteed 80 percent by the Federal Government and taxpayers in Kentucky and other rural States deserve to be considered.

I am simply trying to look out for my constituents. I have a feeling there are other rural States in the same boat. I bet they are as frustrated as we are when they can learn about New York City politics or the Chicago Cubs baseball or the latest news in neighboring States but they cannot find out what is going on in their own backyards.

I urge adoption of this amendment. I want to make sure Kentuckians, and all others in rural States who do not have local broadcasts in their own State, can receive local news from their State, not just news from an adjoining State. I urge passage of the amendment.

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

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

Mr. HARKIN. Mr. President, I am proud the U.S. is the world leader in the advancement of technology, providing businesses and consumers faster and better ways to work and to communicate. But even though we have made great progress in technology, much of rural and small town America has been left behind. In the small town of Cumming, IA, where I was born and still have a house I live in when I am not here, we do not have access. We do not even have cable yet. So a lot of people are putting up satellite dishes as the only way of getting adequate information through television.

I joined a Senate rural telecommunications task force last year to address these issues and to work, as a group, to pass legislation to help rural communities catch up. Just as cable and telephone companies say it does not make good business sense to provide service to a few customers in Cumming, IA, for example, we know that without this access rural America will suffer and will be left behind in the new digital age. You talk about a digital divide. There is a digital divide and rural America is on the short end of that divide.

We are not just talking about high-speed Internet access or reliable telephone lines. We are talking about the lack of access to basic local TV programming—local weather, local news, local school information for rural residents and farm families. You would think it is easy; if you live on a farm or in a small town in rural Iowa, you just put an antenna on your house and get the local weather and news from a local TV station. Once again, it is not that easy for rural and small town residents. An antenna just doesn't reach that far. Weather conditions interrupt, for example. Cable will not extend lines outside of metropolitan areas because of the high cost. As I said, in my hometown, we do not have cable yet. We live fairly close to a metropolitan area.

The satellite dish came along and provided relief and access and they sprouted up like mushrooms all over rural Iowa and rural America. But the satellite also has its problems. It does not include what is called ''local-into-local'' programming, into small and rural TV markets. The satellite dish companies say they do not have the capacity in their existing satellites. That is what they say.

I happen to have a satellite dish on my house in Virginia, 12 miles from here. I can turn that thing on any time and get hundreds of channels—many of which are, I think, kind of ridiculous, but they are there. So they can provide hundreds of channels to customers in metropolitan areas, but they cannot transmit local TV to the 60 million customers who live outside the big TV markets, they say, without launching more multimillion-dollar satellites.

Last year, we fought hard to keep in the satellite bill a rural loan guarantee program, one that would make it easier for companies or nonprofit cooperatives to provide local TV to rural customers. Unfortunately, it was taken out at the last minute before the bill was passed and signed into law. Senator GRAMM, the Chairman of the Banking Committee, has drafted a rural loan guarantee bill, similar to the one I cosponsored last year, that will go a long way to ensuring that rural residents receive the benefit of local television.

However, I am concerned about the provision in the bill that requires all potential lenders in the Loan Guarantee Program to be Federal Deposit Insurance Corporation insured. That

language would exclude several qualified lenders who have previously provided financing under the Rural Electrification Act. These institutions include the Cooperative Finance Corporation, the CFC, and other lenders that have the financial strength, the expertise, and the ability to participate in this program for rural citizens. These institutions have had years of experience. They have had a strong record in lending to rural and electric cooperatives.

I urge my colleagues to approve the Johnson-Thomas bipartisan amendment, of which I am a cosponsor, to allow qualified lenders with experience, expertise, and a strong reputation in these types of programs, to participate in the funding subject to approval. The cooperatives use lenders such as CFC because it means lower interest rates, resulting in a more affordable and workable project.

Again, I don't want to say I am favoring cooperatives or any one over another providing local TV in rural areas. I favor any institution and any technology that would be willing to provide local service to most customers in unserved areas; however, without the Johnson-Thomas amendment, we are effectively, legislatively shutting out a potential participant interested in extending local TV to rural America. They might win, they might not, but why should we shut them out of this process.

I would also like to mention Senator DORGAN's Rural Broadband Enhancement Act, introduced yesterday—again of which I am a cosponsor. This important legislation would help ensure that rural and small town America are not left behind by the revolution taking place in the technology industry that I mentioned earlier. The Dorgan bill would authorize $3 billion for a revolving loan fund over 5 years to provide capital for low-interest loans to finance construction of the needed broadband infrastructure. I am an original cosponsor of this bill because we cannot sit around waiting for this important technology to come to rural and small town America on its own. We know from past experience that we need to help make it happen. I believe the Dorgan bill will provide the incentives for companies to expand beyond their urban markets.

The Rural Broadband Enhancement Act and the Rural Loan Guarantee—LOCAL TV bill that is being considered on the floor today, are sorely needed in rural America. They both are akin to what happened in the 1930s with the Rural Electrification Act when we started to electrify rural America. I at one time did some research on that. I read the Senate debates when the Senate was debating whether or not to pass the Rural Electrification Act to provide the long-term, low-interest loans through cooperatives to build rural electric lines to families such as mine in rural Iowa.

At that time there was more than one Senator who got up and said this is a free market. If private companies do not want to go out there and build these electric lines to rural America, that is the marketplace. If people living in rural America don't like it there because they don't have electricity, they can move to the cities.

Fortunately, those voices were in the minority. The majority recognized that because of the sparse population in rural America, it was going to cost a little more for the initial installing of those rural electrification lines. What happened after that, of course, was because of the electrification of rural America we saw new schools go up. We saw new factories and plants go up to buttress the farm economy in our rural areas. We saw colleges being built.

So all of rural America expanded and became financially more sound because of the investment we made up front in rural electrification. We face that same kind of frontier right now both in broadband access and also in access to local television broadcasting.

That is why I feel so strongly that these are synergistic. The Dorgan bill introduced yesterday for broadband access and the Johnson-Thomas amendment which is before the body will provide the same kind of long-term, low-interest loans that could be made available through cooperatives and through other institutions to provide for a better possibility that we will get direct, local-to-local satellite broadcasting in rural America.

I hope the Senate will review this history. I hope the majority of this body will support the Johnson-Thomas bipartisan amendment so that rural America can have the same kind of satellite dish reception that we get in rural Virginia 12 miles from here. We can get on our satellite dish in our home ABC, NBC, CBS, Fox, all local from Washington, DC. It costs about four or five bucks a month. I believe people all over rural Iowa and rural Kansas would be willing to pay four or five bucks a month to get that kind of local television service from their local stations' satellite so they can know when tornadoes are approaching, bad weather, when schools are closed, and other local information they need which they otherwise do not get.

I urge adoption of the Johnson-Thomas amendment. I yield the floor.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to go into morning business for 3 minutes.

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

MINIMUM WAGE AMENDMENT

Mr. KENNEDY. Mr. President, in morning business, I send an amendment to the desk to S. 2285.

The PRESIDING OFFICER. The amendment will be received and numbered.

Mr. KENNEDY. Mr. President, soon the Senate will have an opportunity to consider legislation to lower the Federal gasoline tax. The amendment I submit intends to at least consider on that particular measure an increase in the minimum wage in two phases—50 cents this year and 50 cents next year.

If the idea of repealing the gasoline tax is to provide some relief for hard-working Americans, it seems to me the best way we can provide some relief to the 11 million Americans who are earning the minimum wage is to provide a modest increase—50 cents this year and 50 cents next year—so they have less of an adverse impact, whether they are paying for gas to go to work at the present time or otherwise dealing with increased costs with which they are faced every single day.

I am mindful of some of the recent reports about whether this gasoline reduction will have much of an impact, in any event, for consumers and working families in this country. All one has to do is read what a Republican leader in the House of Representatives said about this particular issue when he pointed out in the New York Times—this is J.C. Watts:

> If that were not chilling enough to Republicans eager to maintain their tenuous control of the House this fall, other party leaders voiced skepticism over the repeal's impact on consumers.
>
> "I don't know if the tax has any effect on fuel costs," says Rep. J.C. Watts. "Supply and demand is driving prices right now."

That is an interesting and, I think, a pretty accurate statement. As a matter of fact, included in the fundamental legislation is a study as to whether lowering the cost of gasoline will have any positive impact on consumers.

On Wednesday, March 15, in the New York Times, there was a very interesting article by Paul Krugman of MIT talking about "Gasoline Tax Follies." I will reference part of the article.

I ask unanimous consent the article be printed in the RECORD.

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

[From the New York Times, March 15, 2000]

GASOLINE TAX FOLLIES

(By Paul Krugman)

Teachers of economics cherish bad policies. For example, if New York ever ends rent control, we will lose a prime example of what happens when you try to defy the law of supply and demand. And so we should always be thankful when an important politician makes a really bad policy proposal.

Last week George W. Bush graciously obliged, by advocating a reduction in gasoline taxes to offset the current spike in prices. This proposal is a perfect illustration of why we need economic analysis to figure out the true "incidence" of taxes: The people who really pay for a tax increase, or benefit from a tax cut, are often not those who ostensibly fork over the cash. In this case, cutting gasoline taxes would do little if anything to reduce the price motorists pay at the pump. It would, however, provide a windfall both to U.S. oil refiners and to the Organization of Petroleum Exporting Countries.

Let's start with why the oil cartel should love this proposal. Put yourself in the position of an OPEC minister: What sets the limits to how high you want to push oil prices?

The answer is that you are afraid that too high a price will lead people to use less gasoline, heating oil and so on, cutting into your exports. Suppose, however, that you can count on the U.S. government to reduce gasoline taxes whenever the price of crude oil rises. Then Americans are less likely to reduce their oil consumption if you conspire to drive prices up—which makes such a conspiracy a considerably more attractive proposition.

Anyway, in the short run—and what we have right now is a short-run gasoline shortage—cutting gas taxes probably won't even temporarily reduce prices at the pump. The quantity of oil available for U.S. consumption over the near future is pretty much a fixed number: the inventories on hand plus the supplies already en route from the Middle East. Even if OPEC increases its output next month, supplies are likely to be limited for a couple more months. The rising price of gasoline to consumers is in effect the market's way of rationing that limited supply of oil.

Now suppose that we were to cut gasoline taxes. If the price of gas at the pump were to fall, motorists would buy more gas. But there isn't any more gas, so the price at the pump, inclusive of the lowered tax, would quickly be bid right back up to the pre-tax-cut level. And that means that any cut in taxes would show up not in a lower price at the pump, but in a higher price paid to distributors. In other words, the benefits of the tax cut would flow not to consumers but to other parties, mainly the domestic oil refining industry. (As the taxtbooks will tell you, reducing the tax rate on an inelastically supplied good benefits the sellers, not the buyers.)

A cynic might suggest that that is the point. But I'd rather think that Mr. Bush isn't deliberately trying to throw his friends in the oil industry a few extra billions; I prefer to believe that the candidate, or whichever adviser decided to make gasoline taxes an issue, was playing a political rather than a financial game.

There still remains the argument that the only good tax is a dead tax. This leads us into the whole question of whether those huge federal surplus projections are realistic (they aren't), whether the budget is loaded with fat (it isn't), and so on. But anyway, the gasoline tax is dedicated revenue, used for maintaining and improving the nation's highways. This is one case in which a tax cut would lead directly to cutbacks in a necessary and popular government service. You could say that I am making too much of a mere political gambit. Gasoline prices have increased more than 50 cents per gallon over the past year; Mr. Bush only proposes rolling back 1993's 4.3-cent tax increase.

But the gas tax proposal is nonetheless revealing. Mr. Bush numbers some of the world's leading experts on tax incidence among his advisers. I cannot believe that they think cutting gasoline taxes is a good economic policy in the face of an OPEC power play. So this suggests a certain degree of cynical political opportunism. (I'm shocked, shocked!) And it also illustrates the candidate's attachment to a sort of knee-jerk conservatism, according to which tax cuts are the answer to every problem.

As a citizen, then, I deplore this proposal. As a college lecturer, however, I am delighted.

Mr. KENNEDY. Mr. Krugman writes:

Anyway, in the short run—and what we have right now is a short-run gasoline shortage—cutting gas taxes probably won't even temporarily reduce prices at the pump. The quantity of oil available for U.S. consumption over the near future is pretty much a fixed number; the inventories on hand plus the supplies en route from the Middle East. Even if OPEC increases its output next month—

Which they did, as we heard from the announcements in the last couple of days—

supplies are likely to be limited for a couple more months. The rising price of gasoline to consumers is in effect the market's way of rationing that limited supply of oil.

Now suppose that we were to cut gasoline taxes. If the price of gas at the pump were to fall, motorists would buy more gas. But there isn't any more gas, so the price at the pump, inclusive of the lower tax, would quickly be bid right back up to the pre-tax-cut level. And that means that any cut in taxes would show up not in lower price at the pump, but in a higher price paid to distributors. In other words, the benefits of the tax cut would flow not to consumers but to the other parties, mainly the domestic oil refining industry.

There is a very substantial body of opinion that agrees with that. If we are talking about enhancements of profits of the domestic oil refining industry—and that is going to be the result of legislation—we ought to give consideration to men and women in this country making the minimum wage, trying to make ends meet, playing by the rules, working hard 40 hours a week, 52 weeks of the year trying to keep their families together.

There is a more compelling public interest for a modest increase in the minimum wage than in lowering the gas tax. If we are talking about providing some relief to the American consumers, it seems to me among the American consumers, the ones who are the most hard-pressed in our society, are those who are earning the minimum wage. If we are interested in providing such relief, we ought to at least address their particular needs.

That is what this amendment will do, and that is the reason I have filed it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

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

CONSPIRACIES OF CARTELS

Mr. SPECTER. Mr. President, I have sought recognition to discuss a Dear Colleague letter which Senator BIDEN and I are circulating today. I expect to have the agreement of at least two other Senators to circulate this Dear Colleague letter. It is an effort to deal with the very serious problems which have been caused by the rise in the price of oil as a result of the activities of the OPEC countries.

The price of imported crude oil rose from $10.92 per barrel, for the first quarter of 1999, to over $31 per barrel in this month. In the first quarter of last year gasoline prices were, on an average, 95 cents per gallon, and heating oil was 80 cents per gallon. A year later both have peaked at $1.70.

On Tuesday, the day before yesterday, OPEC agreed to raise oil production over the next 3 months by up to 1.7 million barrels a day. But this is far less than what is necessary to take care of the very serious problems imposed upon Americans at the gas pump, for heating oil, diesel fuel for the truckers, and our whole society beyond the United States—foreign countries, as well—as a result of these cartels and conspiracies.

This conduct is reprehensible. If it were going on in the United States, it would be a clear-cut violation of our antitrust laws.

There have been declarations at the international level. The Organization for Economic Development, consisting of some 29 countries, made a declaration in March of 1998 that conspiracies in restraint of trade constitute a violation of international law.

At about the same time, 11 countries from Latin America made a similar declaration that conspiracies of cartels to restrain trade violate international law.

After a considerable amount of research, we are writing to the President asking him to consider two courses of litigation going to court. One course of action would be to file suit under United States antitrust laws, because these conspiracies of cartels in restraint of trade have an economic impact on the United States. There is ample authority for the Government of the United States to proceed in this way.

Suits were filed by private parties in 1979 in the Central District of California. The Court of Appeals for the Ninth Circuit concluded in 1981 that it would be inappropriate for a U.S. court to pass on that subject because international law was not clearly defined at that time. But there have been significant developments in international law since that 1981 decision by the Court of Appeals for the Ninth Circuit so that, in my judgment, the opportunities would be excellent to win this case and certainly well worth the effort.

The Dear Colleague letter which we are submitting has a second aspect, and that is a recommendation to the President that legal action be instituted in the International Court of Justice, perhaps for only an advisory opinion, that OPEC countries were violating international law.

I was surprised to see the International Court of Justice take jurisdiction in a case involving the issue of the legality to use or threaten to use nuclear weapons in war. I had thought that such an issue would be what is called nonjusticiable law, that is, not subject to going to court. You talk

about national sovereignty. You talk about nuclear weapons. Such a subject would be really beyond the scope of what the International Court of Justice would decide. But the court did take jurisdiction on that issue. The court rendered an advisory opinion it would be illegal to either use or threaten to use nuclear weapons except in self-defense.

We have also seen, in the last few years, very significant developments in international law with the War Crimes Tribunal for the former Yugoslavia, where there have been indictments, prosecutions and convictions for crimes against humanity. There was also the extensive use of international law from the War Crimes Tribunal for Rwanda.

In a surprising case which has captured international headlines for months, an effort has been made to try Pinochet, former leader of Chile, on the application of the courts of Spain, although the acts did not occur in Spain. Customarily under criminal law, the prosecution is brought where the acts occurred. Pinochet was in England. There was a tremendous amount of litigation there. Surprisingly, there was an extension of international law into areas where conduct is really despicable, as are the allegations related to Pinochet. Recently the former dictator from Chad was tried in the courts of Senegal on charges of torture and violation of human rights.

We are looking at a rapidly expanding international picture. I believe we ought to be taking every step possible to deal with these cartels and this conspiratorial and reprehensible conduct by the OPEC nations. While they have agreed to raise production slightly, we are at their whim for action any time they see fit to cut back on production, to extract and extort enormous sums of money from consumers in the United States and consumers around the world.

This is not a problem for this day only. This is a problem which plagued the United States, with the long gas lines in 1974, 26 years ago, but I remember them well. People lined up for three blocks waiting in a gas line to get some fuel. By the time you got there, the pumps sometimes were out or sometimes it was limited. There is no reason why we should have to put up with this kind of conduct because it does violate international norms and really ought to be stopped.

This letter does not contain any reference to actions on a class action basis by consumers. Right now, the antitrust law calls for actions only by so-called direct purchasers. But consideration is being given by a number of Senators to an amendment to the existing antitrust laws to allow indirect purchasers; that is, somebody who buys gas at the pump. Texaco could sue OPEC, at least would have standing to sue OPEC. There would be the other considerations that would have standing as a direct purchaser.

Under a case denominated Illinois v. Brick, an indirect consumer cannot sue. But I believe there would be good reason to amend our antitrust laws, limited to the field of purchases relating to oil. That is a distinction, because oil is such a critical part of our economy and such a critical part of our everyday life: for keeping our houses and offices warm, our general buildings warm, to supplying gasoline for truckers who transport necessary items for everyday life, and for the gasoline which is necessary for our automobiles. This is where we have been gouged by the OPEC conduct.

Some have raised the question: What good would it do to take these cases to court; what would the remedy be? The fact is, there are considerable assets from these OPEC countries in the United States which would be subject to attachment. With respect to the suit in the International Court of Justice, there would be considerable opprobrium in being sued, hauled into court. Nobody likes to be sued, whether an individual, a company, or a country. This conduct is reprehensible and we ought to call them on it.

I do believe, in the final analysis, our U.S. laws on antitrust would enable us to get a remedy. Actually, the International Court of Justice would hold out these international pirates to be nothing more than they are, really preying on the weak, those who have to buy the oil at any price. This conspiracy and restraint of trade and these cartels ought not to be allowed to go on.

Mr. President, I ask unanimous consent that the full text of the letter to the President be printed in the RECORD, together with a copy of a Dear Colleague letter which Senator BIDEN and I are circulating.

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

UNITED STATES SENATE,
Washington, DC.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp.*, 442 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]." Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois*, 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the

availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

''It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.''

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anti-competitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons ''would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'' The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

On October 9, 1998, eleven Western Hemisphere countries held the first ''Antitrust Summit of the Americas'' in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention ''to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.'' The communique further expresses the intention of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.'' One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

UNITED STATES SENATE,
Washington, DC.

DEAR COLLEAGUE: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

We ask you to sign the enclosed letter to President Clinton which urges him to consider these two litigation options. As you will note from the letter, the subject is quite complicated and is set forth in that letter as succinctly as it can be summarized.

If you are interested in co-sponsoring, please have staff call David Brog of Senator Specter's staff at 224–9037 or Bonnie Robin-Vergeer of Senator Biden's staff at 224–6819.

Sincerely,

ARLEN SPECTER.
JOSEPH BIDEN.

Mr. SPECTER. Any Senators who may be listening to this or any staff members, I invite them to call David Brog of my office at 224–4254 or Bonnie Robin-Vergeer of Senator BIDEN's office at 224–5042. We would like to get a good showing and see if we can't get the President to take a really tough position against these cartels which have so disadvantaged so many Americans.

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

FUELS TAX REDUCTION

Mrs. LINCOLN. Mr. President, I rise today to discuss S. 2285—a bill that is so flawed I can't believe the majority wants to end debate on it before the debate has even begun, with no committee hearings, no floor debate, no bipartisan discussion over something as important as the tax base for our highway and transportation infrastructure needs. This is literally an ''Our Way or the Highway'' bill, and I will choose the highway.

As a southerner, I represent a large number of farmers and about 1,600 independent trucking firms. Eleven hundred of those firms are one-truck operators; 250 operate 10 or fewer trucks. I've got at least seven of the largest trucking firms in the Nation based in my State, as well as the world's largest retailer, which operates about 4,000 trucks, and one of the largest food processors which operates about 1,500. I am opposed to S. 2285 and should I have the opportunity, I will vote against it.

First of all, none of the truckers or farmers that operate in my State would receive any benefits from the bill being discussed today, or any of the other bills that are based on a reduction in Federal excise taxes.

They are calling this proposal the ''federal fuels tax holiday'' I can tell the Senate that if this bill passes, we won't be celebrating in Arkansas.

A key point that must have been overlooked by the authors of this bill is that some States like Arkansas, any reductions in Federal fuel excise taxes automatically require a penny-for-penny increase in the State fuel excise tax.

If we could have had committee hearings on this bill, perhaps the entire body might know that my State, along with Oklahoma, Nevada, Tennessee, and California all have provisions that will in some way negate any decrease in the Federal tax by increasing the state tax.

Many States use the funds they receive from the Federal Government transportation formulas to issue bonded debt. They depend on the gas tax to pay for these bonds and to fund their transportation needs.

Smartly, many of the States recognized that you can't always rely on the promises you get from Washington. I am glad that the State legislators of my State had the wisdom and the foresight to anticipate ill-conceived notions by Congress such as the bill before us today that would put our highway and transit programs at risk.

Further, even in those States that would not automatically increase excise taxes, there is no guarantee that the consumers would see a price decrease at the pump. These taxes are charged at the wholesale level.

The only thing this bill offers is a ''sense-of-the-Congress'' clause that says to the big business: ''Here you go, have a huge tax decrease; by the way, we sure hope you guys will pass it on.''

Further, there is no credit in the bill for retail stocks. That means that even if this tax reduction were to pass both Houses and make it past the President with lightening speed, the gas in retail inventories would still be priced with the tax. There is no telling how long it would take for the fuel that wasn't taxed to finally make it to consumers.

One last thing about cutting the Federal excise taxes on fuels: these are the dollars that go into our highway trust fund. I know that this bill has some statutory hocus-pocus that takes the money out of general revenues, but are we really protecting the highway trust fund, and Social Security by hopping from trust fund to trust fund until we find one that the voters aren't watching?

They say this bill is paid for out of the ''on-budget'' surplus. I ask, where is that? We don't even have a budget resolution, let alone a surplus. I think we should make sure that a surplus exists before deciding to spend it. The bottom line is this bill isn't paid for and the money is simply going to come out of debt reduction, education, and out of Medicare reform dollars that are so needed in the country.

I have spoken with the truckers in my state and they have told me that they need help. And I want to help them in a way that is reasonable and will actually reach them. But the way this bill is structured no relief will make it to them. If we really want to help truckers and consumers effectively then we should have a package that helps them right now and through the end of the fiscal year.

In the very short term, we should consider a suspension of the heavy vehicle use tax that is due on every big rig. This tax break would go directly to the people in need, and it would have a very quick impact.

This tax is due on July 1, but it can be paid quarterly. Suspending the heavy vehicle use tax would equal about $550.00 in relief for every truck on the road, and we wouldn't have to wait for the effects of market pricing to see relief at the consumer level.

Also, we should consider low-or no-interest loans to help small business men and women make it through this price spike. In the intermediate months, truckers, and producers who have been pushed to the edge could find help in load assistance until oil prices come down.

Finally, we should consider end-of-the-year formula tax credits that would go directly to the consumers and could be directly tied to oil prices which, as I speak, are dropping.

We are all aware of the recent announcements that have been made by the oil exporting countries. Prices are falling and the price spike is coming down. While we all want to ensure that the high prices we have had will not drive small business people into bankruptcy, our relief package should be flexible enough to take falling prices into account.

Beyond the rash and reckless way that we have come to consider this bill, and beyond the abomination that it is, there remains the underlying issue of our nation's energy policy. This knee-jerk bill is a reaction to a host of problems and just because oil prices are starting to come down we should not let this issue fall to the wayside.

There is no excuse for the lack of a comprehensive energy policy that we suffer from in this country. The roller coaster ups and downs of oil prices in 1999 and 2000 are evidence that we have been completely reactive to market forces and have not established stable, long-term energy policies.

It is obvious that no immediate, cost-effective government action could eliminate U.S. dependence on foreign oil entirely, but there are things that we should be doing to help reduce our dependence on oil as an energy source.

To help lessen the economic shocks that oil price spikes have created, we should couple short term relief provisions such as the ones I have spoken about with smart, stable, long-term, energy policies.

Through the use of petroleum supply enhancements such as energy conservation, use of renewables, and expanded U.S. production we could lessen our dependence on foreign oil. We must provide incentives to try to bring ourselves away from dependence on oil in general. We must set out a course to promote oil production at home, to promote the use of renewable sources of energy, and to promote the more efficient and cleaner uses of the fossil fuels we are still using.

Mr. President, many of us in this body have been pushing for expanded uses of renewables for quite some time and we will continue to do so. This spike in fuel prices demonstrates that we need to shift our emphasis from research to the practical use and application of renewable sources of energy.

Simply put, Mr. President, this knee-jerk reaction to high oil prices represents a reckless abandonment of the priorities we brought to the Congress last year—Social Security, Medicare, paying down our national debt, and educating our children.

I want to do whatever I can to help my constituents who are dependent on diesel for their livelihoods, but if we adopt measures to eliminate, albeit temporarily, gas taxes, we will not get the help to those who need it.

When a core business segment of this nation is under duress we should address that segment directly. We must get the help to the ground where it is needed. In our present situation, we should be pursuing targeted assistance in the forms of loan assistance, grants, and reasonable tax measures that actually get to the level of the consumer who need it the most.

We can't afford to jeopardize funding for our roads, the stability of Social Security and Medicare, or the long-term goal of paying down our enormous debt. This bill would do just that, Mr. President, and I urge my colleagues to oppose the ''fuel tax holiday'' bill before the party gets out of hand, to ensure our roads will be funded and, more importantly, that we go about it in a reasonable way and get relief to the individuals who need it the most.

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

Mr. BAUCUS. Mr. President, I thank the Senator from Arkansas, and I hope that other Senators pay close attention to her and her very persuasive remarks as to why legislation that will potentially come up in this body to repeal the 4.3-cent gasoline tax is a bad idea.

The long and short of it, as the Senator said, is that the reason for the high gasoline prices is basically OPEC. OPEC made an announcement which will have the effect of lowering gas prices. I think the 4.3-cent tax is a phantom reduction. There will not be lower prices as a consequence of the

proposal. I think the refineries will keep it and they won't pass it on. There are a whole host of reasons. The main point that is worth considering is that we labored mightily in this body and in the other body a couple years ago to pass a very significant highway program; we called it TEA 21. Was that significant? It said that for the first time all of the Federal gas taxes were going to the highway trust fund, and the highway trust fund would be used only for highways. It was a commitment: People who drive cars and trucks in our country and pay the Federal gas tax or diesel tax will know that tax is going to the highway trust fund and it should stay in the trust fund, with the trust fund dollars to be allocated among the States to build and repair our highways. That was it. It was that simple.

So if the bill that may come before this body, which the Senator was addressing, were to be enacted, it would break that trust, break that commitment. It would open up the highway trust fund to potentially any purpose. It would just be the camel's nose under the tent. It would be the first step down the slippery slope of taking trust fund money and using it for other purposes. Why do I say that? Because part of the amendment is to say, OK, let's replenish it with general revenue. We all know ''general revenue'' is a slippery slope around here. We don't know how much general revenue there is going to be; therefore, the solidarity of the dollars going into the trust fund and dollars coming out of the trust fund to pay for highway modernization and new highways has to be kept sacrosanct. I hope the Senate rejects the position to repeal the 4.3-cent gas tax. It is a bad idea.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. BAUCUS. Mr. President, I will address the pending subject, local-into-local broadcasting. At the end of the last session of Congress, there was some talk that in this session of Congress, this year, we would take up financing to help guarantee local-into-local television coverage in rural areas. Frankly, I wasn't happy with the way we were about to leave the last session of Congress, so I stood up on the floor and tossed a little bit of obstruction around until we got a firmer commitment that by a certain date we would bring up legislation in this body directed toward financing satellites or other entities so that we could provide local-into-local coverage throughout our country. I am very happy now that this bill is before us. As a consequence of the deference of myself and others, we are now here.

Very simply, the need for this is extremely important. This chart shows markets that aren't now covered and will be covered under the basic bill to be passed. There aren't very many of them. The red dots depict areas where people can get local-into-local coverage. There are 210 TV markets in our country. You can tell that the red dots don't number 210. In fact, they number something much less than that. I might say that number 210 happens to be right up here—Glasgow, MT. Butte, I think, is 167, and there is Billings. We have a bunch of TV markets in our State, but they are nowhere near where the read dots are.

With the passage of last year's bill, 67 markets will have coverage. Only 67 of the 210 markets will eventually get coverage and have local-into-local television coverage. Thirty-five percent of the homes in my State would receive video programming through satellite. Our State flower is the bitterroot, but we have a new State flower now, the satellite dish, because we in Montana have the highest per capita utilization of satellite dishes—more than any other State in the Nation. Montanans per capita have more satellite dishes. It is because Montana is so big. We are a rural State. There are only about 900,000 people in our State, with about 147,000 square miles. You can see why satellite dishes are so important. But because we are so rural and because so many other States are so rural, we are not getting local satellite coverage. It stands to reason because the satellite companies are going to give the coverage to the greatest markets where they will make the most money, as well they should. Companies are there to get the highest rate of return. So they are going to go where they can make the greater returns, and that is going to be the cities.

It is only fair that the rest of America also be wired in. That is why I think this bill is so important. It will take a few years to accomplish it, but at least we will get there.

What are the reasons for having it? One is to find out what your local team is doing.

Here is a chart. This is the University of Montana Grizzlies. Most folks like to know how the home team did. If you don't get local-to-local satellite coverage, it is pretty hard to know. You might be able to find out for New York, Denver, or Florida. But when you are from a smaller community and a smaller town, you only care about the local team. You can't get it now with satellite coverage in my State of Montana and in most places.

Maybe it is not the local team. Maybe it is weather conditions. Is a storm coming? What is the weather report? Our State sometimes has blizzards. Sometimes it snows—not very often. Most people think Montana is awfully cold; that we have a lot of snow. Montana is really not very cold. It doesn't snow that much. But every once in a while it snows. We kind of like to know every once in a while when it is going to happen. So we need local notice. Local-to-local is critical throughout our country.

The final point I will make is demonstrated by this chart. This shows how well the Rural Utilities Service, a branch of USDA, is already serving America—the telephone cooperatives, and with the power cooperatives around the State. RUS is a loan guarantor. It guarantees loans for wastewater proposals, for electric distribution, transportation, telecommunications, telephone, and distance learning. It guarantees loans to finance operations to build these infrastructures all over the country.

The basic point is a very simple one. We have an organization in place. It is serving America well. Why not allow the Rural Utilities Service to, essentially, be the agency that provides the additional loan guarantees for satellites and to give assistance to rural areas?

The underlying bill before us sets up a board to do all of this. I submit that another board and another level of bureaucracy does not make sense. We already have an organization that is doing it. Also, this RUS organization has a very good record. In fact, in the last 50 years, the Rural Utilities Service has not had one loan loss in its telecommunications program—not one. That is indicated by the green dots scattered throughout the country.

When we finally pass this legislation, remember that we already have an agency doing a good job.

I also urge adoption of the pending amendment offered by Senator JOHNSON, which adds the National Rural Utilities Cooperative Finance Corporation as another lender in addition to FDIC-insured banks. I think it is helpful to have that availability. We are more likely to get the financing.

I must also say that I hope we include in the underlying legislation a provision which encourages the loan guarantors at the lending institutions to finance new satellite operations not only for local-to-local coverage but also to help in the availability of broader bandwidth and higher-speed Internet connections because we have the opportunity now while we are providing satellite service for local use to also say: OK, maybe we should also give some consideration to wireless, broad bandwidth, and higher-speed access to the Internet because clearly that is the way of the future. Many of the urban parts of our country have broad bandwidths. It is 10 times more expensive, but they have it.

In addition, many companies are competing vigorously to provide this service all across the country. They are doing it the good old American way—based on a profit motive. That is great. That is what built America. But a consequence is that rural America often doesn't get near the same coverage as urban America for the same reason, that satellite companies are not providing local-to-local to America; namely, because it doesn't pay nearly as well in rural America as it does in urban America.

I am saying that whoever makes the decision, I hope it is not the board. But

if it is the board, give them incentives to provide financing and guarantee financing for satellite companies. It could be perhaps a cable company. It might even be a telephone company that would provide local-to-local cable service. But also they would be in a position to more quickly provide broad bandwidth to the same area.

That is the sum and substance of what I hope we do. I think it makes a lot of sense.

For those Senators who have some questions about some of these points, I am more than willing to sit down and try to work out some of the details. Some of the details can be worked out in conference as well. But let us not let perfection be the enemy of good.

I think these are pretty good ideas. They are not perfect, but they are good. I urge my colleagues to work together to try to incorporate these provisions.

I thank the Chair.

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

Mrs. FEINSTEIN. Mr. President, I would like to speak in morning business for a time not to exceed 10 minutes.

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

Mrs. FEINSTEIN. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2328 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. WYDEN. I ask consent to speak for up to 15 minutes as in morning business.

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

MEDICARE REFORM

Mr. WYDEN. Mr. President, over the last 3 months I have come to the floor of the Senate on more than 20 occasions to talk about the need to assist the Nation's senior citizens and families under Medicare with help with the extraordinary costs so many of them are experiencing for prescription medicine. I am very pleased to report some very exciting, positive developments that have taken place in the last few hours on this issue as a result of the bipartisan effort in the Budget Committee.

I particularly want to commend my colleagues Senators SNOWE and SMITH. Senators SNOWE and SMITH have teamed up with me on a bipartisan basis for more than 15 months to address this enormous need of the Nation's older people.

Today in the Budget Committee we took a concrete, tangible step to set in place the kind of program that really will provide meaningful relief for the Nation's older people. We did it in a way that will be consistent with long-term Medicare reform, a view that is a view shared by Members on both sides of the aisle. It allows for universal coverage and a program that is voluntary. That is to ensure that older people can make the choices that are good for them.

Specifically, what the Budget Committee did is provide legislation that would allocate $20 billion during the next 3 years to put in place a prescription drug program, and then make it possible to add another $20 billion in the next fiscal year, which would be fiscal year 2004–2005, as part of an effort to ensure solvency, long-term Medicare reform, and to do it in a way that would not cause an on-budget deficit in those later years.

I have believed for a long time that at a time when more than 20 percent of our Nation's older people are spending over $1,000 a year out of pocket on their prescription medicine, when we have millions of seniors with an average of 18 prescriptions a year, that it is important we put in place, on a bipartisan basis, meaningful relief for the Nation's older people.

Today, on a bipartisan basis, the Budget Committee said the Finance Committee should report a plan on or before September 1 of this year to help older people with their prescription drug medicine to ensure that $20 billion would be available for fiscal years 2001, 2002, and 2003, and, accompanied by real reform of the Medicare Program, there could be $20 billion for fiscal years 2004 and 2005.

This required, frankly, compromise on both sides. For example, one of the stipulations in what was done by the Budget Committee today was a stipulation that there could not be transfers of new subsidies from the general fund to extend solvency. Frankly, some of my colleagues on the Democratic side of the aisle had supported those kinds of transfers in the past.

I think after many months of debate, and certainly a lot of prognosticators saying it was not possible in this session of Congress to make real headway on the prescription drug issue, and, in fact, to get the job done, what the Senate Budget Committee showed this morning in a very significant breakthrough is that we are now on our way to address the needs of older people. In fact, this language would be binding. The language adopted by the Budget Committee, setting out the parameters for the adoption of a prescription drug program for the Nation's elderly under Medicare, would be binding.

In addition to my two colleagues Senators SNOWE and SMITH, I would like to single out a number of others on a bipartisan basis who helped us. Chairman DOMENICI, for example, was one who, in many conversations with me on this issue, talked about the need to make this program consistent with long-term Medicare reform and to make Medicare more solvent in the future. That is an issue that has been highlighted by Senators DASCHLE, LAUTENBERG, and CONRAD as well. But the fact that Senator DOMENICI emphasized that in the last couple of days helped us find common ground this morning.

This is a vast improvement on what the House has thus far been able to accomplish on this issue of prescription drugs. Specifically, the Senate made it clear we could launch a prescription drug program that would offer $40 billion of assistance to the Nation's older people, a program that would assist all senior citizens. So the Senate was able, this morning, in the Budget Committee, on a bipartisan basis, to add a significant amount of additional relief. That was important.

The House did not address the solvency issue and that is what, in fact, the Senate did. In that sense it is a dramatic improvement. What we did, in terms of the dollars on a bipartisan basis, is today we raised the amount the Senate would make available for the program to $40 billion. Originally that amount was $20 billion.

The fundamental point remains. We addressed this issue by adding more money than was originally envisaged in the mark that came out from the Senate. We were able to do it in a way that addressed the Medicare solvency question. The House did not really touch the Medicare solvency question, and we think, on a bipartisan basis in the Senate this morning, that was important.

Finally, we know the revolution in American health care has essentially bypassed the Medicare Program. A lot of these medicines today help older people to stay well. They help to lower blood pressure. They help to lower cholesterol. They are medicines that promote wellness. They do not just take care of folks when they are sick. As a result of the work done today, we made a major step forward in modernizing this program and bringing it in line with the rest of the American health care system.

I reported on the floor of the Senate recently a case of an older person in Hillsboro, OR, who had to be hospitalized for 6 weeks because Part A of Medicare would pay his prescription drug bill and he could not afford his medicine on an outpatient basis. Today, as a result of what the Senate Budget Committee did, that person will be in a position to get his medicine on an outpatient basis.

They will be able to get help because the Senate improved on what the House has been talking about by putting more of a focus on solvency, and

we were able to take the amount of the program up to $40 billion beyond what the original discussion had been in the Senate, just $20 billion.

Finally, we need to understand there is a long way to go from here. We are going to have to defend what was done by the Senate Budget Committee this morning on the floor of the Senate. Then we will have a conference with the House. I hope we will come out of that discussion with the House ensuring there is $40 billion for the prescription drug program, that it is possible to have universal coverage, that it is voluntary, that it is consistent with Medicare reform, and that it gives older people bargaining power in the private sector to get more affordable medicine.

There is a long way to go in the process. This morning's breakthrough was just one step in the process. It was a chance to go forward in a way that is fiscally responsible—$20 billion for the first 3 years to as the first downpayment, as Senator SNOWE has characterized it, on prescription drug relief, but then also to say there will be another $20 billion available in 2004 and 2005 when it is accompanied by reform.

We also work to ensure solvency, and for the first time, we put real time constraints on getting a prescription drug benefit done .

As was pointed out yesterday in the Senate Finance Committee by Senator BREAUX, there have been 14 hearings on the issue of Medicare reform and prescription drug coverage for older people. Senator BREAUX, along with Senator FRIST, has a bipartisan bill supported by a number of Members of the Senate.

What we said this morning in the Budget Committee is that we want the Finance Committee, on or before September 1 of this year, to bring us legislation in line with the binding language offered in the Senate Budget Committee under the Snowe-Wyden-Smith amendment.

Having come to the floor of the Senate on more than 20 occasions, as I related those stories about older people who had been put in hospitals because they could not afford their medicine on an outpatient basis, older people who were taking two pills a day when they should have been taking three, or breaking their Lipitor capsules—which deals with cholesterol and heart problems—in half, I often thought as I left the floor that we might not be able to make the kind of progress we made today in the Budget Committee.

Today, the Budget Committee came together on a bipartisan basis to ensure there would be sufficient funds to jump-start Medicare reform, provide meaningful relief for the Nation's older people and their families, while addressing the solvency question and the need for an approach to be consistent with long-term Medicare reform.

We have improved on what is being discussed in the House because they do not have the same focus on solvency. I am very much looking forward—as we bring that legislation to the floor of the Senate and it goes to conference and the work in the Finance Committee—to continue the progress we saw this morning.

Suffice it to say, there were a number of moments today when it was likely that it was all going to break down. Had the Budget Committee reported a significantly smaller sum than was finally agreed on, had we not made the kind of changes in the Snowe-Wyden-Smith amendment, we might not have been able to reach a bipartisan agreement on prescription drugs this year in the Congress. As a result of what happened today in the Budget Committee and the important work that was done on a bipartisan basis, we have laid the foundation for making sure that before this Congress adjourns and goes home for the year, we have acted to help the Nation's older people.

For all of those seniors and for all the families who are walking an economic tightrope, balancing their food costs against their fuel bills and their fuel bills against their medical bills, my admonition this afternoon is that we have a long way to go, but today we really made progress.

Today, as a result of bipartisan work, we have an opportunity to ensure that by fall, on or before September 1, as the amendment adopted in the Budget Committee requires, we have a proposal that is bipartisan, that is one which provides meaningful relief for older people, that is voluntary, offers universal coverage, and is consistent with long-term Medicare reform. We can have that kind of proposal on the floor of the Senate this fall.

For the millions of seniors and families who are watching the Congress and looking to see if we can deliver on this issue, progress was made today. I particularly commend Senator SNOWE and Senator SMITH. Senator SMITH made a very constructive suggestion towards the end of the markup when we had a debate about when the Budget Committee was seeking a product from the Finance Committee. Senator SMITH offered a very constructive suggestion. If we can continue to build on that bipartisan progress, we can get this job done.

I believe—and I will wrap up with this—this country can no longer afford to deny coverage for senior citizens' prescription needs under Medicare. I use those words deliberately. People ask if we can afford to offer the coverage. I am of the view that we cannot afford not to offer this coverage because the revolution in American health care is about these new medicines that help people stay well.

I have pointed out repeatedly that one can spend $1,000 or $1,500 on anticoagulant medicines that help prevent strokes and can stop a stroke that costs more than $100,000.

Today, we made very significant progress in ensuring that no longer does the revolution in American health care bypass the Medicare program. I look forward to defending what was done in the Budget Committee on prescription drugs on the floor of the Senate when we get to the budget and working with the Finance Committee. Senators MOYNIHAN and ROTH have been very gracious in assuring there will be an opportunity for colleagues in both parties to contribute and offer their ideas and suggestions.

If we can continue to build on the progress that was made today in the Budget Committee, we will get this done, and we will get it done before the end of this session. In my view, this will revolutionize American health care and provide meaningful relief to older people and their families.

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

The PRESIDING OFFICER (Mr. BENNETT). 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.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. STEVENS. Mr. President, many of us worked very hard last year to reauthorize and update the Satellite Home Viewer Act.

Our principle accomplishment was to authorize satellite carriers to provide local television stations to their subscribers. This change has already spurred enormous growth in the satellite industry and is providing growing competition to the cable industry.

Unfortunately, the satellite providers—Echostar and DirecTV—made it very clear that their business plans did not contemplate serving rural areas. They were very busy, and they were very upfront in telling us that they were focusing their energies on the top 40 television markets.

So it was clear to Senators like myself who represent rural States that local-into-local was not going to be a reality unless we took additional action to encourage coverage for the 50 percent of the population that could watch the service being offered in television ads, but couldn't pick up the phone and order it.

We still see a lot of ''not available in Alaska and Hawaii'' fine print on advertisements.

They plagued us during telephone days, and now they are plaguing us in this period of rapid extension of new technology.

That is where the idea was born to provide loan guarantees to help make this service more available to more Americans.

All of us owe Senator CONRAD BURNS a debt of gratitude for pushing this issue so hard and for drafting the measure that was included in last year's

satellite bill. That provision was dropped.

While it was unfortunate that this provision was removed from the final bill, I am pleased that it is here today, albeit in another form.

It is my hope the Senate will move quickly to adopt this measure and will resist accepting amendments that would threaten its ultimate enactment.

I thank the Chair 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

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

SENATOR TED STEVENS—ALASKAN OF THE CENTURY

Mr. LEAHY. Mr. President, I wish to say a couple of words about one of my oldest and best friends in the Senate, the senior Senator from Alaska, Mr. STEVENS.

Last week, Senator STEVENS was named ''Alaskan of the Century.'' Most of us feel pretty fortunate if we get named for the day, or possibly for the week, and sometimes even the month in our States. He was named ''Alaskan of the Century.''

Well, my good friend, TED STEVENS, deserves that. He has a way about him, as we all know. He keeps me humble. I might talk about the hardships of a cold winter day in Vermont. But then I see his eyebrows go up when he explains to me that 40 degrees below zero is just beginning to get nippy—it gets to 75 below in Fairbanks. At that point, I know I am beat.

TED STEVENS is a tireless legislator, a respected leader. He helped create the State of Alaska. How many of us could actually say something like that? He actually helped create a State with his tireless work and brought it into the Union. He did this having already served his country in so many ways. He was in the Air Force in World War II, served as a U.S. attorney in Fairbanks, and was also an Alaskan State representative. And this was on top of so many other things he has done. Today, of course, he serves with great distinction as one of the three most senior Members of the Senate and chairman of the Senate Appropriations Committee.

Senator STEVENS has consistently been a leader for our Nation's defense issues and has chaired the Senate Rules Committee, Governmental Affairs Committee, and Ethics Committee among others.

Senator STEVENS and I have served together for a long time. As members of the Appropriations Committee, both of us have worked to find economic opportunities for the rural communities that so many states, including our own, share. TED and I have also worked together through some of this Nation's most challenging times. During the divisive days of the impeachment trial, Senator STEVENS and I were chosen to fly to Jordan together as representatives of one, united Senate mourning the death of King Hussein.

Senator STEVENS is also a strong proponent of Title 9 and women's equality in sports. In fact, just this year he sponsored the Women in Sports Awards luncheon where Monica Seles was honored for her excellence on tennis courts throughout the world. I am sure that TED, an avid tennis player, tried to set up a game with her himself.

While he is unquestionably a great legislator, Senator STEVENS is also a proud father of six children and has a beautiful wife, Catherine. Senator STEVENS is an accomplished man with whom I am proud to serve in this United States Congress. Alaska, land of the aurora borealis and the Midnight Sun, has every reason to be proud of its senior Senator and this award shows Alaskans' gratitude and respect for his tireless work.

TED, congratulations on your well-deserved recognition as Alaskan of the Century.

TED and his wife, Catherine, have long been friends of myself and my wife, Marcelle. I consider him very much a member of the old school—when he gives his word, that is it; go to the bank with it.

I have seen several pieces of complex and important legislation go through this body because TED STEVENS gave his word they would go through—a word that he never broke with either Republican or Democrat. That is why TED STEVENS has gained so much respect.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. LEAHY. Mr. President, I was a conferee last year on the satellite television bill. I worked very hard, along with a number of my colleagues, to put in a provision that would have ensured the benefits of this bill would be shared by rural America through a loan guarantee program.

I appreciate the work of the Banking Committee under the leadership of Senator GRAMM and Senator SARBANES to report out a bill which provides a strong framework in which to move forward with this program.

I appreciate the majority leader, Senator LOTT, and the Democratic leader, Senator DASCHLE, who worked out an agreement with the committee leadership that put the bill before the Senate today.

Senator MAX BAUCUS of Montana introduced legislation with me last year. He has now joined with me on some very constructive amendments which I hope can be accepted.

I am here today to stand with rural America. I am proud to be a son of rural America. I know that oftentimes the needs of this special part of our Nation must be heard on the Senate floor.

I am not trying to change the main thrust or the intent of this committee-reported bill. My amendments don't alter the structure of the bill. My amendments simply say that I want the board, which will have the job of approving these loan guarantees for local-into-local television, to look at one thing. If we are going to have loan guarantees for local-into-local television, we should give additional consideration to the projects that can provide high-speed Internet access and emergency Weather Service reports to rural America.

If rural America is going to have high-speed Internet access, it is going to have to rely on satellite service; cable companies are not going to put wire out for it. For most of those parts of the country, they are not going to have the kind of fiber optics that might do it. But they can do it with satellite service.

I hope we will not allow a digital divide between urban America and rural America. Give us the special access through the satellite system.

For example, say the board that is going to do the loan guarantees has two equally balanced satellite systems that might give the same level of service, and at about the same cost, but one would offer high-speed Internet access to rural families; I say give that one the loan guarantee.

In America, there is a growing disparity between the digital haves and have-nots as portions of our society get left behind at the same lightning pace at which Internet develops. Our amendment closes this digital divide.

Having broadband, especially in rural areas, can provide opportunities to the handicapped, to the elderly, to education, and everyone, along with business opportunities and entertainment. Whether you are sitting on the dirt road at my home in Middlesex, VT, whether you are out in rural Utah, or whether you are in rural California, it means you can have the same kind of Internet business, the same kind of access to information, and the same kind of access to educational opportunities.

My amendment would ensure that as long as the loan guarantee is to be made, the high-speed Internet access ought to be financed under the loan guarantee program, if there is excess capacity.

All we say is, before the board gives a satellite company a loan guarantee to provide rural satellite service, ask, first and foremost, Will you provide high-speed Internet access for the people in rural America? If you do, you have a better chance of being supported.

I want to provide a little history on this matter. A provision which we offered to conferees last year would have provided up to $1.25 billion in loan

guarantees to help finance the delivery of local broadcast stations to rural America. I pushed for that amendment because certain satellite companies were concerned that they could not cost-efficiently provide ''local-into-local'' satellite service to markets more rural than about the top 60 to 70 markets. That meant that bigger cities would get the local broadcast television service but that rural areas, by and large, would not.

Other Senators, not on the conference were also vitally interested in providing this service to rural America. I know that Senator BURNS and his key staffer on this issue Mike Rawson worked long and hard to get this language included in conference.

In addition, Senator BAUCUS introduced a bill which I cosponsored to address these rural concerns after efforts to include it in the conference report failed.

I do not want to be misunderstood, I want to point out that the leaders of the satellite industry—such as Charlie Ergen of EchoStar who is known for his creative and innovative ideas—want to provide this local service.

I want to congratulate Charlie Ergen for his recent partnership with iSKY which will offer consumers two-way wireless broadband access via satellite along with satellite television service. This broadband access will be 30 times faster than current dial-up speeds of 56k according to news accounts. Charlie has often been a leader in this arena and he has done it again.

I also want to point out that in Montana or my home state of Vermont, or in Alaska, or a Great Plains state, or elsewhere, receiving local broadcast television over satellite is more than entertainment.

Local television provides local weather, local news about emergencies, and local public affairs programming. It is a way for residents to better participate in government and to more effectively influence local government, school board or zoning decisions.

This bill that we are debating is indeed very important.

I need to emphasize a very important point. Section 336 of the Communications Act of 1934 sets forth requirements for the rollout to digital television. This bill in no way is intended to alter or change those requirements.

Thus, it is imperative for the Board to only approve loans made to finance a local television signal delivery system that will be forward compatible and in compliance with the digital television rollout requirements in the Communications Act.

It is thus common sense that applicants for loan guarantees under this legislation must be able to show that the proposed signal delivery system will be forward compatible. Applicants should be required to show how their proposed delivery system can be readily adapted to deliver local television signals in a format compatible with the digital rollout requirements. Without this, I do not see how the loans could be other than risky.

This conversion to digital television also cannot be ignored. I have met with Jim Goodmon, the CEO of Capitol Broadcasting, on this matter and appreciate his visionary role and his willingness to take the lead. Digital TV is more than just a crystal clear moving picture. Digital TV can use multiple channels and datacasting on their single digital channel to better serve the public. I have been advised that the same digital bandwidth used to broadcast HDTV can also transmit as many as three video channels and a data signal on the single digital channel.

Thus, during the recent floods that devastated North Carolina, WRAL–HDTV, a digital station in Raleigh, was able to simultaneously broadcast on one digital channel: coverage of a basketball game; continuous local news on flood conditions; the continuous sweep of the local Doppler radar showing where the rainfall was the most severe and the direction of the storm; and, a data broadcast alongside the video services that enabled home computer access to specific flood, traffic, rainfall and emergency information. Jim Goodmon and his staff down in Raleigh did a great job during this crisis and I commend them.

Thus, I do not want loans under this bill to interfere with the rollout under the Communications Act. Rural America deserves digital service along with urban America.

I want to raise an additional matter. I am concerned that additional steps will be needed to assure full competition in rural areas and convenience to consumers. In a nutshell, multiple providers of satellite service may be needed in many areas to provide service to rural customers. However, if the set top boxes and satellite dishes are incompatible with these systems then competition will be reduced and consumers will receive fewer services or have to purchase additional satellite receivers at an additional cost of hundreds of dollars.

This same integration or interoperability problem exists regarding program and schedule information. Access to program and schedule information would enable third party satellite providers to create integrated program guides. This would enhance consumer choices and provide more competition.

Resolving these interoperability problems so that multiple satellite TV signals, offered by competitors, can be accessed by consumers in a convenient and inexpensive way is in the public interest. The FCC should use all its authority to resolve these matters.

In addition to the points I have just made, and the amendments I have offered, I want to point out improvements in the bill which I hope can be addressed at conference. I believe that the three-person Board should have more of an oversight and loan approval role and less of a day-by-day management role. The management of the program should be with the Administrator of the Rural Utilities Service. For example, references to the Board on page 28 should be struck and the Administrator and the Board should work out the regulations together.

Also, the Board should delegate responsibility for loan guarantees of up to $50 million to the Administrator.

It is also important, to assure that this bill is not biased toward the cable industry, that spectrum rights be allowed to be purchased or leased with the guaranteed loans. If cable borrowers will be able to purchase cable and install that cable using the guaranteed loans then satellite borrows should be able to use the loan proceeds for spectrum rights, which is their medium to deliver signals.

I also support the amendment offered by Senators THOMAS and JOHNSON that would allow the Federal Financing Bank and the National Rural Utilities Cooperative Finance Corporation to participate in these loan guarantee programs. They could offer borrowers a lower rate than commercial banks and should not be excluded from this process.

In section 4(f) the full $1.25 billion in aggregate for all loans should not be artificially limited by including other debt in the $1.25 billion. In section 5(h) the Administrator, in consultation with the Board, should establish and approve the credit risk premiums and amounts.

To ensure that the Administrator can best protect the interests of the United States the text on lines 3 through 10 of page 38 should be replaced with the following: ''after exercising of rights and remedies by the Administrator any shortfall in the guarantee amount''. This would allow the Administrator working with the Board to restructure a loan if that were the best way to protect the government's interest. I am very nervous about section 5.

The Administrator should have more responsibility to manage the program. Daily management by a 3-member board that does not meet daily will not work very well. Also, section 5(l) appears to give state courts jurisdiction over the United States.

I am also worried about that unless more flexibility is provided under section 4(d)(2) and (3) that excellent loans for excellent projects will be needlessly denied because of the timing of when paperwork is done, or when the FCC approves certain regulations, or when spectrum rights are obtained. Also, the unnecessarily constraining collateral, security, insurance and lien requirements will make it very difficult for the program to work well. These duplicative constraints do not provide additional protection for the United States.

I will urge the conferees to provide a strong oversight role for the Board, greater ability of the Administrator to manage the day-to-day operations, more flexibility for the Administrator, a more level playing field with respect to cable TV, and other improvements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend my good friend and colleague from Vermont for his leadership on this issue, as well as Senator GRAMM from Texas, and my colleague from Montana, Senator BURNS, and others who are addressing this issue. Frankly, there is a great need in rural America. I compliment him and thank Senator LEAHY for his work.

I am a cosponsor with Senator LEAHY in his efforts not only to help bring faster local-to-local service via satellite to rural America but also to help provide stimulus for more broad bandwidth coverage to rural America as well.

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

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

AMENDMENT NO. 2900

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. LEAHY, and Mr. ROBB, proposes an amendment numbered 2900.

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

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

The amendment is as follows:

On page 25, line 10, insert after ''local television stations'' the following: '', and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 30, strike line 9 and insert the following: ''means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extent practicable, the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike ''(B)'' and insert ''(C)''.

Mr. BAUCUS. Mr. President, I ask unanimous consent that amendment be temporarily laid aside and that the previous amendment then pending be the pending business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak in support of S. 2097, the Launching of Our Communities' Access to Local Television Act of 2000. I commend the senior Senator from Texas, Chairman GRAMM, for the great work he has done to bring the bill to this point. The bipartisan effort he has encouraged and the painstaking process by which he has produced this bill is to be commended. He has done a tremendous job of watching it from the banking perspective to make sure we could have the loan guarantees and that there would be neither favoritism nor the potential of putting banks or other institutions in financial trouble. He spent a great deal of time and effort on it. I appreciate the willingness of all the members of the Banking Committee to work together to get this bill to this point.

As many of you will recall, last year during the appropriations process, this bill would have been a part of that, but there was a lot of concern about how loan guarantees should work, not just loan guarantees for satellite television but loan guarantees, and this is a landmark effort to develop a pattern for banking loan guarantees.

Last November, Congress passed the Satellite Home Viewer Improvement Act to bring the law governing the direct broadcast satellite industry up to date and reflect the current state of technology. As part of that bill, Congress authorized, for the first time, satellite companies to retransmit local stations back into their local markets. However, due to satellite capacity, the two national direct broadcast satellite companies—DirecTV and Echostar—will only be able to serve the top 50 of 210 television markets. That is about 75 percent of the households in the Nation, but that leaves 160 markets, which is 25 percent of the Nation—a very important part, as Wyoming is included in that—without satellite-delivered local television stations. The two media markets in Wyoming are ranked 197 and 199. Remember, we are serving the top 50 out of 210. So 197 and 199 are way down the list, meaning that without some sort of incentive, local television will probably not be available in Wyoming.

The bill before us will provide that incentive. It establishes a Federal loan guarantee program to promote the delivery of local television signals at places such as Wamsutter, WY. The bill provides the criteria to protect the taxpayer to the maximum extent. The Congressional Budget Office estimates this bill could cost American taxpayers about $100 million less than previous versions. There is a cost involved, a potential cost.

The Banking Committee had to balance its need to protect the taxpayer and its need to provide a reasonable incentive to make investing in rural television service a worthwhile project for private risk capital. During the committee's deliberations on the bill, we looked at all the other existing government loan guarantees and examined what either made the program successful or, in some cases, caused it to fail. We have taken great care to ensure the loan program is fair and has the greatest chance of achieving the goal of providing local television service to rural America.

People rely on TV not just for entertainment but for news and weather and special warnings of impending disasters. Children rely on it for educational programming, and soon students will need improved access to the information superhighway. The more rural a person is, the more that person needs to have access to TV for critical information as well as for entertainment. Almost 40 percent of Wyoming television households are satellite subscribers, the third highest penetration rate in the Nation. People are not choosing satellite over cable or some other system but are satellite subscribers because it is the only way to receive any sort of television programming.

Wyoming has television stations in only three cities: Casper, WY, about 48,000 people; Cheyenne, 50,008; and Jackson, which fluctuates during the season but I think is listed at about 6,500 people. The rest of the State is served by stations from out of State or by relay transmitters that bring Wyoming stations to outlying towns.

Wyoming has vast open spaces. The borders on Wyoming are about 500 miles on a side, with that big square out there. It gives us a little difficulty with lapel pins because we are not recognizable.

We have low populations and lots of distances. We have high altitudes and low multitudes. We have tall mountains that make the best efforts by over-the-air broadcasters and cable companies even more difficult. For households that are in remote areas of the State beyond the reach of cable and relay, satellite is the only reliable and cost-effective choice.

But until now, satellite has had one distinct drawback. There was no way to get the news or other local programming through reliable access to a local Wyoming television station. It is doubtful that without some kind of Federal encouragement local television stations would be available to rural households. This bill provides the proper incentive. It gives equal opportunity throughout the United States. It is important to rural Americans, and I do urge my colleagues to support it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I wanted to come back this afternoon—I

talked some this morning—to talk about this bill. It is a very important bill to us. It is one that provides an opportunity for us to have local television in rural areas. There is great support for this idea. We are trying to find a way to put it into the proper perspective in terms of the lending of money to guarantee loans that will cause this to happen—I agree with the chairman—where we have 80 percent of a loan guaranteed by the Federal Government, but that the remaining 20 percent be done in the private sector without further guarantees by the Federal Government, by the taxpayers, so there is that sharing of risk and that incentive to continue to be very careful with these kinds of expenditures. There is no question that this is a somewhat risky operation, something that is new and technically different.

The conversation we are having currently, of course, is to provide an opportunity for CFC, the Cooperative Finance Corporation, to be a participant. CFC was formed in 1969 by the Rural Electric Cooperatives and provides private capital. I have worked with it a great deal, having been manager of a rural electric association in Wyoming for a number of years.

CFC was not created by the Federal Government and does not receive Federal funds. This is a private corporation. CFC has 31 years of experience in lending to rural electric systems, and since 1987 has provided more than $3 billion to rural telecommunications projects.

Our Wyoming rural electrics, starting 15 years ago, were involved in bringing satellite TV to rural consumers and have been doing that from a programming standpoint. Unfortunately, we could not get our local stations, and that is what this is all about. This is something the rural electrics have been involved in for some time.

CFC is AA rated. It has $16 billion in loan assets. Over 31 years, CFC has had only $77 million in losses and has loss reserves of $235 million.

This is a strong organization and one that is capable of doing this work. Furthermore, it is owned and operated by citizens, by rural people, by boards of directors of the rural electrics, by people who are elected to serve.

What we want is to give an equal opportunity for this unit to give loans and to participate as well as others.

CFC has backup lines of credit with 50 banks. These lines of credit amount to about $5 billion. This is a large group. We have heard some information about the allegation that a loan loss by CFC will result in rate increases to 25 million consumers. I think that is very farfetched. I do not believe it is accurate.

If CFC incurs a loss, CFC, as a private corporation, will incur the loss, with no liability to the Federal Government.

If CFC incurs a loss and its interest rates increase, rural utilities are free to borrow from other lenders, including banks and other finance companies.

Co-ops are not responsible for repaying CFC losses or obligations. What we need to do, of course, is to ensure they are treated like others in the private sector. But this idea that they somehow have a special advantage in that any losses can be passed on to rural electric consumers in the electric business is not true. We have heard a great deal about that.

The bottom line is, in the worst case scenario, CFC's rates could increase and co-ops would then borrow from other entities.

CFC is a private cooperative. It is paternalistic to set up this private organization to have people governing under the rules of private sector and private enterprise and to suggest the Senate ought to design for them their rules. I reject that idea.

I am happy to say we are seeking to find some language that will satisfy the need to move forward with this bill and also to provide an equal opportunity for CFC to participate without unwarranted supervision. I am hopeful we can find that arrangement.

We ought to make that discipline work. I think we can, and I certainly look forward to working with others this afternoon so we can pass this bill and move toward rural communications and local-to-local communications.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

The PRESIDING OFFICER. The Johnson amendment No. 2898.

Mr. BREAUX. Mr. President, because an amendment is pending, rather than ask it be set aside to offer another amendment, I will make a few comments about something I intend to do. I am glad the distinguished chairman of the Banking Committee is here, so he has a chance to listen to some of the comments and maybe have a dialog on what I am attempting to do.

First, I congratulate the chairman of the Banking Committee and the Senator from South Dakota and all those on the Banking Committee who have worked so hard to bring this legislation to the floor. It truly addresses a very important need for rural America, and that is the guarantee that people in rural America are not going to be treated as second-class citizens when it comes to their access to the information age.

This legislation addresses a problem of allowing companies that provide satellite television and broadcast signals getting into rural parts of America and providing them the same type of quality information services that someone in the city of Washington, DC, or any of the large metropolitan areas of our country are already receiving because that is where the people happen to live.

The people in rural Texas or in rural South Dakota or the people in rural Louisiana are no less important than people in the large cities of America. Without this legislation, it is very clear that people in these areas will not have access to this information because, in many cases, it is not economically feasible to spend large sums of money to provide information to sparsely populated areas of our country. That is unfortunate, but that is recognizing the way things are.

The purpose of the legislation, as I understand it, is to lower the overall cost of bringing satellite and television broadcast to rural America, something that has almost unanimous agreement and is in the national interest. Without this legislation, people in rural areas would simply not have the same advantages as we do in urban areas. Clearly, this is very important.

One of my concerns, I say to the distinguished managers of the bill, is that when you look at what it costs to bring broadcast signals to rural America, it is not only a question of building satellites for rural areas and moving into these areas.

That represents about 45 percent of the cost of the actual satellite. But getting the satellite, obviously, launched into space represents about 37 percent of the total cost of bringing broadcast signals, through satellites, to any part of this country.

I think you have to agree that a significant cost associated with all of what we are trying to do today is actually launching the satellite into space in order to bring the broadcast signals to all parts of the United States. Forty-five percent is the actual satellite cost; insurance is 12 percent; the ground costs are another 6 percent. But a very significant portion of the cost of bringing a satellite into working condition is the cost of launching it. More than one-third, as I have said, of the cost of the satellite is expended when the actual satellite is launched into space.

Clearly, it would further our goal of lowering the cost of bringing these services to rural America if we could also lower the cost of transportation, which is a very significant cost throughout our country.

Launch costs, obviously, are a very significant component of the overall satellite costs, but I think they can be reduced. That is why I take the floor this afternoon to make a suggestion.

The authors of the legislation, again, who are to be commended for their vision, have clearly indicated that launch costs were on their mind when they crafted the bill.

I was looking at the legislation, and clearly the legislation, on page 30 of the actual bill that is pending before the Senate, talks about the type of loans this bill envisions. It says:

> . . . a loan may not be guaranteed under this Act unless—

It spells out what the ''unless'' is. But what it actually says is that, in other words, it will be allowed if it does the following. In other words, a loan

can be guaranteed under the legislation pending before the Senate if:

the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an unserved area or underserved area . . .

Therefore, the bill, as it is currently pending before the Senate, talks about trying to make loans available to cover a number of things, one of which specifically mentioned in the bill is the launch of satellites designed to bring broadcast signals to rural parts of America.

As I tried to point out initially, 37 percent of the whole cost of this project is in the launching of the satellite. Obviously, without the launching of the satellite into space, you, in fact, are not going to ever complete the rest of the project. I think it is very relevant, when the bill talks about a loan guarantee program, that the launch is listed as one of the means by which broadcast signals are ultimately brought to all parts of America.

I think, for that portion of the industry that launches the satellites into space, the loan guarantee is very important. An interesting thing that I would point out is, when you are in the launch satellite business, when you are in the business of building a spaceship to, in fact, launch a vehicle, you have been competing against other countries where their governments do it. You are competing against industries that are totally financed by their respective governments because it has been in their national interest to do so.

In the past, that is also what we have done in this country through the National Aeronautics and Space Administration, where NASA has used the shuttle to launch the satellites into space, and the taxpayer has been paying for the cost of those vehicles. But, clearly, NASA is getting out of the business. We are trying to say to the private sector: We want you to move into this business. We want you to build the launch vehicles. We want to create a new industry in the private sector, get the Government out of the business of launching broadcast satellites, and let the private sector do it.

But one of the disadvantages our private sector has is that they are competing against other countries that are involved in doing this, and they cannot compete on a level playing field. What we are suggesting is that we help the U.S. industries become involved in this in a competitive fashion, which I think is very important.

U.S. companies that are having to compete against other countries are not able to compete on a level playing field. Therefore, when the country of China or the country of France—highly subsidized by their Governments—is trying to sell their launch vehicles to the United States, obviously, they can do it at a price that makes our companies not able to compete.

I think the authors of the bill are right on target. Some might say: The Government should not be in the business of loan guarantees. It is not a function of our Government. The exact opposite is true.

Historically, the U.S. Government has sought to assist the private sector by saying, we are going to help—we are not going to monopolize it; we are not going to do it, but we are going to help the private sector do it. One way we can help certain activities that are important to our country is by loan guarantee programs.

I point out, for the commercial shipbuilding industry—very important to my State and to the State of the Senator from Texas, as well as all the States along the coast that have the shipbuilding industry—we have had a title 11 shipbuilding guarantee program, in which companies have been able to go into the private market, borrow money from the private sector, from private banks, from private insurance companies, and having a certain portion of that loan guaranteed by the Federal Government. It allows them to get a better interest rate and allows them to get financing for something that may not be able to be financed otherwise.

Where we have tried it before, in the area of shipbuilding, it has worked very well. It has worked at a profit to the U.S. Government because the loans have been paid back. The Government has made money. The work was done. The ships were built. The Loan Guarantee Program was an integral portion of it.

Currently, when you look at whether financial assistance is available in this area in the private sector, without any help from the Government, it is interesting to see what the comments are from those in the financial markets.

We have had hearings on this legislation before the Senate Commerce Committee. One of the companies that does the bulk of financing these launch vehicles is Donaldson, Lufkin & Jenrette. When they testified before the Senate Commerce Committee, as the largest group of investment bankers in the country, they talked about the problem of being hampered by the inability to find the necessary private financing for these types of ventures, particularly when they are, in fact, competing against other countries that are government-financed 100 percent.

They pointed out in their testimony that in some cases the cost of the launch vehicles, and the insurance that goes with it, almost equals the entire cost of the satellite itself. So if we want to help bring broadcast signals to rural areas, we cannot just look at the satellite itself that needs to be constructed, you also need to look at the vehicles that would be built in order to launch those satellites into the sky.

It was really interesting, colleagues, that last week we had the head of the National Aeronautics and Space Administration, NASA, before our committee. Dan Goldin was testifying. I asked him a question about this concept. He said the provision was very innovative. He said this provision:

. . . would help small and big rocket companies to overcome critical barriers so that we have technology that will allow us to improve the reliability ten times and cut their cost by a factor of ten. This will enable us to have private launch services not involving the Government. This bill makes sense to me.

This is the person who is the head of NASA saying that this idea of having a loan guarantee for the launch vehicles is something that makes sense to him, that it would allow us to increase the reliability by 10 times, and that it would allow us to decrease the cost by a factor of 10, which is very significant.

Obviously, we should be looking for more reliable launch vehicles. We should be looking at vehicles that cost a lot less. The Government should not be in the business of building the launch vehicles, but we can assist companies—small companies and large companies—by making it easier for them to get adequate private sector financing for these very important ventures. I have not offered an amendment, I say to the distinguished Banking Committee chairman, because there is an amendment pending at the current time, I did want to outline the concept of an amendment I am prepared to offer, and will offer, as to the feasibility of saying that if you are going to have a loan guarantee program for the actual satellite, there is a desperate need for a loan guarantee program for the vehicles that will be required in order to launch the satellites.

We have in the past used foreign launch vehicles from France, China, and the Ukraine, using Ukraine launch vehicles because there is not an adequate supply of launch vehicles in this country. Those rockets and launch vehicles have been inadequate. They have been imperfect. They have had failures and at a great expense to the satellite industry in this country. How much better would it be if we were to have a viable, growing private industry in this country that were assisted by a loan guarantee program to enable them to get adequate financing in the private sector in order to launch the satellites for the purpose of bringing broadcast signals to rural areas as well as to urban areas in the country.

Due to the fact that an amendment is pending, I will not be able to offer my amendment at this time. I yield the floor until such time as it is appropriate for me to offer an amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I thank our colleague from Louisiana for raising the obvious point that one of the

technologies that would be potentially subsidized under this bill is satellite technology. If you are going to have a satellite, you have to put it into orbit. We have been for some time in the process of trying to commercialize space. There are companies now that are beginning to respond to that potential with real investment and real potential.

The question the Senator from Louisiana asked was, Would not this be a good time to address this additional problem? Personally, I believe this is something that will have to be addressed and looked at. The big difference is, on the loan guarantee proposal before us, we have had a series of hearings. We have gone to great lengths to try to minimize the potential exposure to the taxpayer. We have tried to call in technical expertise to be sure we understand what we are doing.

In terms of expanding this program now on the floor of the Senate to launch vehicles, I don't see how we could possibly get that job done. I think this is, in terms of this bill, a bridge too far. I think it is something that will be looked at. I know, from having talked to them personally, there are at least two private companies that are interested in commercial launching to try to do in America what we are contracting out to France and to China.

We have two problems in considering this today. One is that under unanimous consent, only relevant amendments are in order. This amendment would be deemed to not be relevant, in my opinion.

Secondly, I could do my due diligence as chairman of the Banking Committee to agree to an add-on loan guarantee on the floor of the Senate when we have not held a hearing, when we have not looked at it, when we know relatively little about the technology, the public/private competition, the economic feasibility of the project. We don't have any scoring from CBO as to what it would cost. It may very well be at some point, someday, we will be in a position of looking at the proposal that has been made by the distinguished Senator from Louisiana. I don't believe we are at that point today.

Obviously, the Senator has a right to offer his amendment. I do not believe we should adopt his amendment today. I think we are already carrying a pretty heavy load on this bill. In order for this to go forward as it is now written, the Appropriations Committee is going to have to appropriate a quarter of a billion dollars. I believe we would have a train that would be overloaded if we added this loan guarantee to it today.

I am not hostile to what the distinguished Senator from Louisiana is trying to do. I simply do not know enough about it to make that decision today on the floor.

Before I could get to the point of making a decision on it in the Banking Committee, we would have to meet with a lot of different people, a lot of different competing technologies. We would have to meet with NASA. We would have to analyze this in detail. We would have to do our due diligence. We would have to hold public hearings. We would have to go through a markup in the Banking Committee to try to refine it, as we have the bill that is now before us. We are just a long way from that.

I am sorry I am not in a position of being able to support the Senator from Louisiana. As of today, I am not.

Mr. President, I withdraw amendment No. 2897. That will pull down my amendment and pull down the Johnson amendment with it.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on agreeing to the Bunning amendment, No. 2896.

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. BUNNING. Mr. President, I ask for the yeas and nays on the Bunning amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the vote on the amendment be stacked after the first vote we have today.

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

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will address my remarks to some of the points the Banking Committee chairman made, if he will give me his attention, regarding some of the concerns he raised in his comments about the amendment I outlined but have not yet offered.

On the point the chairman raised, that we do not have a scoring on the amendment, the scoring is very simple. It is $250 million. That is what is authorized. We don't authorize a nickel more or a nickel less. It is not difficult to figure out the scoring and the cost of an amendment that authorizes $250 million. It is $250 million, if that amount is in fact appropriated.

He also said we needed to have hearings on this amendment. The Congress has had hearings on the amendment. We had hearings in the Senate Commerce Committee. We had people from industry testify. We had large and small companies testify. We had the head of the National Aeronautics and Space Administration testify. We had a sufficient number of people testifying about the pros and cons.

He raised the point that we should hear from NASA as to their opinion. I provided the opinion of NASA when I quoted from the statement of the distinguished Administrator of NASA, Dan Goldin, in which he said this amendment could conceivably increase launch vehicle reliability by 10 times and decrease the cost by a factor of 10.

So there could not be a clearer statement. He concluded by saying: ''This bill makes sense to me.'' You can't get a clearer statement from NASA as to what they think about the amendment. There could not be a clearer statement about the cost of the amendment other than the fact that we authorize $250 million, not a nickel more, not a dime less but $250 million.

So it is very clear. One, we know what the costs are; two, we have in fact had hearings in the Senate on this question; three, we have heard from industry, both large companies and small companies; and finally, we have heard from NASA, which said that it makes a great deal of sense to them, including the fact of reducing the cost of launching vehicles by a factor of 10. I don't know who else we can possibly ask to come before the Congress and address this question.

The final point—and I will not prejudge the ruling of the Chair—is on the question of the relevancy. It is clear that the bill before the Senate right now covers the cost of launching satellites to bring broadcast signals to rural America. It is in the bill. The bill clearly says that the loan guarantees are for the acquisition, improvement, enhancement, construction, deployment, and launch of satellites—the means by which local television broadcast signals will be delivered. Well, launching a satellite is absolutely essential and totally relevant to putting satellite broadcast signals into rural America. It could not possibly even be more relevant to the bill before the Senate. The bill itself talks about launching satellites.

My amendment provides a loan guarantee to launch satellites. If that is not relevant, I am not sure what would ever be relevant. We are not talking about germaneness. We are talking about relevant to the bill before the Senate, and this is a loan guarantee for launching satellites to bring broadcast signals to rural areas. My amendment creates a loan guarantee program to launch satellites to bring broadcast signals to rural America. It does it through a different department, but obviously it has to be relevant. You don't have to have exactly the same language in an amendment as the bill for it to be relevant. It has to be relevant to what the bill does that is pending before the Senate. I think the question of relevancy is very clear.

The fact that we have had hearings in this Congress on this specific amendment, and the fact that we have had

NASA testify in favor of this amendment and say it would reduce the cost by 10 times, reduce the liability by a factor of 10, and the fact that we have had industry, both small and large companies, appear before Congress and testify as to their opinions on this means that we have had hearings, we have the support, and it is certainly relevant, and I think it is the right public policy.

While I can't offer the amendment at this time because another one is pending, we will do it at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BREAUX. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky, No. 2896.

Mr. BREAUX. The yeas and nays have not been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. BREAUX. Is it in order to ask unanimous consent to temporarily set aside that amendment in order to offer an amendment?

Mr. GRAMM. Reserving the right to object, people yell at me so much, I don't hear so good. Will the Senator repeat that?

Mr. BREAUX. I am asking to set aside the pending amendment to offer my amendment. Is that appropriate?

Mr. GRAMM. That is fine.

The PRESIDING OFFICER. It is in order to make that request.

Mr. BREAUX. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order to offer my amendment.

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

AMENDMENT NO. 2901

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. BREAUX) proposes an amendment numbered 2901.

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

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

The amendment is as follows:

At the appropriate place insert the following:

Section 4(d)(2)(a) of S. 2097 is amended by striking the word ''launch,''.

S. 2097 is amended by inserting the following Section 5A:

''SEC. 5A. APPROVAL AND ADMINISTRATION OF LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.

''(a) AUTHORITY TO APPROVE LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.—To further the purposes of this Act including to reduce costs necessary to facilitate access to local television broadcast signals in unserved and underserved areas, without unnecessarily creating a new administrative apparatus, the Secretary of Transportation is authorized, subject to the provisions of this Section, to approve loan guarantees relating to space launch vehicles. For this purpose, the credit assistance program established in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, is expanded to include projects for the design, development, and construction of space transportation systems and infrastructure, including launch and reentry vehicles subject to the licensing requirements of Section 70104 of Title 49, United States Code.

''(b) FUNDING.—To fund the cost to the Government of loan guarantees provided under this Section for space transportation systems and infrastructure projects, there is authorized to be appropriated $250 million for Fiscal Year 2001, and such other sums as may be necessary for each of Fiscal Years 2002 through 2005. From funds made available under this subsection, the Secretary of Transportation, for the administration of the program, may use not more than $2 million for each of Fiscal Years 2001 through 2005. For each of Fiscal Years 2001 through 2005, principal amount of Federal credit instruments made available for space transportation systems and infrastructure projects shall be limited to the same amounts set forth in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178.

''(c) REGULATORY AUTHORITY.—To carry out the provisions of this Section, the Secretary shall, within 120 days after enactment of this Act, adopt such regulations as he reasonably deems necessary. Such regulations shall not be inconsistent with the provisions of Section 5 of S. 2097, the ''Launching Our Communities' Access to Local Television Act of 2000.''

Mr. BREAUX. Mr. President, I made remarks earlier about the intent to offer this amendment. I will not repeat the arguments in favor of it. I will only summarize by saying the Senate Commerce Committee had a complete and full hearing. The distinguished chairman of the subcommittee is on the floor today. We had the privilege of hearing NASA Administrator Dan Goldin testify on this amendment, saying it would save as much as 10 times the cost of a launch vehicle and improve the reliability of those by a factor of 10. We are hearing from big launch companies and also small launch companies that are interested in this industry, and trying to improve it.

We had testimony from people in the finance business who speak to the difficulty of getting adequate financing in the private sector because of the questionable nature of the launch vehicle industry and testifying to the fact that a loan guarantee program would be very helpful.

The final point is that when you talk about bringing satellite broadcast signals to rural America, you cannot just talk about the ''big ball'' that, in fact, is the satellite. You also have to talk about how you get the satellite into orbit around the country. Thirty-seven percent of the cost of bringing that broadcast signal to rural America involves the cost of the launch vehicle.

Currently, the United States relies on China, France, Ukraine, and other countries that are not market-based countries but, rather, are countries in which their industry is financed 100 percent by the government. Our companies cannot compete unless we have a level playing field.

Therefore, the concept of providing a loan guarantee program of a definitive amount of money we know will cost $250 million. That is the money authorized. It would have to go through the Appropriations Committee to get the appropriations, but it could not be any more than $250 million to create a loan guarantee where they could go to the private sector and get a loan from the banks. Having a percentage of it guaranteed by the Federal Government is good, sound economic policy. It is good broadcast industry policy. It is a policy this country should embrace. In areas where we have done it before, as in shipbuilding, it has worked very successfully.

I suggest this amendment is very relevant because the bill itself is clear that the Loan Guarantee Program ''is for the acquisition, improvement, enhancement, construction, deployment and launch''—emphasizing launch—''rehabilitation or the means from which local TV broadcast signals will be delivered to an unserved area or underserved area.''

It is clearly relevant, and both amendments are an effort to try to help through loan programs the delivering of broadcast signals to rural America.

This is not a germaneness question. It is a relevancy question. If this is not relevant, I don't know what would be relevant on an amendment on the floor of the Senate.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I said before, I have some sympathy for the Senator from Louisiana. I think this is obviously a very real issue to be considered. But the bottom line is we are on the floor with a bill that has been a year in the making having to do with our goal of trying to see that everybody who lives in rural Texas or rural America has access to their local news and local weather and to the local television station.

You could write volumes about what we don't know about this subject, even though we have worked on it for a year, even though we have had extensive hearings, even though we have had innumerable private meetings, and even though we have gone through a markup in committee where we have

debated it at some length and reached some consensus on it—not total consensus.

The problem with the Breaux amendment is that this is an area, while it is obviously of importance in terms of one potential technology that might be used in the bill—and that is a satellite—we in our bill are not setting out technology as such. We are letting the marketplace decide that. The point is we have had no hearings. We have heard from no one. We have not discussed, analyzed, or studied this in any detail. We are not ready to make a decision on this today.

Under the unanimous consent agreement entered into on November 18, no amendment is in order which is not deemed to be relevant—not relevant to mankind, not relevant to any problem facing us in the future, or any opportunity but relevant specifically to the bill that is pending before the Senate.

I make a point of order that the amendment offered by Senator BREAUX is not relevant.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not relevant and the point of order is sustained.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, I take it that the Chair is not in the position to give a reason behind the ruling.

The PRESIDING OFFICER. The program in the amendment is not what was envisioned by the unanimous consent agreement.

Mr. BREAUX. I inquire of the Chair: Is that not an argument for the question of germaneness as opposed to the question of relevancy?

The PRESIDING OFFICER. Germaneness is a different test which is not at issue here.

Mr. BREAUX. Further parliamentary inquiry: Is not the statement of the Chair relevant to a question on germaneness as opposed to a question of relevancy?

The PRESIDING OFFICER. The statement of the Chair was with regard to the relevancy standard.

Mr. BREAUX. I will not pursue it. Obviously, I accept the ruling of the Chair.

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

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

Mr. GREGG. I ask unanimous consent to speak as in morning business for 10 minutes.

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

TERRORISM

Mr. GREGG. Mr. President, back in February of 1993, as we all remember so vividly, the World Trade Center in New York City was bombed. Over 1,000 people were wounded and 6 people were killed. Two years later, the Federal building in Oklahoma was bombed; 168 people died, including many children.

These two very tragic events highlight the potential threat this country is subjected to and, in fact, has been subjected to in the area of terrorism. The threat of terrorism was further reinforced with the events in Africa where two of our embassies were bombed 3 years ago.

The Commerce, State, Justice, Appropriations Subcommittee, which I chair, directed the Attorney General to develop a plan to address terrorism which would be a Governmentwide plan, an interagency counterterrorism plan. The Attorney General, in a very conscientious effort, put together a 5-year interagency counterterrorism and technology crime plan. It was an excellent proposal. This proposal was put together by the Attorney General 3 years ago. It basically became known as the bible—for lack of a better or more descriptive word—as to how we should proceed in the area of developing a Governmentwide strategy in order to address terrorism, something we hadn't done up until that point.

It wasn't just to focus on Federal Government agencies but, rather, it went beyond that and talked about how we needed to integrate the private sector and State and local governments in our efforts to address terrorism. It had a large number of functions within it, a large number of areas that had to be addressed, as was obvious to those of us who took even a cursory look at the issue of terrorism.

Unfortunately, we, as a culture, were not ready to address terrorist acts because we are an open culture. The essence of our culture is freedom, the ability of people to move freely among our society. It is very difficult for us to deal with people who are willing to kill indiscriminately simply to make their points of view known. It requires a lot of thought and effort for us as a nation to address a problem such as terrorism. That is why we asked for this 5-year plan to be developed.

As part of this 5-year plan, one of the key things we believed we needed to address was the fact that there really wasn't anyplace where all of the issues of terrorism were being brought together. There were something like 43 different agencies addressing some element of the terrorist threat. This was not counting the issues of State and local government involvement and the issue of the private sector. For instance, how would the private sector address a terrorist threat to our power grid and our telecommunications systems.

One of the first things deemed necessary to do was to develop a centralized place where people could go, whether they happened to be in the Federal Government, State and local government, or whether they happened to be in the private sector, a centralized place where people could go and find out how to approach the issue of preparing our Nation to be able to handle the terrorist threat. An office was designated to be created called the National Domestic Preparedness Office, or the NDPO.

The NDPO was essentially to be a one-stop shopping center on the issue of how we address the threat of terrorism as a nation, a very important activity. It was to include participation by DOD, the Department of Defense, by FEMA, by HHS, Health and Human Services, by the Department of Energy, by the Environmental Protection Agency, by the Attorney General, and by the FBI. State and local authorities were to be included for participation in this office. It was to be a central agency which had all the players needed to be at the table—up and functioning and continually available as a resource to address the threat of terrorism.

Unfortunately, this administration has treated the issue of terrorism as a stepchild. When there is a terrorist event, they react. In some instances, they react arbitrarily and ineffectively, as they did in reaction to the African situation where they essentially ended up targeting a facility in Sudan. It is still very much an issue, as to whether the facility was actually producing any chemical weapons. Also, they attacked a facility in Afghanistan. Rather than assisting our ability of tracking down the terrorist Bin Laden, it made it obvious to him that he could never again have a joint meeting of his terrorist forces. Thus, he scattered them to the wind and we have had much more trouble tracking them down.

The response of this administration has been a PR response, to be quite honest, on the issue of terrorism at many levels. When it comes to actually substantively addressing the issue of terrorism, this administration's response from the top has been woeful.

I will acknowledge, in fact I will cite and congratulate, that at the agency level there is an ongoing, aggressive, and very positive effort to address terrorism. But, for some reason, there is an unwillingness in the White House to genuinely focus on this issue in a way that produces results.

One of the most glaring examples of that unwillingness to focus is the fact that the NDPO—the office which was supposed to be the one-stop shopping center for people who wanted to get ready to address a terrorist event—hasn't really been allowed to wither on the vine because they never even planted the seeds to get the vine growing. The office has not been funded. In fact, the travel funds which were supposed to be applied to it have been cut off. The office has been unable to get reprogramming through OMB, even though the Attorney General has requested on a number of occasions to get reprogramming through OMB to allow the office to function effectively.

The FBI Director has not been able to get reprogramming through OMB that has allowed the office to function effectively. The State and local advisory groups which were supposed to be set up to bring the first responders—the local police, local fire, local health officials who have the knowledge and the expertise to do the job right and do it in a coordinated way with the Federal Government—in to advise the NDPO has not been energized in any effective way. We do not get the standardization on equipment we need. We are not getting the leadership from the top that we need in the area of making the States and local people as knowledgeable as we can.

I will say this: At least in the other areas where we are trying to educate first responders, such as our initiatives across this country in education, we are making progress. But the central management agency has been ignored.

We understand the reprogramming that the NDPO needs in order to fund its activities effectively for this year will not be adequately fulfilled. So this agency has been allowed to simply sit there and has not been energized. In fact, as I understand it, the person named director of the NDPO has recently, within the last week, asked to be transferred out of the job. I do not know why he asked for that, but I certainly can guess. I suspect it is because of the frustration of doing a job where he was not getting the support he needed from the White House and from this administration to do it effectively.

Terrorism is not a political event. It should not be used for the purpose of initiating press conferences or trying to drive poll numbers. This is an extraordinarily serious issue. We as a nation need to have a Government that doesn't approach this issue in a manner which involves something less than a total commitment. Yet that is the way it is being approached by this administration and its failure to fund, organize, and energize the National Domestic Preparedness Office.

This same problem was highlighted in a news story in the Wall Street Journal relative to another issue of terrorism. It was again requested by the subcommittee I Chair in this Congress that there be exercises—much like our military undertakes—to determine our readiness to deal with a terrorist event. During the cold war days, if you were in the Strategic Air Command, every 6 months you knew, if you were on a Strategic Air Command air base, at some point during that 6 months you were going to have a full-scale alert, and you were going to have to act as if you were in a confrontation with the Soviet Union.

That was the way we kept our forces current and that is how we found out the problems in our systems. It is the way it is still done in the military. You have what amounts to war games in order to determine whether or not you are ready to participate in a real, live event. Well, terrorism is war. It is war on our Nation, and we know there are people out there who intend to exercise their ability to wage war on America. They have already done it. We need to go through the exercises of determining whether or not the agencies that are going to be responsible to protect the American people are ready to respond in the case of a terrorist event.

So we asked the administration, to pursue exercises to determine whether or not we are ready—mock exercises. These were to take place in three different communities across our country. Now, in a recent report in the Wall Street Journal, it was stated that some of the top agencies that are involved in this exercise are basically taking a laissez-fair attitude toward the exercise and are basically saying that they may participate but participate at a very low level of operations, or they are going to participate with very low level personnel—not that they won't be good personnel, but they won't be the personnel who have the final responsibility in the event of a real terrorist event or attack on our country. That would be unfortunate.

The Attorney General, I understand, not directly but indirectly, believes she is getting commitments from the various agencies to fulfill their role of having senior personnel at DOD, DOE, HHS, EPA, FEMA, and State, and obviously the Attorney General and the FBI—senior personnel—involved in these exercises, so that we know when we have a problem, the people who can resolve them are physically there on site and can observe the problem and can participate in resolving and developing a response to the problem.

Now, the Attorney General tells me, indirectly through my staff, that the news story may not have been completely accurate. But the news story quoted some sources and said certain agencies within the administration were not going to be seriously committed to this exercise. That, again, in my opinion, shows the laissez-fair attitude this administration has taken toward preparing this Nation to address a terrorist event.

As I said earlier, terrorism is not a partisan issue, not a political issue; it is a serious threat to our country. It has to be addressed aggressively and professionally by the agencies that are responsible. The Congress can only do so much. We have funded aggressively antiterrorism efforts. We have set up structures, working with the agencies to try to make sure that we have a coordinated response. We have requested that the agencies involved participate in trying to make sure that they are as ready as possible for a horrific event. But all we can do is fund and request. If we don't get cooperation and enthusiasm and commitment from this administration, then we will not have success.

So I have come to the floor today to highlight what I am very concerned about and what I think we should all be concerned about, which is whether or not there is a sincerity of effort occurring within this administration to get us ready to address a potential terrorism threat to the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

Mr. GRAMM. Mr. President, the chairman of the Judiciary Committee is concerned that some language we took from the Burns amendment, which was in the bill last year, might potentially create some problems.

On Senator HATCH's behalf, I offer an amendment to strike several lines from the bill that have to do with an attempt on our part to guarantee that we weren't changing communication law. But, as often happens, no good deed ever goes unpunished. So we want to strike this.

AMENDMENT NO. 2902

(Purpose: To strike the provisions relating to retransmission of local television broadcast stations)

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

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

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for Mr. HATCH, proposes an amendment numbered 2902.

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

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

The amendment is as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike "**10.**" and insert "**9.**".

Mr. GRAMM. Mr. President, this amendment is a very simple amendment. It simply strikes a line in the bill where we were trying to be sure we weren't changing communication law. On further reflection, we simply concluded that silence is often the best answer on these kinds of issues. This amendment would strike that sentence.

I have not had an opportunity to have anyone on the Democrat side of the aisle look at the amendment. I will just leave this amendment pending.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, it is my understanding the leadership plans a cloture vote on the gas tax at some time later today. Is that the understanding of the Chair?

The PRESIDING OFFICER. The cloture vote has been set to follow the final passage of the pending legislation but no later than 6 p.m.

THE GASOLINE PRICE SPIKE

Mr. MURKOWSKI. Mr. President, I would like to take this opportunity to advise my colleagues why I think it is appropriate that we address some relief for the American consumer with regard to the gasoline price spike that has occurred in this country. I am a cosponsor, with the majority leader, Senator LOTT, and a number of others, of this important legislation that will give us an opportunity to take positive action in a meaningful way to put a brake on the ever-rising gasoline prices that American families face each day.

The American people should have a choice, whether they feel the priority is such that they should have relief from the gasoline tax. I emphasize a choice. I emphasize the American people, through their elected representatives on this floor, have to make a determination that this is a priority because there is no free lunch around here. What we are talking about is a combined bill which would waive the Federal gasoline tax of 18.4 cents. That is a considerable tax. It is even larger when you add the State taxes to it.

When I said there is no free ride around here, what I meant was we have agreed if we suspend the Federal gas tax for the balance of this year, we will also make whole the highway trust fund. That alternative will require that we find considerable funds. But if we guarantee we are going to find them, that means they are going to come through the budget process, from surplus and other areas.

Is this a sufficient priority? There are those who feel very strongly this jeopardizes the highway trust fund. In this bill itself, it says we will hold the highway trust fund harmless. That is a mandate, in effect a promise, to hold it harmless. It does not say where the money is going to come from to offset it.

We are suspending it only for the balance of this year. I have been advised by the budgeteers that this will not jeopardize any of the contracts that are presently let for this construction year or next year that propose to use highway trust fund moneys because those have already, in effect, been designated, earmarked, and so forth. I am not on the Budget Committee, but that is the advice I have been given.

I think Members should understand a little background here. It was in 1993 that the Clinton administration proposed a significant tax on Btus. There was going to be a big tax increase on all Btus—British thermal units. It was going to be based on what you use. We debated this issue at length and we voted down the increased Btu tax that the Clinton administration proposed. However, there was a 4.3-cent-a-gallon gas tax that was also proposed at that time. It was hotly debated. That 4.3-cent-a-gallon gas tax was not designated for the highway trust fund. It was designated for the general fund. That is just where it went.

Of interest to the Chair, perhaps, is how this happened. All the Republicans voted against the tax; six Democrats joined us, and we had a tie vote. Vice President Al Gore sat in the Chair as the Presiding Officer of this body, where the Senator from Utah sits, and he broke the tie. The Vice President has to wear the mantle. That is where the 4.3-cent-a-gallon tax came from. He has to wear the mantle. It did designate the tax would go into the general fund. Later, when the Republicans took control of this body, we changed the designation from the general fund and we designated that 4.3 cents into the highway trust fund.

It should again be noted what this legislation specifically provides because there is a lot of confusion over it. It says in order for the 18.4 cents to be suspended, and this is regular gasoline, the price has to average $2 a gallon. Only then will it be suspended, and only for the balance of this year. And the highway trust fund will be made whole.

I know there are Members who feel uncomfortable about the highway trust fund. But all I can do is make very clear what this bill provides. It provides for full reimbursement of the highway trust fund. But it is not a free ride. The money is going to have to come from someplace else.

The point I want to make, and the appeal to my colleagues and our staffs who are listening, is about the real savings. America's consumers cannot pass on this price increase. If you buy an airline ticket, as my friend from Utah and I do occasionally, to go back to Utah or Alaska, you are paying a surcharge for fuel. You don't know what the tax is on the ticket because the airlines have so many confusing fares you can't figure it out, but a $40 surcharge is in there.

The trucker who comes to Washington, DC, who has a contract for delivery, maybe he cannot pass it on; and the farmer, it is very unlikely he is going to pass it on; nor the fishermen in my State who fuel up their vessels, it is pretty hard for them to pass it on—but the person who surely cannot pass it on is the American consumer, the moms driving their kids to the soccer game. The family bought a utility sports vehicle for convenience. Maybe the SUV does not get too many miles to the gallon. It might have a 40-gallon gas tank. When mom goes to the gas station and fills that up at nearly $2 a gallon, it shoots a pretty good hole in a $100 bill.

The question before us is: Do we want to do something short term, or do nothing, which is what the administration proposes. My colleagues heard the President yesterday. He said we have to develop more dependence on alternative fuels, we have to develop more resources domestically. He does not tell you he is going to open up low-sulfur, high-Btu coal in Utah. No, he says he has made that wilderness, for all practical purposes.

He does not say he is going to encourage exploration on public lands in the Rocky Mountains so that oil and gas exploration can occur in those States in the overthrust area where there is a tremendous potential for oil and gas in Montana, Wyoming, Colorado, North Dakota, Kansas, or Oklahoma, where the small strippers have almost gone out of production because they simply cannot produce at the low prices. They only produce a few barrels a day. My colleague, Senator KAY BAILEY HUTCHISON, addressed that earlier today.

In our long-term package of proposals, there is relief for the stripper wells. There is relief to encourage exploration in the overthrust Rocky Mountain area. There is relief to provide OCS areas for lease—we heard the Vice President say: If I am elected President, I am going to cancel all the OCS lease programs. He does not say where he is going to get the oil to replace that produced under the leases.

Think about what this administration's policy is on energy. One does not have to think very long because there is none. Clearly, our Secretary was sent over to OPEC almost on his knees to beg for production increases. OPEC said they were going to have a meeting on the 27th. He was over there 3 weeks prior to that. The Secretary said: We have an emergency in the United States. They said: We are going to meet on the 27th. They met on the 27th. They did not do anything until the 28th.

I have a chart which shows what they really did. They did this yesterday. Not many people are aware of the realities associated with what has happened to oil and the demand for oil in this country.

To the left of the chart in the red is the total global demand for oil in the world today. It is about 76.3 million barrels per day. To the right of the chart is the production and where it comes from: 45 percent from non-OPEC, 23 percent from OPEC, 5.6 percent other OPEC.

My point is, actual production is 75.3 million per day, but the demand is 76.3 million per day. There is a 1 million-barrel-a-day difference. There is a greater demand than supply. When there is this kind of situation, we have price spirals.

I want to point out and make sure everybody understands what happened

yesterday with OPEC. I am really amazed, with the exception of the Wall Street Journal and a few other folks, the media has not really delved into this. When OPEC met last year, they decided they were going to produce 23 million barrels a day. They promptly began to cheat. They overproduced. They produced 24.2 million barrels a day. The difference between what they said they were producing, 23 million barrels a day, and what they were actually producing, 24.2 million barrels a day, is 1.2 million barrels a day. The difference between the 1.2 million barrels and 1.7 million is 500,000 barrels a day. That is what they are actually producing.

Here it is. They were cheating 1.2 million barrels a day. As I said before, they started out with 23 million but were actually producing 24.2. The difference between 1.2 and 1.7 is 500,000 barrels a day, and that is exactly what we got. That is the actual new production. It is not 1.7 million barrels a day, it is 500,000 barrels a day.

Let me take it one step further because this really excites me, and that is, what our share of OPEC oil has been. Our share has been about 16 percent. If we got another 500,000 barrels increase—remember, this does not go just to the United States, this goes to all the customers of OPEC all over the world. The U.S. share is about 16 percent. So that amounts to about 79,000 barrels a day.

With the help of some of my staff and the AAA, we determined the immediate metropolitan area of Washington, DC, uses 121,000 barrels a day. This means that with the 500,000 new barrels, we are not even standing still.

I do not want to put too much of an arithmetic load on my colleagues, but there is one more figure they ought to know about, and that is the little secret of the administration and the Department of Energy they did not want you to hear. They did not want you to find out what was written between the lines of the OPEC agreement. Here it is. Buried in the agreement is what they call a ''price band'' provision to keep the prices between $22 and $28 a barrel. We have seen prices for oil go up to $34. A year ago, that price per barrel was at $10 and $11.

This is a unique arrangement, but our friends in OPEC are unique in their craftsmanship of what is in their best interests. The arrangement calls for producers to increase output 500,000 barrels—remember where you heard it. That is the 500,000 that is the actual increase. They said:

> The arrangement calls for producers to increase output 500,000 barrels per day on a pro rata basis if oil prices remain above $28 for 20 consecutive days.

My friend, I am a businessman. I understand the fine print of an agreement, but I do not think the folks down at the White House do or, if they do, they do not want you to know about it. This agreement further states that OPEC will also cut from production—there it is, cut from production, cut from their 1.7 million-barrel promise, or really the 500,000 barrels a day. They will cut from production by that same amount if prices fall below $22 for more than 20 days. They have set a ceiling, and they have set, obviously, a cellar.

OPEC or the Clinton administration has made no acknowledgment of this in their announcements. Isn't that rather curious? We talk about significant relief. If we have this kind of a deal, I do not know from where the significant relief is going to come. Under this agreement, one can easily see that the price of oil is going to hover around $28, maybe as high as $34 per barrel for extended periods or until OPEC meets again.

I urge those in the media and my colleagues, and particularly their staffs who are a little bit curious, to read today's Oil Daily, page 2. It is all spelled out under the headline ''OPEC Bases New Production Strategy on Price Band Experiment.''

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Oil Daily, Mar. 30, 2000]

OPEC BASES NEW PRODUCTION STRATEGY ON PRICE BAND EXPERIMENT

(By Toby Odone and Barbara Shook)

Buried in the furor over Iran's refusal to go along with other Opec members in raising oil production is a highly innovative price band mechanism, designed to keep prices within a range of $22 to $28 per barrel for the Opec basket.

The arrangement calls for producers to increase output by 500,000 barrels per day on a pro-rata basis if oil prices remain above $28 for 20 consecutive days. They also will cut production by the same amount if prices fall below $22 for 20 consecutive days.

Opec delegates were hailing the new accord as a breakthrough that for the first time guarantees minimum national revenues, making budget-setting and fiscal planning less hazardous. In addition, it potentially provides the market with the stability that producers and consumers, primarily from the U.S., have been calling for loudly in the past few months.

Nevertheless, should the nine countries that have adopted the new policy adhere to its terms, the upper limit of the new arrangement could see the price for West Texas Intermediate (WTI) rise above $30. On several occasions, the U.S. has said this level is too high, just as last year's $10 was too low.

Even Iran, which is not party to the new quota accord, says it would go along at least with the concept of the price band mechanism. Its production level would be the same volume as the base for the now rolled-back March 1999 agreement. Adjustments, however, would be made as Iran reads the market, not according to the Opec formula.

Opec made no mention of the new price-band mechanism in the official communique issued early Wednesday after a marathon six-hour negotiating session.

Word of its proposal was beginning to leak out, however, even before the session ended, as delegation sources told EIG's Energy Intelligence Briefing (EIB) that some ''innovative and flexible'' new terms were under discussion. Several ministers also referred obliquely to a price range rather than a specific target such as the $21 that has been on the Opec books since 1990. Saudi Oil Minister Ali Naimi talked openly of a $20 to $25 price range.

The official communique also made no mention of the future roles of non-Opec exporters Mexico, Norway, Oman, Angola, and Russia. Opec simply thanked them for their assistance in earlier efforts to stabilize markets.

On Wednesday, delegates told EIB that the non-Opec countries appear to be released from their commitments to shut in output.

Outside of the Opec Secretariat, Iran continued to express its irritation with U.S. intervention in the organization's proceedings.

''Intervention was beyond expectation,'' an Iranian delegate stated. None of the US's action was needed because Opec and its allied nonmember exporters were aware of the market and prepared to respond to increasing demand, he said.

''We were here to accommodate the market. We came here to increase production,'' he said, adding that he believes the US has damaged its image by its interference with and imposition of its position on a group of sovereign nations.

He also suggested that US actions both now and last year put Opec in a bad light. ''We were discredited,'' he said. ''When we cut the production we were blamed. When we increased the production we were blamed.''

The Iranian delegate refused to criticize ministers of other countries directly, but he did indicate strong displeasure with what he said was a prearranged agreement formulated by the US. ''We are not here to rubber-stamp agreements,'' he said.

At the same time, he stressed, Iran is not trying to undermine Opec as an organization. Iran would have supported an increase of 1.7 million b/d if it had been accomplished in two stages, starting with 1.2 million b/d. At the same time, Iran will not give up any market share by withholding its barrels. ''We would at least do the minimum that would have been allocated,'' he said. Output will be adjusted up or down as the market dictates.

One market that will not influence any Iranian action is the US. ''The US should not have expected any more than what we did because Iran does not have an interest in the US market,'' he declared. ''Had it been a different situation, Iran might have acted differently.''

Some observers questioned the whole scenario here, wondering if Saudi Arabia and Iran weren't playing a high-stakes international version of ''good cop, bad cop.''

They cited the high price range of the Opec basket relative to WTI as one example of the bad-cop side, with the output increase as the good cop angle. In the process, Saudi Arabia, Kuwait, and the United Arab Emirates could appear to be cooperating. Iran, which had nothing to lose but the sale of a few bushels of pistachios, could represent Opec's continuing independence from outside pressure.

Most Opec ministers and their delegations left Vienna on Wednesday fully expecting prices to stay firm, despite some analysts' suggestions that discord in the organization might herald a sharp sell-off. However, Opec insiders pointed out that the new price mechanism may forestall countries' normal inclination to cheat.

NEW OPEC QUOTAS

[Thousands of b/d]

	Apr. 1	% chg.
Algeria	788	7.8
Indonesia	1,280	7.8

NEW OPEC QUOTAS—Continued
[Thousands of b/d]

	Apr. 1	% chg.
Kuwait	1,980	7.8
Libya	1,323	7.8
Nigeria	2,033	7.8
Qatar	640	7.9
Saudi Arabia	8,023	7.9
UAE	2,845	7.9
Venezuela	2,845	4.6
Total	21,069	
Assumed others:		
Iran	3,623	
Iraq	2,400	

Mr. MURKOWSKI. Mr. President, now they are experimenting on us with this price band. That is a pretty dangerous precedent to set, but, nevertheless, we have become so beholden to OPEC, we are 56-percent dependent on OPEC.

The occupant of the chair remembers the Arab oil embargo in 1973. We had gas lines around the block. A lot of people were unhappy. Oil was more than $30 a barrel. We were excited here. We were concerned. We said: We will never allow exports to get to a level of more than 50 percent. We created something to ensure that we had some relief. We created the SPR, the Strategic Petroleum Reserve. We wanted to have a 100-day supply. I think we have a 56-day supply in the SPR today.

Now some people say: We have an emergency. Take the supply out of the SPR. Think about that. It is very dangerous to use your reserve to manipulate prices. You can only draw about 4 million barrels a day out of the Strategic Petroleum Reserve, which is located in the salt mines of Louisiana. If you take it out, remember, you have to refine it. Then what are you going to do for a fallback in a real emergency?

OPEC is watching what we do. If we pull down our Strategic Petroleum Reserve, we become that much more vulnerable and, as a consequence, more likely to be held hostage.

As we address what we are going to do this afternoon, again, I reiterate, is the priority here for a short-term fix for the American consumer not at the expense of the highway trust fund but at the expense of making it up through the budget process some other way? I think that is a legitimate question.

When you pit what we are attempting to propose on this side of the aisle, which is some kind of relief, to that proposed by the other side of the aisle, which is no immediate relief, the difference is clear. The Administration suggests only that we develop alternatives, and that we have conservation, all of which are worthwhile. But those goals are not going to help mom today on her way home with the kids from the soccer game when she has to fill up the sports utility vehicle and it is going to cost her $80. It is not going to help the farmer. It is not going to help my fishermen. It is not going to help the truckers. They want relief today to stay in business.

We have that opportunity. We are going to make that choice. It is a choice. It is a legitimate choice. It is a matter of determining where the priorities of this body are.

We have a lot of options. We have some specific proposals for the short term and the long term that I think deserve consideration. Because if you look at the other side and the administration proposals, it is pretty hard to find anything this specific.

The American people are saying: Hey, we have a crisis. We have a problem. The difficulty I have, to a large extent, is where we are seeking relief. We are not only limited to petitioning OPEC.

Let's take a look at our friend, Saddam Hussein, in Iraq. I have a chart that I think shows and tells more than I can say in a few words. This shows the Iraqi oil exports to the United States. There is virtually nothing in 1997.

But we all remember in 1991 we fought a war over there. We sent young American men and women. We had 147 casualties in that war—147. We had 423 who were wounded. We had 26 who were taken prisoner.

That war was in 1991. But what about the American taxpayer? What happened? You remember, we have been enforcing the no-fly zone over there. We have troops stationed around there. We have the fleet. We have been keeping Saddam Hussein fenced in, if you will. The cost to the American taxpayer has been $10 billion. That is what it has cost in the last 9 years. The administration does not factor that in.

When we look at our fastest growing source of imported oil coming into the United States, it is coming from our good friend, Saddam Hussein. Incredible. I am indignant over it. I don't know about you and my colleagues.

Last year, we imported 300,000 barrels a day from Iraq. This year we have imported 700,000 barrels a day.

The day before yesterday the Department of Commerce issued a release on sanctions for some of the technical parts that are needed within Iraqi refineries to increase their production by an additional 600,000 barrels a day. We are certainly cooperating with Saddam Hussein. Where do the profits go? We suspect they probably go to the Republican Guard who have something to do with keeping Saddam Hussein safe. It is questionable if funds really go to the people of Iraq.

I was looking at some figures the other day. As we rely on the Mideast, I think we should be reminded that what is happening here is we are enriching the Mideast, the Arab oil empire.

As I said, in 1973 we were 36-percent dependent. Today we are 56-percent dependent. But the startling reality is—and you may not believe history teaches anything; some people say it does not teach much—but the forecast that the Department of Energy has publicly put out is that we will be importing 65 percent of our oil by the year 2015 to 2020.

Currently, we receive 46-percent of our oil from OPEC; that is, on the 11 OPEC nations. Are these countries that we can depend on? How stable are they? What is the risk to Israel as a consequence of the difficulties and distrust in that part of the world?

The U.S. has economic sanctions on 8 of the 11 OPEC countries. What for? For human rights abuses, drug trafficking, terrorism, weapons of mass destruction. On the other three countries of OPEC, to name two, Algeria and Indonesia, they are certainly among the least stable nations in the world.

Are we through there? I don't think so. Six OPEC nations even have State Department-issued travel warnings against them. I ask you, if it isn't safe for Americans to travel there, is it safe to rely and entrust our energy security to those countries?

I was looking at some material which I think I have here. It is kind of startling because I think we had some reference by Senator LOTT who is concerned about our increasing support of Iraq and the realization that Iraq is creating a missile capability. I wonder for whom those missiles are designed. Mideast countries? Israel? Who is to say? But we are enriching and we are making possible the cash-flow that Saddam Hussein has; otherwise he would not have the cash-flow.

As we look at that energy policy that I talked about, although it is pretty hard to identify. It certainly is to import more. It does not suggest we develop domestic resources in this country. We have the technology to do it safely. We know that.

There is a great hue and cry by the administration against opening up the Arctic Coastal Plain. In my State of Alaska, we have been contributing 20 percent of the total crude oil produced in the United States for the last 23 years. We have a pipeline that is 800 miles long. It has withstood earthquakes and it has withstood dynamite, shots fired at it.

We have an area in Alaska that I can show my colleagues on a chart relative to the location and a brief description of where it is, because it is important that you understand a few things.

This morning I had an opportunity to speak on C-SPAN. One of the callers asked: Senator, you would like to open up the Coastal Plain, but why don't you put the rest of it in a wilderness or put it in a refuge or something?

I will shortly have a chart to show you we have already done that. We have 19 million acres in what we call the Arctic National Wildlife Refuge. This is an area that alone is 19 million acres. It is about the size of the State of South Carolina. We have already put 8 million acres in a permanent wilderness, 9.5 million acres in a refuge permanently. But we left for this body to determine whether we could safely initiate exploration in what they call a 1002 area, which is 1.5 million acres. That is all. The question is, Is this the time to bring in the environmental community to work with us to open it safely because we have an abundance of

capacity? This is the area I am talking about specifically. This is the 19 million acres. This is the refuge, 9.5 million acres; this is the wilderness, 8 million acres; this is the Coastal Plain, 1.5 million acres. The footprint would be 2,000 acres, if the oil is there. We have the pipeline right over there. The President vetoed this in 1995. If he had approved it, we would have production today. We have an availability of 1 million barrels a day in this pipeline right now. We have the overthrust belt, as I have indicated. We have OCS. We have the Rocky Mountains. But there is no effort by the administration for domestic production.

For those who wonder what it is really like up there and have never been there but are experts on it, who speak on the floor with profound knowledge and have never been to Alaska, let alone the Arctic, this is the Arctic Slope of Alaska. This is a rig. This is what it looks like 8 months of the year. This is winter. It is a long winter. It is pretty dark. This is an ice road. This is an ice pad. They build it up with water and ice so the footprint is minimum. Here is the same picture in the summer. The summer should be 4 months, but it is really only about 3. This is the tundra. That is the footprint. That is reality. It is awful hard to get people to come up and look at it and recognize it for what it is.

We are concerned about some of our friends, legitimately so. These are legitimate friends. They are going for a walk. Where are they walking? They are walking on the pipeline. It is warm. They don't get their feet cut. Here are three bears, right at home. That is not a prop; that is real.

We have a few more friends; we are concerned about these friends. Here are some of our friendly caribou. There you have it. That is Prudhoe Bay. That is technology that is 30 years old. No guns allowed; you can't shoot them. You can't run them down with a snow machine. When we started Prudhoe Bay, we had 3,800 caribou. Now we have a herd of more than 18,000. I don't know whether that convinces anybody that we have a sensitivity about the environment, that we can work with our technology and do it right. If we get an opportunity for people to objectively take a look at the job we have done, the technology we have developed over the years, and the opportunity we have to contribute to the energy security of this country as opposed to more dependence on imports, they usually agree with us.

That is where we are. I will conclude with a short rundown of the long-term and intermediate relief that we have proposed within our caucus to provide an opportunity to Members of this body to address what kind of relief they want. I have spoken to the gas tax. I have enunciated quite clearly that we do not have at risk the highway trust fund. That will be made whole. I have explained in detail that this measure would suspend the tax until the end of this year only, that it would come on only if the average price of gasoline got to $2 a barrel, and that the 4.3-cent-a-gallon tax originally did not go to the highway trust fund, it went to the general fund.

I conclude with what we are going to present to this body in our legislative package, which is some kind of a relief for the Northeast on crude oil storage, for not only crude but heating oil. They have been hit very hard, and they are going to be hit harder when they generate electricity this summer. A lot of it is going to be generated from fuel oil. They are going to be paying perhaps a third to two-thirds more for electricity because that is what comes on the line last. As a consequence, the costs associated with all other forms of energy raise up to the last energy source that contributes to the power pool, and that will be fuel oil.

We are also going to look at an effort to address the difficulty with the stripper wells by establishing some kind of a bottom price level where, when oil gets very low, they can still stay in existence. Make no mistake about it, the strippers make a tremendous contribution. We can't afford to lose them. They are all over Oklahoma. They are in Kansas, in many States. Senator KAY BAILEY HUTCHISON has legislation to address their survival.

We have legislation for delay of rental payments, to allow expenses for geological and geophysical costs, percentage depletion legislation, NOL carrybacks, marginal and inactive well tax credits, language to address opening within the overthrust belt on public lands.

Obviously, we are interested in coal because coal can play a major role in the power source needs of this country. This administration proposes to close eight coal-fired plants. They claim the management of those plants is going to be held criminally liable because they have intentionally extended the life of these plants that were grandfathered. That is the full employment act for the lawyers. They have no idea of where they are going to pick up the power to substitute for these plants.

We can address coal through technology, given the opportunity. The administration doesn't have a plan for coal. What are they doing with nuclear? Nothing. They won't address the problem of what to do with the waste. On the West Coast, they will not do anything about hydro. They are proposing to take the dams down. I don't know how many hundreds of trucks a day are going to be on the highways of Oregon if they take those dams down. Grain will be moved by truck rather than barge, contributing to more gas usage and more pollution.

The Administration says, we are going to move to increased use of natural gas. If you read the National Petroleum Institute figures, we are using 20 trillion cubic feet of gas now. In the next 15 years, we would be up to 31. We don't have the infrastructure to deliver it. We will have to invest $1.5 trillion for that infrastructure. But, the gas is not available for exploration because they won't let us have access to public lands. So gas is not the answer.

If you look at what we are attempting to do as opposed to what the other side has proposed, which is what? Alternative energy, conservation, some tax breaks—I am all for those things. But we have to do something right now. We have a plan. And if it is a priority and deemed a priority by this body, then you have a choice. You have a choice of whether to vote for the gas tax suspension for the balance of this year, if you feel that is a priority or you don't. It will not jeopardize the highway trust fund. Again, it is no free ride. We will have to find that money someplace else.

I could go on at length, but I felt it necessary to make this presentation to ensure that we had a fair understanding of what we are proposing in our caucus for immediate, interim, and long-term relief options against what you are hearing from the other side. I wanted you to know what we can do domestically to relieve our dependence on imported oil. And, I wanted to point out what the administration says we got the other day compared to the reality of what we got when we read the fine print.

It appears that our negotiators got the short end of the so-called stick because that increase, again, was only 500,000 barrels a day. It has a floor and a ceiling: a $28 ceiling; a $22 floor. If you think we will see oil cheaper than that, it simply is not going to happen.

If any Members would like to discuss with me just what is in this highway tax bill, please don't hesitate to do so.

I yield the floor.

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000—Continued

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Minnesota.

Mr. GRAMS. What is the order of business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 2902.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak up to 10 minutes in support of S. 2097.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I will not object, I ask unanimous consent that I be recognized following Mr. GRAMS to speak out of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise this afternoon to express my strong support for S. 2097, the Launching Our Communities Access to Local Television Act of 2000. I also commend Senator CRAIG THOMAS and Senator TIM

JOHNSON for the work they have done. They have been on the floor today talking about this bill; more important, they have been working for days, weeks, and even months trying to put this bill together. I really thank them and commend them for all the work and effort they put into getting this bill to where it is today.

During the 106th Congress, few issues have generated as many phone calls, letters, and e-mails to my office as those opinions expressed by rural Minnesotans concerned about the future of their satellite television programs.

In recent months, Federal district court decisions terminating the satellite signals of thousands of satellite subscribers and the uncertain status of the Satellite Home Viewer Act have caused unnecessary frustration and inconvenience for Minnesotans who depend upon satellite television for informational, education, and entertainment programming on a daily basis. For these reasons, I am very pleased to have supported the enactment of legislation last year that reauthorized the Satellite Home Viewer Act.

The Satellite Home Viewer Improvement Act has begun to encourage greater competition between the satellite and cable industries while also providing consumers in the top television markets with the benefit of ''local-into-local'' television programming. Additionally, this law has protected existing satellite subscribers from having their distant network signals terminated and reduced the copyright fees paid by satellite providers. This reduction in copyright fees has helped to make satellite service more affordable to consumers, particularly in rural areas.

I also recognize that millions of Americans in small, rural areas have not begun to enjoy the local-into-local programming because satellite carriers do not have the capability to provide this service into small, rural areas immediately. In fact, two of the largest satellite providers, DirecTV and Echostar, have testified that their companies will initially provide local-into-local service to households in the top 50–60 television markets. Thus, approximately 150 television markets such as the Duluth-Superior, Rochester, and Mankato television markets in Minnesota will not receive this programming as quickly as urban markets.

I firmly believe that Congress should ensure that rural America receives the benefits of this technology and local-into-local programming. For these reasons, I have been working with my colleagues on the Senate Banking Committee, industry groups, and consumers to pass the ''LOCAL TV Act.'' This legislation would establish a $1.25 billion loan guarantee program to facilitate access to local television programming in rural Minnesota communities and throughout the country. Importantly, the LOCAL TV Act will help to facilitate local-into-local programming without mandating a specific technology to provide this service and thereby encouraging competition and innovation by independent cable companies and satellite providers.

I was very concerned that this legislation excludes several private lenders from providing the financing to ensure local-into-local programming throughout rural communities. Specifically, the LOCAL TV Act provides that the federal government will guarantee 80 percent of any loan that is provided by FDIC insured depository institutions. So far, so good.

Mr. President, limiting the guarantee to 80 percent assures that whichever lending institution provides the financing will have very good reason to give the loan request extensive scrutiny to justify the 20 percent of the loan which is not guaranteed and perhaps decide not to lend. This careful scrutiny would be less assured if we allowed 100 percent government loan guarantees.

I also support authorizing the FDIC insured lenders to have the opportunity to participate in the loan guarantee programs. However, the bill currently excludes certain private sector lenders which have substantial experience providing multi-million dollar loans in a coop environment and which have a track record of support for projects of this size in rural areas.

For this reason, I have joined with Senators JOHNSON and THOMAS to introduce an amendment to this bill which will expand the list of eligible lenders. Specifically, the Johnson-Thomas-Grams amendment requires eligible lenders to have at least one issue of outstanding debt that is rated in one of the three highest rating categories by a national statistical rating agency. This provision will ensure that our expanded list of lenders will have been subjected to rigorous marketplace scrutiny. The process of achieving one of the three highest investment grade ratings involves an intense review of the lender's capital strength, lending expertise, and loan loss experience.

The wording for this amendment is almost identical to wording which this body utilized last fall when we passed S. 900, the Gramm-Leach-Bliley bill. In that landmark legislation, the test of marketplace scrutiny was used to determine which of the top 50 national banks could conduct expanded activities in a bank subsidiary.

The theory we used was that marketplace discipline is an important threshold in sorting the qualified from the unqualified. That same approach is being put in place here.

Lastly, our amendment also requires an eligible lender to have provided financing with outstanding debt from the Rural Utilities Service. This provision is important because the underlying bill authorizes the Rural Utilities Service to be the administrator of the loan guarantee program.

The second part of this provision states that the approved lender must demonstrate to the loan guarantee board that it has the expertise, capacity and capital strength to provide financing pursuant to the act.

Mr. President, I believe the Johnson-Thomas-Grams amendment will strengthen the LOCAL TV Act and ensure that rural Americans will soon enjoy the benefits of local television programming. I am pleased that Chairman GRAMM has been working to accommodate our concerns and strengthen this legislation.

Mr. President, again, I commend and thank very much Senators CRAIG THOMAS and TIM JOHNSON for all their hard work in making this legislation possible. I urge everybody's strong support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I ask unanimous consent that the prior order to allow Senator BYRD to follow Senator GRAMS be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise, first of all, to support S. 2097, the LOCAL TV Act of 2000.

I ask unanimous consent to withdraw the amendment I had previously offered and on which the yeas and nays were ordered.

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

Mr. BUNNING. Mr. President, I want to make a few comments about the mistaken identity by the National Association of Broadcasters in relationship to my amendment. What we have tried to do, and what this bill has successfully done, is allow most of the areas in the United States to have access to dish or satellite television. But there are areas that have been excluded. I will give you an example of some of those.

Areas are excluded when most of the television stations that are received instate are based out of the State. I use Kentucky as an example. If you want to hear something in Kentucky and you don't live in Louisville or Lexington, or a couple of other smaller cities, such as Bowling Green and Paducah, you must get your television news, sports, entertainment, and everything, from out of State, a different ADI, such as Cincinnati; Charleston-Huntington, WV; Knoxville, TN; Nashville, TN; Evansville, IN; and on and on and on.

This bill does not adequately cover those areas because it says generally if you are brought in an ADI area that is covered by an out-of-State television station, you must accept that. There can be exceptions. But, living in Kentucky, I surely don't want to have to watch Atlanta television, or Atlanta news, or, for that matter, Cleveland, OH, news on my satellite dish. I know most Kentuckians don't want that.

Of all the issues that have come before the Senate, this has been the one on which I have received the most information. I received a paper put out

by the National Association of Broadcasters that criticized my amendment to allow all or at least require one of the local markets in Kentucky to carry it on the dish or on the satellite. It said it ''destroys the network affiliation relationship.'' But that is hogwash. It does not destroy that. It just means that the people in certain areas don't want to watch New York television as the thing they get on their dish. If they are only going to go down to the first 60 major markets in this country, that is what we are going to have to do in many of the rural areas.

This loan guarantee program that we have will cover an awful lot of other areas. But South Dakota, North Dakota, Wyoming, Montana, and plenty of areas in this country do not have major markets and don't carry all four—ABC, NBC, CBS, and FOX—and will no doubt not have the coverage they might like to have in their area.

''Undermines localism'' is another thing the National Association of Broadcasters has said about the amendment I just withdrew.

Am I going to watch a local station from Paducah and go down there and buy something that has been advertised on a Paducah station if it is carried on my dish? Of course not. I am going to go to my local store, or wherever it might be, and buy the exact same thing that is available in my local area. I can pick up a local station out of Cincinnati with rabbit ears. I don't need a dish for that.

It ''creates two classes of satellite viewers''—no, it doesn't. We all pay almost the same amount for basic satellite television. My amendment did not change that.

''Flies in the face of both copyright and communication laws'' —not being a lawyer, and having dealt only with the prior law we passed last year, I know full well it doesn't violate any of those provisions in that law we had on the floor of the Senate.

Last, but not least, it says, ''it creates a huge regulatory disparity.'' No other multichannel video provider has nearly such an extensive ''must carry'' requirement. We don't want them to carry every station in Kentucky. We want them to carry one that has four of the major networks. That is what we want.

We will work it out later. I have talked with Senator BURNS, who is most expert on this, and I hope to work with Senator MCCAIN on Commerce to get this done. This is not the time nor the place to fight this fight. I will fight it another day at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think while we have looked as if there was inaction and chaos all afternoon—it felt like it at various moments—the truth is, we have done our work.

Senator BAUCUS has an amendment which I intend to accept. Senator HATCH as a second-degree amendment. I will be supportive of both the second-degree amendment and first-degree amendment. We will accept those.

Senator JOHNSON and I have worked out differences. We will accept that amendment.

We will then be ready for a vote on final passage.

Senator BAUCUS may offer his amendment when he is ready. I have already offered the amendment for Senator HATCH. If Senator JOHNSON wants to offer a second-degree amendment to it, he can. If not, if someone will pass it to me, I will do it.

We are putting everybody on notice that we are coming to the happy hour. We should be able to finish our bill in about 15 minutes. People can start moving in this direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2900, AS MODIFIED

(Purpose: To make minor and technical changes.)

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

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Montana (Mr. BAUCUS) for himself, Mr. LEAHY, Mr. ROBB, Mr. STEVENS, Mr. WELLSTONE, Mr. KENNEDY, Mr. BURNS, and Mr. MURKOWSKI, proposes an amendment numbered 2900, as modified.

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

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

The amendment is as follows:

On page 25, line 10, insert after ''local television stations'' the following: '', and related signals (including high-speed Internet access and National Weather Service Warnings),''.

On page 30, strike line 9 and insert the following: ''means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service Warnings),''.

On page 33, line 19, strike ''areas,'' and insert ''areas and the number of States (including noncontiguous States),''.

On page 33, beginning in line 22, strike ''estimated cost per household to be served.'' and insert ''efficiency in providing service given the area to be served.''.

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extend practicable, the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service Warnings).

On page 33, line 24, strike ''(B)'' and insert ''(C)''.

Mr. BAUCUS. Mr. President, this is an amendment to which the chairman of committee has graciously stated he agreed. This is a modification of an earlier amendment I provided. This amendment essentially provides that related signals, including high-speed Internet access and National Weather Service warnings, be included in the criteria when the board decides which loans to guarantee in providing for local-into-local service.

One of the modifications, frankly, is as follows: Including noncontiguous States.

I chuckled a little bit because that is Alaska, which is wonderful. But it also is a technical matter that makes it more likely it is not necessarily constrained by otherwise constraining language.

The amendment basically says that, to the maximum extent practicable, the board should give additional consideration to projects which also provide related signals—again, including high-speed Internet access and National Weather Service warnings.

The whole point is, we have an opportunity to help provide broad bandwidth Internet service to rural America while we are now passing legislation which gives incentives to provide more local-into-local television coverage to rural America. I believe we should take advantage of that opportunity and give a little boost and a little preference to those applicants who will provide that additional capability.

I want to sort of chime in on the point the Senator from Texas was making about the floor looking as if we were not doing our work. There was a group of Montana high school students here about 2 or 3 hours ago. They asked me, Why aren't there more Senators on the floor and why are we not doing business? I explained to them, as the Senator from Texas essentially said, that a lot of work is not done directly in debate but there are negotiations and kind of behind-the-scenes work going on to work things out. I compliment the Senator for his work in helping us accomplish that objective.

Before I finish, I also want to pay particular compliments to not only the Senator from Texas but to my colleague from Montana, Senator BURNS. Senator BURNS has been very active in helping provide both local coverage and satellite coverage. I want to particularly note that; in addition, certainly managing a bill of this size, Senator JOHNSON as well as Senator LEAHY from Vermont.

There are a lot of people who worked on this. We are making progress. Sometimes it is a little slow. It is not very expeditious, but that is the nature of our democracy. I thank them.

Mr. GRAMM. Mr. President, I thank Senator BAUCUS for working with us on the amendment. We are supportive of the amendment and we accept it.

Mr. STEVENS. Mr. President, I am pleased the amendment I cosponsored was agreed to.

That amendment did three important things. First, it made clear that any plan put forward to provide local broadcast signals to rural areas takes into account service to Alaska and Hawaii. Under my amendment these noncontiguous States are elevated from afterthoughts to priority consideration.

We also altered another priority in this bill that could have inadvertently penalized the most rural States. Originally the bill mandated that the cost

per household of providing service be a top priority.

Such a provision sounds good on its face but the high cost of service to outlying areas is one reason why the incumbent satellite and cable providers are not serving our areas. My amendment doesn't remove cost as a factor, but it ensures that rural states aren't penalized when proposals are made.

Finally, this amendment includes language that would allow high-speed internet access to also be supported by the loan guarantees.

I thank Senators BURNS, BAUCUS and LEAHY for their help.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2900), as modified, was agreed to.

AMENDMENT NO. 2902, AS MODIFIED

Mr. GRAMM. Mr. President, I send a modification to the amendment I previously sent forward on behalf of Senator HATCH.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2902), as modified, is as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike "**10.**" and insert "**9.**".

On page 27, line 21, strike "10" and insert in lieu thereof "9".

Mr. GRAMM. I don't think there is any further debate on this amendment. I believe it is acceptable to both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2902), as modified, was agreed to.

Mr. GRAMM. We just received a copy of the amendment Senator JOHNSON and I worked out. While he is reviewing it, let me make my concluding remarks.

We had a very difficult mandate, to take a bill from last year and make it possible for people living in rural America to get their local television station so they can receive local news, the local weather, the local football game, all of which are critical to life in this great country that we know as the United States of America.

The problem from last year is that, with the confluence of interests that would be affected, they put together a bill that was 100 percent loan guarantee, that did not have an effective way of protecting the taxpayer. Therefore, the scoring by the Congressional Budget Office was a potential default rate of about 45 percent.

On a bipartisan basis, we have now put together an alternative. We have a loan board made up of the Chairman of the Federal Reserve Board, the Secretary of the Treasury, and the Secretary of Agriculture, or their Senate-confirmed designees. We guarantee only 80 percent of the loan. We have an expanded ability to go behind shell corporations to get to real assets.

We have put together a bill aimed at protecting the taxpayer. It is a risky business trying to come up with the technology and investing $1 billion to get local television stations to rural America. A lot of things can go wrong. This is a dangerous business we have undertaken.

Given that the Senate and the House of Representatives, by overwhelming numbers, decided this was something that needed to be done, we committed in the Banking Committee to try to do right. We said that the Committee would report a bill by the end of this month. In fact, we passed a bill unanimously in our Committee a month ago. I believe we have done as good a job as possible given the mandate we had and given the interest of the people who are both on the Committee and serve in the Senate.

I am proud of this bill, and now we have to go to conference. They have divided jurisdiction in the House, and it will be a difficult conference.

My goal is to stay true to two principles: No. 1, we want to enhance the chance that people who live in rural America, especially in isolated areas, can get their local television signal. Second, we want to be good stewards of the taxpayers' money. We want to guarantee to the best of our ability not only that the loans will be made but that they will be paid back. It does no good to make bad loans, because bad loans don't produce local TV signals. Bad loans simply cost the taxpayer hundreds of millions of dollars and do no good.

I thank Senator JOHNSON who has been a leader on this. I thank CONRAD BURNS. More than anybody else, CONRAD BURNS is responsible for this bill passing the Senate today. He had the idea, he put together a proposal, and he worked with Members to put together a better proposal. He has been the constant driving force for this to happen.

When ABC Saturday football comes on with the local football team, I hope people will think about CONRAD BURNS and the leadership he provided in making it possible for them to view these shows.

We will dispense with this amendment by a voice vote. Anyone who wants to make a last-minute statement on this bill, please come to the floor. We are very close to a vote on final passage.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. First, I compliment my colleague, Senator JOHNSON, for the extraordinary efforts he has made in reaching this compromise. I compliment, as well, the Republican manager, Senator GRAMM, for the work that has gone into the agreement that we now have reached.

This is an important piece of legislation. I think we are going to see a very strong vote. It is, in large measure, due to the contributions and leadership of Senator JOHNSON and Senator GRAMM. I hope we can dispose of both of these matters shortly.

It has been a long time coming. But it was worth the wait.

I want to thank my colleagues—especially Senator JOHNSON—for making essential improvements. Because of their patience and persistence, we are now—finally—on the verge of passing a bill that will give rural Americans the same access to affordable local TV programming as everyone else in our nation.

Senator JOHNSON's amendment is the heart of this bill.

It will allow banks associated with rural cooperatives to lend coops enough money to build their own satellite facilities.

The reason this is so critical is because commercial satellite broadcasters have made it absolutely clear: They have no interest in serving rural markets. They don't think it's worth their time or money to build satellite TV facilities for rural markets.

The same is true of many commercial banks.

If the only choice for rural communities was to borrow from commercial banks to build satellite facilities, the communities—very likely—would end up paying high interest rates.

Those high interest rates would drive up the costs of building the satellite facilities.

That, in turn, would drive up the price rural Americans would be forced to pay for local TV programming.

Senator JOHNSON's amendment, though, means that banks associated with rural cooperatives can also make loans to build satellite facilities. The coops will charge lower interest rates than commercial banks.

This is a huge victory for people in small towns and rural communities in South Dakota, and all across America.

The reason we fought so hard to get this bill right is because this is not just about entertainment. This is about public safety.

It is potentially about life and death.

Local stations provide local news and public affairs programming. They also provide weather updates.

A year and a half ago, a tornado destroyed much of the town of Spencer, South Dakota. As devastating as that tornado was, it could have been far worse. It could have claimed many lives.

One reason it did not may very well have been because Spencer is within the Sioux Falls local broadcast area.

People could turn on their TVs and see that the tornado was coming, and take cover.

But most South Dakota communities are outside both the Sioux Falls and the Rapid City broadcast areas.

Without Senator JOHNSON's amendment, it is doubtful that they would be able to receive local weather or news reports.

Rural coops have a 60-year history of responsibly promoting economic development throughout rural America. By

adding them to the pool of qualified lenders, we have greatly improved this bill.

I commend Senator JOHNSON again for his leadership, and I urge my colleagues to vote for his amendment and this bill.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, we have had a discussion going on throughout the course of this afternoon relative to the satellite television legislation and an amendment that is necessary on this bill.

I commend Senator GRAMM, chairman of the Senate Banking Committee, and his staff, Senator THOMAS, Senator GRAMS, Senator BURNS, Senator SARBANES and his staff, and others who have worked diligently on this. We have spent a lot of time on it.

I believe we are almost at the moment where we can offer a compromise amendment and resolve this once and for all. We just received a copy of the amendment. There are one or two points that are being checked with counsel. Within literally minutes, we should be able to confirm the language is exactly what we think it is.

I am appreciative of the bipartisan effort that went into making this legislation a reality. The legislation last fall was a good bill. It permitted the broadcast of local signals to local areas, but we did need the guarantee loan provisions to get into the smaller television markets.

It has just been confirmed to me the language is as we thought.

Again, I applaud Senator GRAMM and others for their work in that regard.

AMENDMENT NO. 2903

(Purpose: To address certain lending practices)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. GRAMM, Mr. THOMAS, Mr. GRAMS, and Mr. BURNS, proposes an amendment numbered 2903.

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

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

The amendment is as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

''(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

''(I) is provided by any entity engaged in the business of commercial lending—

''(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity if subject under applicable law; or

''(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

''(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis.

''(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B) may be made for purposes of this Act by a government entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

''(II) any loan (including Other Debt as defined in subsection (f)(2)(B) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

''(III) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;''.

Mr. JOHNSON. Mr. President, I offer this amendment on behalf of myself, Senator THOMAS, Senator BURNS, Senator GRAMS, and Senator GRAMM. We have worked throughout the afternoon to expand the universal qualified lenders without sacrificing taxpayer protections in the bill. Thanks to the good faith on all sides, we have now allowed cooperative lending entities, such as the CFC and CoBank, to participate in the program while ensuring maximum protection of the taxpayer dollars.

I ask for the yeas and nays on this amendment.

Mr. GRAMM. If the Senator will yield, I know Senator DOMENICI wanted to vote on final passage and has to leave to attend a meeting. I do not think anybody opposes the amendment on which we have worked out a consensus. If the Senator wants a rollcall, obviously, we will have one.

Mr. JOHNSON. I appreciate there is a timeliness issue here, but I do think it is important to have a rollcall on this amendment. This is a very significant matter. This is going to the conference committee. I am hopeful we can expedite that matter.

Mr. GRAMM. Mr. President, I ask unanimous consent that this amendment be voted on immediately following a short statement by Senator BURNS.

Mr. BURNS. Mr. President, I can make my statement following the vote.

Mr. GRAMM. We can do it quickly. I ask unanimous consent that after the amendment is adopted, we proceed to third reading and that there be an immediate vote on passage of our bill, to be followed by the cloture vote on the gas tax legislation.

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

Mr. BURNS. Mr. President, I have a couple thank-yous, because this has been an issue that has been worked out mostly because of the cooperation of a lot of folks.

Last year, as my colleagues know, we ran into that brick wall called Texas GRAMM. Nonetheless, he has just been a champion of getting this piece of legislation to the floor and getting it worked out. We have a better bill. Under his guidance, under his recommendations, I think we have a better bill. We have a better bill for the taxpayers. We have a better bill for the people who want to receive their local-into-local via satellite.

I also thank Senator JOHNSON and the ranking member of the Banking Committee, Senator PAUL SARBANES, and my colleague from Montana, who made it stronger because they understand the infrastructure is going to be broadband services in our rural areas. This is a giant step forward.

Also, I thank the leader, Senator LOTT, who put this on the calendar and said it had to be one of the important things we pass this year in this Congress. I appreciate his leadership. I yield the floor.

The PRESIDING OFFICER. Does the Senator from South Dakota wish to be recognized?

Mr. JOHNSON. Mr. President, I reiterate my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2903. The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer

Sessions	Specter	Torricelli
Shelby	Stevens	Voinovich
Smith (NH)	Thomas	Warner
Smith (OR)	Thompson	Wellstone
Snowe	Thurmond	Wyden

NOT VOTING—1

Boxer

The amendment (No. 2903) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next vote in the series be limited to 10 minutes.

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

Mr. HATCH. Mr. President, I am pleased that the Senate has today passed a bill that I tried to have passed along with the comprehensive satellite reforms enacted a few months ago at the end of the last congressional session. The reforms we authored are already bearing fruit. Satellite carriers are beginning to serve their customers local television, which they had not done before. As part of our comprehensive reform we developed a loan guarantee program to help ensure that smaller markets would not be left behind in enjoying the benefits of our reforms.

The chairman of the Banking Committee requested further time to review and improve if possible the program, and we were able to work together to meet his concerns. The bill the Senate adopts today is similar in most respects to the legislation we developed last year, and I am pleased that we are finally able to pass this important legislation.

I hope the House will act expeditiously on similar legislation, or take up the Senate legislation as soon as possible. I have long championed the provision of local television signals by satellite carriers for many reasons. First, it allows for more direct competition against cable customers alike, in the form of lower prices and better services, as well as expanded choice. Second, I believe that local television helps unite local communities by providing programming relevant to that community. It is important that Utahns know what is happening in their communities, and be able to participate in civic affairs as informed citizens. They need to know what the local weather forecast in New York. And they enjoy watching the local sports teams, or other Utah-related programming. Third, I think local television service is more consistent with the current market relationships than beaming the programming tailored to other communities into our local communities.

For these reasons, I pushed reforms to allow satellite companies to carry local programming for a number of Congresses, culminating in our passage of the Satellite Home Viewer Improvement Act of 1999 last year. The one piece of unfinished business from that package of reforms was the loan guarantee program we adopt today. Under this legislation, government-backed loans will be made available to ensure that those smaller markets, the markets that most need local television delivery by satellite or other means, are not left behind. The satellite carriers and cable companies understandably serve the larger markets first, where costs are lower and revenues potentially greater. Hopefully with the adoption and eventual enactment of this legislation today, we will go a long way to help all our local communities enjoy together the programming most relevant to them, their local television signals.

Mr. KOHL. Mr. President, I rise in support of S. 2097, the Launching Our Communities Access to Local Television Act of 2000. Enacting this legislation will complete our work on the Satellite Home Viewer Improvements Act that we voted into law last fall. Simply put, the LOCAL TV bill is the last piece of the puzzle that will encourage competition to cable in all markets, not just the top 20 or 30 largest urban areas.

At the SHVIA Conference just this past year, we tried to tackle how to encourage ''local-into-local'' service into all areas, not just the biggest and most lucrative TV markets. But we only had mixed success. So it made sense to postpone the debate until this year. At the time, I was not entirely comfortable with the precursor of this measure. But I did then and I do now strongly support its goals. Today's package develops an approach that combines incentives and loan guarantees, which will pave the way for ''local-into-local'' service to reach into our rural areas. I am encouraged by the revisions that addressed the concerns of Chairman GRAMM and others.

For example, a loan guarantee must be approved by a board comprised of the Treasury Secretary, Federal Reserve Chairman, and the Agriculture Secretary. Such a board is unlikely to sign off on an overly risky proposition. Their review will help ensure fiscal discipline and prevent the taxpayer from being left on the hook for a bad deal. Furthermore, the government will not underwrite the entire amount of the loan. Holding lenders to 20 percent of the amount financed will make them scrutinize a loan application long and hard before they extend credit under this program.

Moreover, we still allow market forces to make this program work. The LOCAL TV bill does not favor any particular technology. It is technologically neutral. Therefore, whether it is satellite, cable or an emerging technology, anyone with the entrepreneurial spirit to take on the task of delivering local television signals to remote areas is eligible for the program. By creating this incentive for all to participate, we permit the market to determine who will win a loan guarantee under this law.

Hopefully, and most importantly, this bill will help local-into-local get rolled out more ubiquitously to rural markets in Wisconsin around Green Bay, Madison, Eau Claire, and Wausau and to other areas across the country. This is a good thing for consumers and, very simply, that's why I support passage of this measure.

I yield the floor.

Mr. ROBB. Mr. President, I rise today first of all to commend those members on both sides of the aisle who have worked so hard to bring this important loan guarantee bill to the floor. It is the final piece—and in my view, the key piece—of a lengthy effort to enact comprehensive reform of our nation's satellite television laws.

Last year, we passed a bill that I was proud to cosponsor, the Satellite Home Viewer Improvement Act of 1999. It restored service to thousands of Virginia households who had been cut off from their network signals, and more importantly, allowed satellite television companies to finally provide local network services to consumers. My only disappointment about the Act was that a last-minute deal removed a provision which would have made it easier for viewers living outside of major metropolitan areas to get satellite broadcasts of their local television stations.

As a result, the only market in Virginia that can receive local-into-local service is the metropolitan D.C. area, leaving over 94% of satellite households in my state without this crucial service. The satellite industry is not required to start offering local service to all their customers, and they've made it clear that they don't intend to do so, leaving many Americans without this important service.

I believe that every household in Virginia, and, indeed, across America deserves the same quality local television service. This isn't just a matter of helping rural areas get the latest episodes of ''Who Wants to Be a Millionaire?'' or ''NYPD Blue''—it's about ensuring that all consumers have access to vital local public safety information, school closings, weather and news programming that we've come to rely on.

There's no question that the market is out there for these services—I've been inundated with thousands of phone calls, letters and post cards from Virginians who want to subscribe to them. Unfortunately, many companies and cooperatives who are interested in providing new local television services have held back because the financing can be a bit tricky.

The bill before us today will help to address this problem. By providing loan guarantees that support new satellite services that serve rural areas of the country, we can help facilitate the transmission of local television signals to areas of the country that are not able to receive this service. Earlier today, I joined Senators JOHNSON and THOMAS in introducing an amendment that would significantly improve the loan guarantee program by expanding it to include those entities that are most adept at providing rural utilities. I'm very pleased that a modified

version of this amendment has been accepted, and believe that it will go a long way toward bringing affordable local television signals to unserved areas in Virginia.

Mr. President, I'd also like to talk for a moment about a second amendment which I've cosponsored, along with Senators BAUCUS and LEAHY, to address the issue of the emerging ''digital divide'' between urban and rural America. While many people generally think of Internet access as something that you get over telephone lines, consumers are increasingly able to access the Internet at much faster speeds through the same systems used to transmit cable and satellite television.

Our amendment simply clarifies that this new loan guarantee program should look at ways that the same systems which are deployed in rural areas to deliver local television services can also be used to deliver new broadband communications services. At a time when television and the Internet are heading in a direction where they may soon converge, we ought to have the foresight to look at ways that new communications systems can support multiple services and technologies, particularly when the government is helping to finance the deployment of these systems. This amendment has also been accepted.

Again, Mr. President, I strongly support the underlying bill, and commend those on both sides of the aisle who have helped move it to the Senate floor. I look forward to working with my colleagues to ensure that we take steps to further enhance the range of choices consumers have in the marketplace.

ADMINISTRATIVE PROCEDURE ACT

Mr. ENZI. Mr. President, I would like to engage in a colloquy with the chairman of the Senate Banking Committee. Is it the case that the program established by S. 2097, the ''Launching Our Communities' Access to Local Television Act of 2000,'' would be subject to the Administrative Procedure Act? For example, would the Board established by this Act be required to make its proposed rules and regulations available for public comment and other relevant procedures under the Administrative Procedure Act?

Mr. GRAMM. The Senator is correct. Public involvement must be an essential part of this program if it is to succeed. The Board established by S. 2097 falls within the definition of an ''agency'' under section 552 of Title 5 of the United States Code (Administrative Procedure Act) and therefore will have its rulemaking subject to the Administrative Procedure Act. All parties will have an opportunity to be heard. This openness to public comment will help ensure that the interests of those most likely to benefit from the loan guarantee program—television subscribers in unserved areas—will be represented. In addition, an open rulemaking should help ensure that no applicant for a loan guarantee will receive consideration apart from the merits of the proposed project.

Mr. ENZI. I thank the chairman for this clarification.

APPLICATION OF COPYRIGHT AND COMMUNICATIONS LAW TO LOAN GUARANTEE APPLICANTS

Mr. HATCH. Mr. President, it would be appropriate at this point to explain our joint view regarding the application of copyright and communications law to those who provide local television signals with the assistance provided under this Act. We all agree that the rights, obligations, and limitations that apply to applicants under this loan guarantee program ought to be the same as those providing similar services without the assistance of the loan guarantee program. Congress passed comprehensive rules in this area just a few months ago at the end of the last session, and it is our joint intention to clarify that those rules apply to applicants under this program just as they do to others who take advantage of the reforms passed last year. To underscore this position we have offered an amendment, and that amendment has been accepted, that will clarify some confusion resulting from the manner in which section 8 of the underlying bill was drafted by dropping section 8 from the bill altogether. It is the general rule that otherwise applicable law will apply absent a clear statement to the contrary. Since the relevant sections of Title 17 and Title 47 would apply, the attempt to list the provisions that apply in this context is superfluous, and to the extent that the drafting in current section 8 could be read to be inconsistent with current law, it merely causes needless confusion. It seems best, therefore, to simply drop the provision and make a clear statement that currently applicable copyright and communications law will apply to applicants under the loan guarantee program just as it does to those providing similar services without loan guarantee assistance. Do my colleagues agree?

Mr. STEVENS. I do agree. It was never the intention of those who worked on the broad satellite television reforms in the last session to establish any different copyright or communications rules for loan guarantee applicants, but rather that they be governed by the same rules as all others in the market. If special rules were established for loan guarantee applicants, the loan guarantee program would have collateral effects on the market for subscription television services by causing a confusing disparity in the rules applicable to competitors, and possibly skew competition in unforeseen or inappropriate ways. I agree that it is important to clarify the application of law in this way at that time. I would ask the managers of the bill if they agree with us and will commit to work through conference to the end of ensuring that the rules we adopted last year will continue to apply to applicants and non-applicants alike?

Mr. GRAMM. I agree with my colleagues that we should clarify that current copyright and communications law will apply to applicants and non-applicants alike under our loan guarantee legislation. And I will continue to work, as I have heretofore, to ensure that our loan guarantee bill does not change the application of the rules passed last year with regard to applicants or other non-applicant providers of television services.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—97

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

ANSWERED ''PRESENT''—1

Mack

NOT VOTING—2

Boxer Domenici

The bill (S. 2097), as amended, was passed.

Mr. NICKLES. Mr. President, in regard to the legislation just passed, I

compliment the chairman of the committee, Senator GRAMM, and also Senator CONRAD BURNS, for their leadership. They worked on this legislation for a long time. I compliment them on passing a good bill and passing it overwhelmingly.

GAS TAX REPEAL ACT—MOTION TO PROCEED

The Senate resumed consideration of the motion.

Mr. LOTT. Mr. President, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil producing nations. However, before you blame your neighbor's SUV, your local fuel distributors, the oil companies, the automakers, or any of the other usual scapegoats, consider this fact—America is one of the leading energy producing countries in the world. This country has the technology, alternative resources and enough oil to be much more self-sufficient. America does not have to revert back to the practices of the 1970s.

This country is faced with a very serious problem. Our nation's farmers and truckers are being hit the hardest—simply because of this Administration's lack of energy policy. In fact, Secretary Richardson recently admitted that this Administration was caught napping when energy prices began to rise. As a result, U.S. crude oil production is down 17 percent since 1993, and consumption is up 14%. America now imports 56% of the oil consumed—compared to 36% imported at the time of the 1973 Arab oil embargo. At this rate the DOE predicts America will be at least 65% dependent on foreign oil by 2020.

This Administration has close ties to radical environmentalists—environmentalists whose strong rhetoric and drastic actions appear more like a new-age religion than a clarion call for good stewardship. It appears that the White House has spent eight years trying to slowly kill our oil, coal, natural gas and even our hydroelectric industries.

The Administration began this process in 1993 with an effort to impose a $73 billion five-year energy tax to force the American people away from the use of automobiles and American industries away from their primary energy sources. The Clinton/Gore EPA is still attempting to shut down coal-fired electric generating plants in the South and Midwest. Meanwhile, the Administration is providing no offsets to this. In fact, they have done nothing to increase the availability of domestic natural gas, which is the clean alternative for coal in electric plants. Federal land out West is expected to contain as much as 137 trillion cubic feet of natural gas, but the Administration refuses to allow drilling. Similarly, the Administration will not allow exploration on federal land in Alaska, which is estimated to contain 16 billion barrels of domestic crude oil.

None of these facts should be surprising. Vice President GORE has vowed to prohibit future exploration for oil or natural gas on our outer-continental-shelf. He has bluntly stated that the internal combustion engine—the very mechanism which drove America's industrial development and led to the creation of our middle class—is a threat. Maybe that's why he embraces the Kyoto Protocol which would impose staggering consumption restrictions on our economy, while exempting other countries. This treaty is so bad that my colleagues from GORE's own party joined the Senate leadership in voting against it 95 to zero. AL GORE may not depend on the internal combustion engine for his livelihood, but a lot of folks beyond the Washington beltway do.

There has to be a solution to this problem. Even without tapping all of America's resources, this country still produces almost half of her fuel needs—far more than most industrial countries. In the long run, a national energy policy that looks at all realistic alternative sources of energy must be developed. Congress must also provide incentives for independent producers to keep their wells pumping. Tax credits for marginal wells will restore our link to existing oil resources, including many in Mississippi. These solutions will be needed someday soon.

In the short term, Congress can reduce or temporarily suspend federal fuel taxes, which, along with state excise taxes, account for an average of 40 cents per gallon of gasoline. This would include the ''Gore Fuel Tax'' ramrodded by the President back in 1993 in a decision so close that AL GORE headed to Capitol Hill to cast the tie-breaking vote. Yes, the Vice-President is the very reason the 4.3 cent gas tax was implemented. Now, as the Administration continues to do nothing to remedy this crisis, the Congress can make a difference. Repealing the Gore Gas Tax immediately, and providing a complete federal fuels tax holiday if prices reach a nationwide average of $2.00, will provide real relief for American consumers at the pump. This can be done for the remainder of this year without touching one cent of the Highway Trust Fund, Social Security, or Medicare. This is a real solution to a very real problem.

This reflects the leadership of a number of our colleagues on this important issue. One provision to suspend the diesel fuel tax has been championed by the senior Senator from Colorado, BEN NIGHTHORSE CAMPBELL. A trucker himself, Senator CAMPBELL has led the way on ways to assist truckers and their families who are suffering from the rising price of diesel fuel. He has met with the truckers who have traveled great distances to Washington to make their voices heard. Senator CAMPBELL's unique insights and personal experiences have been helpful to the leadership in crafting this comprehensive gas tax bill.

This is not the 1970s. America has better technology, more efficient and cleaner automobiles as well as more energy options. The question is: how long will we hold these options and be held hostage to nations abroad or radical environmentalists at home? America can solve her energy problems but Congress must act in the interests of our entire nation, rather than a select few.

Mr. DASCHLE. Mr. President, I want to explain the procedural situation we are in with regard to the motion to proceed on the so-called gas tax repeal. I could not be more strongly in opposition to the repeal of the gas tax because of its potential to devastate our highway and transit programs.

Nevertheless, I intend to support the motion to proceed this afternoon and I urge my colleagues on this side to do so for a couple of reasons.

First of all, it seems to me this ought to be a debate that we have early next week. I think there are a lot of very important questions that ought to be raised about the advisability of the repeal of the gas tax. I think Governors and those from industries that are involved in the construction of our infrastructure this year ought to have the opportunity to be heard.

I will read for my colleagues some of the comments made by my colleagues on the Republican side of the aisle with regard to the gas tax. I think they ought to be heard, as well.

Let me quote from Speaker DENNIS HASTERT, who on March 26, said:

> But the problem is that this doesn't solve the problem. . .that's just a little tick in what the cost of gas is. We need to solve the real problems out there.

So said the Speaker of the House of Representatives.

The House Transportation Committee chairman, BUD SHUSTER said:

> Repeal of the fuel tax is the wrong way to go. [It's] counterproductive because reducing a portion of the price without reducing the underlying cost of crude oil makes it easier for OPEC countries to keep prices high.

So says the chairman, the Republican chairman of the House Transportation Committee.

Here is what the House majority leader, DICK ARMEY said:

> Let's not get bogged down on only one dimension of the problem—a short-term dimension that offers scant relief. Even if we repealed, that it would give little relief to consumers.

Here is what my colleague, the very respected and distinguished chairman of the Armed Services Committee, JOHN WARNER said:

> Repealing the 4.3 cents will have little or no impact on the price of fuel. It will, however, severely limit all of our States' abilities to make needed surface transportation improvements.

Here is what our colleague, Senator GEORGE VOINOVICH, said on March 24:

> Even with this repeal, there is no guarantee it is going to bring down the cost at the pump. It defies common sense.

Here is what the GOP conference chair, J.C. WATTS, said in the House of Representatives on March 19:

I don't know if the tax has any affect on fuel tax. Supply and demand is driving price right now.

Finally, here is what Congressman DON YOUNG said. He gets the award for the bluntest assessment of the advisability of this particular legislation.

Absolutely the dumbest thing ever thought of.

This ought to be debated. We ought to have a good discussion about its advisability. This is one of those rare occasions when I happen to be on the same side as the Speaker of the House of Representatives, the majority leader on the House of Representatives, the conference chair on the House of Representatives, Congressman YOUNG from the House of Representatives, and some of my distinguished colleagues here in the Senate.

We ought to debate it. It ought to be amended. We don't oftentimes have a vehicle that could be offered that will allow an opportunity to debate energy and tax policy such as this. I am hoping we can offer amendments to this bill and we would expect we would have the opportunity to do so. This is one of those rare occasions when many of our colleagues share the view expressed so powerfully and eloquently by our Republican colleagues.

I am not giving the credit they deserve to my Democratic colleagues on the House side. I could come up with at least as long a list on that side.

We look forward to this debate. We are certainly not going to object at all to having the motion to proceed presented to us this afternoon.

We just want to get to the bill and have this debate. That is my reason for supporting the motion to proceed, to have a good debate, to ensure the American people know what the implications of this particular vote will be and the unusual coalition that has already been created in opposition to this repeal. I yield the floor.

Mr. DODD. Mr. President, it is not often that so many of my colleagues come to the Senate floor in opposition to lowering a tax. They do so and I join them today for good reason. The legislation to repeal the 4.3 cent per gallon excise tax on gasoline is a wolf in sheep's clothing.

In fact, several members on the other side of the aisle from House Majority Leader DICK ARMEY and Ways and Means Chairman BILL ARCHER, to House Transportation Chairman SHUSTER are opposed to this measure. The National Governors Association has voiced its adamant opposition, as well.

The proposal, S. 2285, is fiscally irresponsible and will not lead to lower gasoline prices for consumers. This measure could cause the state of Connecticut to lose more than $280 million to highway funds for FY 2002 and 2003, in addition to hundreds of lost jobs as highway projects are put on hold or shelved indefinitely. Congress made a commitment to help states like Connecticut repair and maintain our highways and it should not break that commitment.

Supporters of this legislation say they would tap the non-Social Security surplus to replace the lost tax revenues created by their proposal. That is a mistake. We should be directing the surplus to debt reduction, ensuring the solvency of Social Security, prescription drugs, targeted tax cuts and investments in education and the environment.

The likelihood that any reduction in the Federal gasoline tax will reach consumers is unlikely. The tax is not imposed at the pump, but rather shortly after the gasoline leaves the refinery. The gasoline could pass through several other entities before it reaches the pump and none of the middlemen would have to pass on the savings. The legislation contains only a Sense of Congress that any benefits of the tax be passed on to consumers. Past experience in Connecticut has shown that decreases in a fuel tax have not been passed on to motorists. In 1997, gas prices shot up 11 cents in August despite a 3-cent cut in the state gasoline tax that took effect on July 1.

Finally, it is worth noting that several states, including Arkansas, Nevada, Oklahoma, California, and Tennessee, have laws that mandate an increase in state gasoline taxes if the Federal rate decreases. Obviously, a state's legislature can act to change its laws. But these laws only underscore the complexity of gas pricing which the bill before us does not.

The cut could be another 18.3 cents per gallon for gasoline and more for other oil-based fuels. The gasoline tax is dedicated revenue that we use to maintain our highways. The loss of funds for highway improvements and mass transit, the loss of jobs and the uncertainty—if not unlikelihood—that a gas tax reduction would result in lower gas prices—make this bill unsound and unwise.

We all want to bring down the price of gasoline. Let's take responsible steps to move in that direction. I commend the administration for getting a commitment from the OPEC nations to increase production. In addition, the administration has also proposed tax credits for energy-efficient homes and energy-efficient cars, funding for the development of clean and renewable energy and the enactment of tax proposals to promote the use of alternative energy sources.

Ms. SNOWE. Mr. President, I rise today in support of the motion to proceed to invoke cloture on S. 2285, the Federal Fuels Tax Holiday Act of 2000, a bill introduced by Senator LOTT which I have been pleased to cosponsor.

This legislation will repeal, until the end of this year, the 4.3 cent-per-gallon increase to the federal excise tax on gasoline, diesel, kerosene, and aviation fuel added by the Clinton Administration in 1993.

Also, our legislation is set up so that should the national average for regular unleaded gasoline prices breach the $2 mark, it would also repeal, until the end of the year, the 18.3 cent-per-gallon federal gasoline tax; the 24.3 cent-per-gallon excise tax on highway diesel fuel and kerosene; the 4.3 cents per-gallon railroad diesel fuel; the 24.3 cent-per-gallon excise tax on inland waterway fuel; the 19.3 cent-per-gallon for noncommercial aviation gasoline; the 21.8 cent-per-gallon for noncommercial jet fuel; and 4.3 cents-per-gallon for commercial aviation fuel.

This will provide the nation with a vital ''circuit breaker'' in the midst of the very real possibility of skyrocketing fuel costs as America takes to the road this summer—and the legislation ensures that any savings will truly be passed on to consumers and not pocketed before customers can benefit from the savings at the pump.

Some of my colleagues say this will not amount to enough savings for the consumers to even care about. Well, I guess my constituents in Maine are more thrifty than others, especially after a winter of paying the highest prices in decades for both home heating oil and high gas prices at the pump.

At the same time, it allows reimbursement of the Highway Trust Fund, which is financed by the gasoline tax, and the Airport and Airways Trust Fund, financed by the aviation fuel tax. Both these funds are held completely harmless, with any lost revenues to be replaced from the budget surplus. No one should have any concerns about the impact this bill would have on the progress of important highway and airport projects because the impact would be zero.

This legislation takes a concrete step toward more reasonable fuel prices, helping to serve as a buffer for consumers who are already reeling from the high cost of gasoline and other fuels. Of course, I hope the provisions for temporary repeal of the full tax will not be necessary. But if they are, they will provide immediate relief to taxpayers and ensure that, if prices are skyrocketing, any savings in fuel costs will be passed on to consumers.

The retail price we pay for refined petroleum products for gasoline, diesel fuel, and home heating oil, for instance, substantially depends upon the cost of crude oil to refiners. We have seen a barrel of crude oil climb to over $35.00 recently from a price of $10.50 in February of 1999. That is a 145 percent increase. And while OPEC agreed this week to only very modest increases in crude oil production, White House officials say that the cost of gasoline at the pump will now decline in the coming months, even though their own Economic Advisor Gene Sperling was quoted in the Washington Post on March 29, as warning that ''there is still significant and inherent uncertainty in the oil market, particularly with such low inventories, and we will continue to monitor the situation very closely''.

Mr. President, while the Administration has ''monitored'' the situation, crude oil prices have gone up and up,

and our inventories went down. As a matter of fact, the Administration admits that it was ‘‘caught napping’’ after OPEC decided to decrease production in March of 1999—and while they napped through a long winter's sleep, prices for crude climbed as temperatures plummeted.

The effect on gasoline, diesel and home heating oil was predictable, and in fact was predicted. Last October—a half a year ago—the Department of Energy, in its 1999–2000 Winter Fuels Outlook, projected a 44 percent increase in home heating oil bills. In a severe winter, the agency estimated, an additional 28 percent increase in costs could be felt for residential customers.

In other words, the Department of Energy itself predicted an increase of over 70 percent, but did nothing. In actuality, home heating oil costs jumped from a fairly consistent national of 86 cents per gallon in the winter of 1998–99 to as high as $2.08 per gallon in Maine early last month—an increase of well over 100 percent. And, in that same time frame, conventional gasoline prices have risen 70 percent or higher.

So now the Administration tells us that gasoline prices will most likely go down by this summer because of the small production increases agreed to by OPEC. Well, even with an increase in OPEC quotas, there will still be a shortfall in meeting worldwide demand for crude oil. Approximately 76.3 million barrels per day are needed to meet demand, but the anticipated new OPEC production is estimated to be only 75.3 million barrels per day. So you'll have to excuse me if I'm a little hesitant accepting estimates from an Administration that seems to make predictions by gazing into a crystal ball. I want to at least make sure that Americans have in their pockets what they would have otherwise paid in fuel taxes if the Administration underestimates prices once again and gasoline hits $2.00 a gallon.

Beyond the pump, consumers are getting hit with extra costs directly attributable to high fuel costs. If you've paid to send an overnight package lately, you probably noted that you were charged a fuel fee, because their cost of diesel fuel has increased by about 60 percent over the past year. And with a 150 percent increase in jet fuel, that airline ticket you buy today will probably include something you've never seen before—a fuel charge of $20.00. How long will it be before costs of other products will also be passed on the consumer?

And, consider the impacts to the nations' farmers. The New York Times reported just this past Wednesday that a farmer paying 40 cents a gallon more this year to fuel his diesel tractors and combines is adding as much as $240 a day to his harvesting costs. In my home state of Maine, we are at the peak season for moving last year's potato crop out of storage and to the large Eastern markets. But the industry can't get truckers to come into the State to move the potatoes because they are discouraged by the particularly high price of diesel in Maine.

The only help the potato industry has had recently in getting their product to market has certainly not been due to the energy policy of this Administration, but to local truckers who have turned to hauling potatoes because the recent wet weather has kept them away from taking timber out of the Maine woods.

Soon, we will enter the summer months, when tourism is particularly important to the economy of New England and to Maine in particular. With gas prices climbing even higher, we need relief now, and that's what this bill provides.

Mr. President, the choices are clear—do nothing for the taxpayers who are being gouged by failed energy policies, or do something by supporting legislation that acts as a circuit breaker that gives citizens a break at the gas pump, protects the Trust Funds that build our highways and airports, I urge my colleagues to support this bill and I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the Gas Tax Repeal Act, S. 2285:

Trent Lott, Frank H. Murkowski, Paul Coverdell, Conrad Burns, Larry E. Craig, Mike Crapo, Judd Gregg, Orrin Hatch, Rod Grams, Susan Collins, Robert F. Bennett, Chuck Grassley, Mike Inhofe, Don Nickles, Sam Brownback, and Richard G. Lugar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the Gas Tax Repeal Act, S. 2285, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The yeas and nays resulted—yeas 86, nays 11, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—86

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

NAYS—11

Baucus	Feinstein	Roberts
Bond	Harkin	Thomas
Byrd	Lincoln	Warner
Enzi	Robb	

NOT VOTING—3

Boxer	Domenici	Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Oklahoma.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LARRY HARRISON

Mr. NICKLES. Mr. President, sadly this week the Senate has lost another member of our family. On Monday, Larry Harrison, a retired Senate staffer, passed away in Washington, DC. Before his retirement in June of 1997, Larry had over 36 years of Federal service.

Most of my colleagues will remember Larry's hard work as a Chamber attendant. His dedication to the upkeep of the Chamber and the surrounding rooms will be remembered. On Tuesday evening, former Senator Bob Dole fondly remembered Larry during the Leader's Lecture Series.

Like many of the support staff who work for this institution, Larry arrived at work long before the Senate convened and frequently left the Chamber long after adjournment.

Many Senators will recall Larry's passion for golf. I certainly do. As a matter of fact, Larry was one of the founders of the ‘‘Cloakroom Open.’’ This golf tournament was organized by Larry to enable many of the Senate staff who work around the Senate Chamber an opportunity to play a round of golf together. It was a chance for a little camaraderie without the discussion of party or politics.

Many may know that Larry's step son, Mike Henry, also works for the Senate and has worked for the Senate for a long time. I have had the pleasure of knowing Mike. I think highly of Mike and his family. Mike's wife, Cookie, also works for the House of Representatives. This is a family who has dedicated decades of service to the Congress and to the Senate.

I join with all of my colleagues in expressing sympathy to Larry's family and our hearts and prayers go out to them at this time. I know all Members will join me in saying, ''Thank you, Larry, for your service, and keep hitting 'em straight.''

Mr. DASCHLE. Mr. President, the Senate recently lost a very dear friend. Larry Harrison, who worked in the Capitol for over 36 years prior to his retirement in 1997, died early this week. Larry's many years of dedicated and distinguished work made him an institution within this institution. It was tough on all of us when he retired a few years ago, but it is much more difficult to say goodbye to him today.

Larry served this country and the Senate in a variety of ways for nearly four decades. He served in the U.S. Army during World War II, participating in the D-Day invasion at Normandy, and following the war worked for the Architect of the Capitol for five years. Larry returned to the Capitol to work for the Sergeant at Arms in 1967. He stayed there until 1997, outlasting all but five of the Senators who were serving in this chamber when he started.

Larry had an extraordinary work ethic, and he committed himself to his job with tremendous pride, energy, and humor. During his time in the Capitol, Larry was responsible for maintaining the President's Room, the Cloakroom, and the Senate Chamber. Somehow, he even found time to operate a shoe shine station in the Senator's bathroom, and I know I speak for everyone when I say that this place hasn't been the same without Larry's friendly smile and kind voice.

When he retired in 1997, our loss was his family's gain. His wife, Jean, and sons, Michael Henry, Albert Philips and Kevin Harrison got their husband and father back full-time. Sadly, their time with him has now been cut all too short.

Our thoughts and prayers are with Larry Harrison's friends and family, especially his wife, Jean, and their three sons. Larry was a good man, a caring husband, and great father. He will be missed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 29, 2000, the Federal debt stood at $5,733,451,648,545.39 (Five trillion, seven hundred thirty-three billion, four hundred fifty-one million, six hundred forty-eight thousand, five hundred forty-five dollars and thirty-nine cents).

One year ago, March 29, 1999, the Federal debt stood at $5,647,515,000,000 (Five trillion, six hundred forty-seven billion, five hundred fifteen million).

Five years ago, March 29, 1995, the Federal debt stood at $4,851,857,000,000 (Four trillion, eight hundred fifty-one billion, eight hundred fifty-seven million).

Ten years ago, March 29, 1990, the Federal debt stood at $3,052,317,000,000 (Three trillion, fifty-two billion, three hundred seventeen million).

Fifteen years ago, March 29, 1985, the Federal debt stood at $1,710,731,000,000 (One trillion, seven hundred ten billion, seven hundred thirty-one million) which reflects a debt increase of more than $4 trillion—$4,022,720,648,545.39 (Four trillion, twenty-two billion, seven hundred twenty million, six hundred forty-eight thousand, five hundred forty-five dollars and thirty-nine cents) during the past 15 years.

PERMANENT NORMAL TRADE RELATIONS FOR CHINA

Mrs. FEINSTEIN. Mr. President, I draw the attention of the Senate to a timely Opinion-Editorial, written by former Ambassador Leonard Woodcock, that appeared in the March 9, 2000 Los Angeles Times. Long a champion of workers' welfare and workers' rights, Ambassador Woodcock was also the first United States Ambassador's to the People's Republic of China.

Ambassador Woodcock lays out, in a clear and well-reasoned manner, powerful arguments showing how the United States will benefit from establishing permanent normal trade relations (PNTR) with China, and why it is in our interest to see China in the World Trade Organization (WTO). Equally important, the author forces those who profess a concern for Chinese workers' rights to take a realistic look at how our decision concerning China PNTR will help or harm workers in China.

I comment Ambassador Woodcock's thought-provoking commentary to all my colleagues in the Congress and, even more, to all persons interested in understanding the basics of the U.S.-China PNTR debate. I ask unanimous consent that Ambassador Woodcock's Opinion-Editorial be printed in the CONGRESSIONAL RECORD following my remarks.

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

EVOLUTION DOESN'T OCCUR OVERNIGHT

WTO agreement: Organized labor should support it. It's in both U.S. and Chinese interests.

(By Leonard Woodcock)

The recent U.S.-China World Trade Organization bilateral accession agreement appears to be good for workers in both countries. I was privileged, as U.S. ambassador to China, to sign the 1979 trade agreement that provided for most-favored-nation trade status to China and have, as a private citizen, been involved with this issue for many years.

American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal. The agreement expands American jobs. And while China already enjoys WTO-based access to our economy, this agreement will open China's economy to unprecedented levels of American exports, many of which are high-quality goods produced by high-paying jobs.

There is reason to fear unfair trade practices. Yet this agreement actually provides better protections than our existing laws allow. It stipulates 12 years of protections against market surges and provides unusually strong anti-dumping laws—which aim to counter unfairly priced imports—for 15 years.

I have, therefore, been startled by organized labor's vociferous negative reaction to this agreement. The reality is that the U.S. as a whole benefits mightily from this historic accord. The AFL–CIO argues that nothing in this agreement demands that free trade unions be formed in China. Yet the WTO does not require this of any of its 136 member countries, and the WTO is the wrong instrument to use to achieve unionization.

We should, instead, be asking a more important question. Are Chinese workers better off with or without this agreement? The answer is that this agreement, in a variety of ways, will be enormously beneficial to Chinese workers.

On a subtle level, the changes the agreement requires of China's economic system will work in favor of investment by Western firms and take away some of the key advantages Asian firms now enjoy in China. Every survey has demonstrated that working conditions and environmental standards in plants run by West European and North American firms are usually better than those in Asian and in indigenous Chinese firms.

The greater foreign presence also will expose Chinese workers to more ideas about organization and rights. That is perhaps one reason why almost every Chinese political dissident who has spoken on this issue has called the United States-China WTO agreement good news for freedom in China.

The trade deficit with China is a troublesome one to the labor movement. We need to put it in perspective in two ways. First, if we were to block access of goods from China to the United States, this would not increase American jobs. That is because the Chinese exports—mostly toys, tools, apparel, cheap electronics, etc.—would be produced in other low-wage countries, not in the United States. Yet if China stopped buying from us, we would lose about 400,000 jobs, mostly high-wage.

Second, a large portion of exports from ''China'' are goods produced in the main in Hong Kong. Taiwan and Southeast Asia. The major components are then shipped to China for final assembly and packaging, but the entire cost of the item (often only 15% of which was contributed in China) is attributed to China's export ledger. Exports to the United States from Hong Kong and Taiwan have declined over the past decade almost as fast as imports from China have increased. Yet the companies making the profits are in Hong Kong and Taiwan, and they will simply shift their operations to Vietnam or elsewhere if we close down exports from China.

Americans are broadly concerned about the rights and quality of life of Chinese citizens. My perspective on this serious issue is influenced by my experience in the U.S. In my lifetime, women were not allowed the vote, and labor was not allowed to organize. And, in my lifetime, although the law did

not permit lynching, it was protected and carried out by legal officeholders. As time passed, we made progress, and I doubt if lectures or threats from foreigners would have moved things faster.

Democracy, including rights for workers, is an evolutionary process. Isolation and containment will not promote improved rights for a people. Rather, working together and from within a society will, over time, promote improved conditions. The United States-China WTO agreement will speed up the evolutionary process in China. American labor should support it because it is in our interest, and it is the interests of Chinese workers too.

RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. REED. Mr. President, I rise today to briefly discuss a reauthorization bill introduced yesterday by Senators JEFFORDS and KENNEDY, the Ryan White CARE Act Amendments of 2000, S. 2311. This legislation is very important in that it will help to continue to improve the quality and availability of care for low-income, uninsured, and under insured individuals and families affected by AIDS and HIV disease. I am pleased to be a cosponsor of this initiative.

Ryan White died on April 8, 1990 at age 18. He was a prime example of someone whose own community rejected him when he was only 13 years old because of his health status. As a result of his courageous battle to attend public school in Indiana, we all learned and understood more about AIDS. Ryan White played a major role in changing people's views concerning the disease and AIDS patients. Through his actions, he conveyed the importance of education and awareness to combat the spread of this deadly disease. Even after his death, the story of his courageous battle with AIDS continues to impact the common man. His legacy lives on through the Ryan White CARE Act.

This reauthorization provides us the opportunity to improve this bipartisan legislation to adequately care for those persons affected with AIDS and HIV. As noted by Ryan's mother, Jeanne, ''We have come a long way since Ryan's death, but we still have so far to go.'' Although the number of AIDS cases continues to decline each year, the number of HIV-positive individuals continues to grow at an alarming rate. This legislation would expand the duties of the Planning Council, provide for a Quality Management Program, establish requirements for heath care referral relationships, fund early intervention services, and improve resources for infants, children, and women. Until a cure is found, the Ryan White CARE Act will continue to be the ''payer of last resort'' for thousands of individuals who otherwise cannot afford health care or basic subsistence needs. In my home State of Rhode Island, $3,463,706 of Ryan White CARE funding was provided during fiscal year 1999 to ensure access to life-sustaining drugs and other critical health and social services for those individuals affected with AIDS and HIV.

Because AIDS and HIV is a national problem, it deserves national attention. I look forward to working with my colleagues in the Senate Health, Education, Labor and Pensions Committee to make further enhancements and improvements to the bill. Specifically, I understand my colleague, Senator BINGAMAN, has been working on a provision that would allow more states to have access to dental care grant funding under Part F of the act. I believe this is a very important issue for individuals with HIV and AIDS and hope this provision will be incorporated into the overall bill.

ANTI-DEMOCRATIC ACTIONS IN BELARUS

Mr. DURBIN. Mr. President, I rise to speak today about the dramatically deteriorating situation in Belarus. As of Sunday, March 26, more than 100 opposition activists remained in custody after a rally on Saturday that turned from a peaceful event into a demonstration that saw police clubbing protesters with nightsticks, hitting journalists covering the event and sending armored cars into Central Minsk. More than 500 people were detained, most of whom were not formally charged until Monday. This is only one of the examples of how, in Belarus, the Lukashenka regime continues to try to suppress the will of the people.

In November, Senator CAMPBELL and I introduced a resolution condemning the Lukashenka regime and its actions towards the country. The sad reality is that Belarus is being left behind while the rest of Europe is building a foundation of democratic governance, respect for human rights, and the rule of law.

Since 1996, President Lukashenka has been responsible for numerous unconstitutional steps. He unilaterally extended his term until 2001 after he promised to hold democratic elections in 1999. He replaced the 13th Supreme Soviet with a rubberstamp parliament and he rewrote the country's constitution.

Belarus has turned into a country where those who choose to participate in civil society by speaking truth to power must do so at great risk to their freedom, and even their lives, under Lukashenka's rule. Two prominent opposition figures—General Yuri Zakharenko and Viktor Gonchar—as well as another associate, Anatoly Krasovsky, have disappeared. Many of the people arrested on March 25 as well as other peaceful protesters were members of the opposition.

Belarus' economy is apparently imploding and neighboring countries, Poland, Lithuania, and Latvia, are concerned about regional instability.

Our resolution condemns the arrest of opposition figures and the disappearance of others; calls for a dialogue between Lukashenka and the opposition; calls for the restoration of a democratically-elected government and democratic institutions; calls on the U.S. President to fund travel by Belarusian opposition figures and non-governmental organizations in Belarus; and supports information flows into Belarus.

Belarus is not making progress. We must do what we can to sustain the remarkable progress of the other countries that have transformed themselves into fully democratic market democracies, and encourage the development of a democracy in Belarus.

Mr. CAMPBELL. Mr. President, on March 25, Belarusian authorities harshly suppressed a pro-democracy demonstration in the capital of Minsk, arresting and detaining hundreds of peaceful protestors, including nearly 30 domestic and foreign journalists. Riot police, deployed with dogs and armored personnel carriers, used excessive force against some peaceful demonstrators.

Among those detained and beaten was democratic opposition leader Anatoly Lebedka, Deputy Chairman of the 13th Supreme Soviet. Many of my Senate colleagues met Mr. Lebedka last September when I introduced him right here on the Senate floor. Mr. Lebedka was just in Washington earlier this month to testify at a Helsinki Commission hearing about the deteriorating situation in Belarus.

Based on information I obtained from the State Department, I am advised that Anatoly Lebedka was arrested by plainclothes police during the demonstration, kept in detention, and reportedly beaten over the course of two days. He spent most of Monday in a police van outside the courthouse awaiting trial, but was released at 5:00 p.m. His trial has been scheduled for April 4.

Mr. President, the harsh overreaction by the authorities to this peaceful demonstration represents a clear violation of the freedom of association, assembly, and information guaranteed both by the Belarusian constitution and OSCE agreements. In addition, the Belarusian authorities detained a U.S. citizen who is an accredited diplomat and a member of the OSCE Advisory and Monitoring Group in Belarus, and who was observing the demonstration in line with his official responsibilities. This action also violates international conventions.

It appears that the green light for the most recent crackdown was given by Belarusian President Lukashenka, who praised the police for their actions. Reports indicate that earlier this month, he cautioned that the riot police will ''beat the stuffing out'' of any protestor who ''gets out of line.''

Unfortunately, the suppression by the Belarusian authorities of peaceful protest, along with the sentencing last week of a prominent member of the opposition, does nothing to encourage a constructive dialogue with the democratic opposition that can lead Belarus

out of its continuing constitutional impasse and end its self-imposed international isolation.

Mr. President, I call upon the Government of Belarus to thoroughly investigate reports of police brutality during the course of the demonstration and subsequent detentions and take measures to ensure that citizens are guaranteed their rights to engage in peaceful protests, keeping with that country's OSCE commitments.

I was pleased to join Senator DURBIN as an original cosponsor to Senate Concurrent Resolution 75 which we introduced last November. That resolution summarized many of the political problems facing the democratic opposition in Belarus expressing strong opposition to the continued egregious violations of human rights, the lack of progress toward the establishment of democracy and the rule of law in Belarus, and calls on President Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people. In light of the recent violent crackdown on pro-democracy demonstrators last weekend, I urge my colleagues to support passage of the Durbin/Campbell resolution.

Mr. President, I ask unanimous consent that a news report from the Washington Post on this latest crackdown be printed in the RECORD.

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

[From the Washington Post, Mar. 26, 2000]

BELARUS POLICE CRACK DOWN ON PROTEST

MINSK, BELARUS.—Hundreds of police beat back thousands of protesters at an opposition rally, sending armored personnel carriers into central Minsk and detaining 400 people in one of the country's harshest crackdowns on dissent in recent years.

The rally was held to commemorate the founding of the Belarusian Popular Republic on March 25, 1918, when German forces were ousted from Minsk in the waning days of World War I. The independent state was short-lived and within a year, much of Belarus was part of the Soviet Union.

Belarus' hard-line government had said it would allow the rally to be held on the outskirts of Minsk, but several thousand demonstrators went instead to a central square in the capital.

ILLEGAL IMMIGRATION LAW REPORT

Mr. GRAHAM. Mr. President, I come to the floor today to discuss an injustice to a group of Central American and Caribbean nationals who for many years have resided in the United States. As I speak, a clock is ticking. A deadline to gain legal status in the United States is one day away. How did we get to this point?

In 1997 and 1998, Congress passed legislation to protect Central American, Cuban and Haitian refugees from deportation. Action was needed because of the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act which changed immigration rules retroactively. Under the Presidency of Ronald Reagan, the United States offered protection and legal status to many Central American nationals who were fighting for Democracy in their home country, or fleeing the war that ensued.

Similarly, during the Presidency of George Bush, Haitian nationals were forced to flee after the overthrow of elected President Jean Bertrand Aristide. They were offered protection and legal status in the United States.

By 1996, these Central American and Haitian nationals had been living in our nation for years, in the cases of Central Americans, often longer than a decade. They established businesses, had families, bought homes, and strengthened their communities.

Then, in 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act, these Central American and Haitian Individuals and families were made retroactively deportable. These deportations would have occurred years and years after these nationals had established full lives in the United States.

Congress protected their legal status here by passing the Nicaraguan Adjustment and Central American Relief Act in November of 1997 and the Haitian Refugee Immigration Fairness Act in October of 1998 by making certain sections of the 1996 immigration law nonretroactive.

Since 1997, we have waited for final regulations to guide applicants through the process of applying for relief under NACARA. Since 1998, we have waited for final regulations to assist Haitian nationals with this process. And now, seven days before the application deadline, final regulations are issued. This is not an example of ''good government.''

Under legislation I introduced in February, the new deadline for relief will be one year after the date the regulations became final. This new deadline, March 23, 2001, reflects the added time needed by the INS to develop regulation. This will not cover any additional individuals who will then have rights to live in the United States. It just creates a more realistic, and fair deadline for individuals Congress has already passed legislation to protect.

We are now one day away from the deadline coming and going, and the Senate has yet to take action on this legislation. The Senate Judiciary Committee will not be able to meet this week to approve this legislation. We cannot purport to offer our constituents good and fair government if we let this deadline come and go without the simple action of extending the deadline by one year. When I spoke on the Senate Floor earlier this year, I tried to put a human story with this legislation. It's her story, and others, that should spur us to action on this legislation.

Immigration attorneys in Florida are trying to help a young woman I will call ''Francis.'' She is 22 years old this year. Her parents fled Haiti in the 1980's when she was very young. Her family settled in Florida and she now has 3 U.S. citizen brothers and sisters.

Then tragedy struck her family. Her father died when she was seven. Her mother died when she was in her early teens. She finished high school and is raising her younger brothers and sisters while working. She is an orphan, protected by our 1998 legislation.

She is trying to pull the documents together to apply to stay in the United States, and not be separated from her U.S. citizen brothers and sisters—the only family she has left. The 1-year extension and the ability to apply for relief under final regulations will make a huge difference in the life of this young woman.

I ask for the Senate's quick action on this timely and important matter. Many in the Senate worked diligently to protect Cuban, Haitian and Nicaraguan nationals in the original legislation. Let's not put these families at risk by our failure to act now.

WORKER ECONOMIC OPPORTUNITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the Worker Economic Opportunity Act (S. 2323), which was introduced yesterday, be printed in the RECORD.

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

S. 2323

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 ''Worker Economic Opportunity Act''.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

''(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

''(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

''(C) exercise of any grant or right is voluntary; and

''(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

''(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

''(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.''.

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking ''Extra'' and inserting the following:

''(2) Extra''; and

(2) by inserting after the subsection designation the following:

''(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The PRESIDING OFFICER. The Senator from Iowa.

IOWA STATE UNIVERSITY ATHLETICS

Mr. GRASSLEY. Mr. President, we often hear about some of the things that are wrong with intercollegiate athletics and how they sometimes detract from the top priority of our colleges and universities, which is educating students.

Let me point to an example of how excellence in undergraduate education and excellence in intercollegiate athletics can go hand-in-hand, and it's from my home state of Iowa.

Iowa State University is experiencing one of its most successful years ever in intercollegiate athletics.

This year, Iowa State made history by being the first university in the Big 12 Conference or its predecessor conferences—the Big 8 and the Southwest Conferences—to win four basketball trophies in one season—both men's and women's regular season and conference tournament championships.

Both teams earned ISU record-high seedings in the NCAA Tournament, the men took a second seed and the women took a third and both did well in the tournament. The men advanced to the ''Elite Eight'' and the women to the ''Sweet Sixteen'' after an ''Elite Eight' appearance last year.

Marcus Fizer became the schools' first-ever consensus first-team All-American, and Stacy Frese and Angie Welle of the women's team were also All-America selections. Stacy Frese drew this honor for the second year in a row.

The Cyclone wrestling team—led by two-time NCAA champion and tournament MVP Cael Sanderson—finished second in the nation.

The women's gymnastics team won its first-ever Big 12 Conference Championship.

These are just a few of Iowa State's 450 student-athletes, young people who are getting an education while exhibiting their special athletic skills.

And just how are they using this opportunity?

Here are some examples from last year because the final stats from this year aren't in, but I'm told they will be similar—or even better.

Of the 450 student athletes 168, or 40 percent, made the Athletic Department's Academic Honor Roll for maintaining a ''B'' or better GPA and nearly 100 earned academic All-Big 12 recognition.

This year, basketball player Paul Shirley, who majors in mechanical engineering, and Stacy Frese, a finance major, are again Academic All-Americans.

Iowa State student-athletes also lead the Big 12 in the most important statistic—their graduation rate.

They are No. 1 in the Big 12 regarding their four-year graduation rates and No. 1 regarding their six-year graduation rates two of the past three reporting periods.

Iowa State student athletes are also No. 1 in terms of overall graduation rate for student-athletes who stay in school for their entire eligibility with 9 of out 10 student athletes getting their degree.

We are all very proud of the Cyclones this year for what they have done in competition, and in the classroom. I hope I have the opportunity to come to the floor and offer the same statistics and facts next year. Go Cyclones!

The PRESIDING OFFICER. The Senator from Kansas.

THE MARRIAGE PENALTY

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of the marriage penalty and progress that has been made today on getting this important tax relief out across the country.

First, I applaud Chairman ROTH for his work on this important issue. Just today, the Senate Finance Committee considered an important bill to provide marriage penalty relief. This bill would provide relief to millions of American families—around 25 million—suffering under the burden of a marriage penalty.

The proposal considered by the Senate Finance Committee passed today. We are now another step closer to getting this to the floor, which I believe will take place sometime during the week of April 11, to be able to consider providing this important tax relief to the American public. I am delighted that that bill cleared through the Senate Finance Committee today.

The Senate Finance Committee used the House-passed version as a base, upon which it built an even broader and more inclusive bill. Our bill restores fairness and equity to a Tax Code that has come to penalize the institution of marriage in over 66 different ways. That is pretty imaginative, to find that many ways, but it is in there.

First, our bill eliminates the marriage penalty in the standard deduction. I want to give the numbers. The standard deduction this year for a single taxpayer is $4,400. However, for a married couple filing jointly, the standard deduction is only $7,350—not even twice the amount for single filers.

Our bill does a simple, clear, and just thing. Our bill doubles the standard deduction by making it $8,800. This change in the tax law would take place beginning in 2001, by immediately doubling the standard deduction for joint filers. Our bill is fair. That is the fair thing to do. It is the right thing to do.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent tax bracket for a single taxpayer ends at an income threshold of $26,250. I know these are a lot of numbers, but it is important to show the specifics of the Tax Code and where it penalizes marriage and how we are fixing it.

For a married couple, their bracket is less than double this threshold of $26,250. In fact, the threshold is $43,850 for a married couple filing jointly—another penalty.

If our bill were fully phased in this year, it would mean that the 15-percent bracket would extend upward to an income amount of $52,500. So for a married couple filing jointly, instead of having a $43,850 threshold level, it goes up to $52,500. It doubles what it is for a single filer. This is real marriage penalty relief and elimination. It is relief because even income earners above the current upper income threshold for the 15-percent bracket—these are the upper income levels of the 15-percent bracket—will be able to fall down through

the brackets and thus lower their total tax liability. It is elimination because it doubles the bracket, thus eliminating the marriage penalty in the 15-percent bracket. Again, what we are after is to make everything equal. If you have two single filers or if you have a married couple both filing, they should pay the same amount in taxes. That is what we are trying to get at with this marriage penalty elimination.

It will benefit those people hit by this marriage penalty. It is going to lower the taxes for America's families. That is important. It is also equitable.

Third, our bill applies the same principle of bracket widening to the 28-percent bracket as well. We are just talking about the 15-percent bracket, doubling that $26,250 to $52,500 instead of the current level of $43,850 for a married couple. That is the 15-percent bracket, the upper end of it. We would also do it for the 28-percent bracket, the 28-percent bracket as applied to singles earning between $26,250 to $63,550. That $63,550 is the upper level of the 28-percent bracket.

As in the 15-percent bracket, this amount is not double for joint filers for married couples. You don't get a doubling amount. You actually get cut back from that. Under our marriage penalty relief bill, it is double. That level at which you can stay in the 28-percent bracket as a married couple filing joint would be exactly double what you were as a single person. So again, we just make it equitable and fair. If it is two people filing singly or if it is a couple filing jointly, it will be the same taxable event. That is fair. That is equitable.

Fourth, our bill increases the phase-out range for the earned-income tax credit. This is an important feature. Particularly for low-income families with children, they can incur a significant marriage penalty because of current limits on the earned-income tax credit. If both spouses work, the phase-out of the EITC on the basis of their combined income can lead to the loss of some or all of the EITC benefits to which they would be entitled as singles. In other words, if you have two people filing singly, they would be entitled to a certain amount of earned-income tax credit. But if you combine their incomes, you don't get the same amount of earned-income tax credit for the couple as you do for two singles. Our bill fixes that problem as well.

The Senate Finance Committee proposal increases the beginning and ending points of the phaseout range by $2,500. This change will be effective December 31, 2000. This will mean families who currently are ineligible for the credit but within the $2,500 of eligibility will be able to receive the refundable EITC. This will reduce the marriage penalty EITC.

As I mentioned, the marriage penalty is 66 places in the Tax Code. We are getting at some of the most pernicious areas. For the earned-income tax credit, if you are a two-wage earner family and you should have both been able to qualify for the EITC, once you get married you should have the same amount of EITC available to your family. This particularly applies to lower income families. It is an important thing that we are doing. We fix this in our bill.

Our bill helps families at all income levels: low income, middle income, on up.

Finally, our bill would permanently extend the provision that allows the personal nonrefundable credits to offset both the regular tax and the minimum tax. It is important that America's families receive the full benefit of the tax cuts they were promised. This important change will allow America's families to maintain the $500-per-child tax credit, the Hope scholarship, the adoption credit, and many others that they would not be able to unless we change this particular area of the marriage penalty that applies as well.

Our bill provides fairness and equity. It provides hard-working American families with the tax relief they deserve.

Those are some of the specifics of the bill. I think this is an excellent bill in fixing some of these key areas of the marriage penalty. I think we have outlined previously the reasons for doing it. It is not fair to tax people because they get married and make them pay a penalty for the price of being married.

More important, marriage is important. We should send a positive signal that this is a good thing. Stable families are important. Our approach also recognizes that every spouse has a great contribution that they make. At the same time our approach reduces and eliminates the marriage penalty for many filers, it sends an important signal to all of America that we recognize the institution of marriage and we intend to promote it as a fundamental building block of our society.

I am hopeful this bill is going to be considered on the floor with a reasoned debate and not be too burdened down with amendments that are not germane and that we will be able to provide this marriage penalty relief to the millions of Americans, around 25 million married couples, who are currently adversely affected by the Tax Code.

There is more to do. The marriage penalty is in 66 different places. We only get at a few of them, but we get at some important ones. Today's is an important step by the Finance Committee to report this bill out. I think it is a clear and an important step towards our ultimate goal of getting this through the Senate, the conference between the House and the Senate, and to the President where I urge his signature. We must pass this important bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. BROWNBACK assumed the Chair.)

Mr. SESSIONS. 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. SESSIONS. Mr. President, I express my appreciation to the Chair for his important remarks on the details of the legislation that came out of the Senate Finance Committee today. That legislation takes a big step forward and basically eliminates the marriage penalty that exists in our tax law today.

Chairman ROTH has been a champion of improving our Tax Code. I am pleased to see that he has moved this legislation. It is something I know the Chair and I have advocated for a long time, as have many others in this body. We need to look at our policy in America and see if it is actually affirming the values we hold dear: Particularly, are we setting governmental policy in this country that damages families? Is that one of the reasons for the breakup of families in this country? I think it needs to be considered. I believe it is a matter of importance.

Good public policy is what we are about. We need to spend more time asking ourselves what is going to happen when we pass certain legislation. All of us agree that when you tax an item, a process, or an act, you get less of it. If you subsidize another act or process, you get more of it. That is just fundamental economics on which almost everybody would agree.

What we have in the marriage penalty is an amazing event. In this Government, we have created, according to the Congressional Budget Office, a tax burden of nearly $1,400 per married couple. If they are living separately, they will pay $1,400 on average less than if they are married. That is an amazing event. I happen to know someone who got divorced recently. When they divorced, they said their tax bill went down $1,600. Had they divorced in December instead of January, they would have had an extra $1,600 from that year's return. We have the incredible, amazing event in which Federal tax policy encourages family breakup. It provides a bonus—$1,600 a year—as long as they remain single, for example. That is the kind of policy that we have created here.

Likewise, people who marry are penalized. I know a young person that married recently. He and his wife both work. They believe it will cost them over $1,000 a year to get married. This is $100 a month we are talking about. We are talking about people being taxed an additional $100 a month for following through on an institution that this Nation traditionally—before we got into this matter—venerated, and that is marriage and family. So I think this is a big deal. It is a very big deal. It is bad public policy. It is wrong. It is unfair. We should not continue this policy and we need to end it now. I believe we are on the road to achieving that. I am excited about it. Some time ago, we realized that we

were not increasing the deductions for families who had children and that young families were struggling to raise children.

This tax bill doesn't deal with children, just marriage. We had a long struggle, but we finally passed a $500 per child tax credit for young families trying to raise kids. For two kids, that is $1,000 a year, and nearly $85 a month. Parents can buy shoes and clothes, take the kids to the movies, buy something after ball practice at McDonald's. That is real money to real American citizens. Now we are talking here about another $100 a month, on average, or $110, $120 a month that married people are having to pay for the privilege of getting married. That should not be. It is a punishing and unfair tax. Furthermore, it should not, in my view, be based on income. Just because you make a little more money than somebody else, why should you be penalized for getting married? That doesn't make sense to me. This is not, in my view, a tax reduction issue so much as it is a fairness issue. Let's eliminate this unfairness. I am excited about what is happening here. Families will be able to buy that new dress, buy tires for their car, or fix the muffler, or get a new set of shocks, things they may need on a monthly basis—things that families do on a regular basis.

Also, I want to point out that this penalty is particularly noticeable now that we have more married women working. The penalty is even worse when a married woman's income comes close to the amount of income of the husband. So the husband and wife marry and there is this unexpected tax. You get whacked, and you wonder whether it is worth both people working. It oftentimes hurts the woman more than the man. In this country we would like to see equal opportunity in salaries, that there not be a glass ceiling for women, and that they ought to be able to have the same salary opportunities. But the more likely, on a statistical basis, that the woman receives the same salary as a man, the more this penalty will fall on her. So I think it is clearly unfair to both men and women.

Mr. President, I want to say again that we are making a big step toward ending a penalty, a tax, a detriment, a burden on an institution that is critical to the salvation and strength of this country, which is marriage. We are taxing that, penalizing that, and we are discouraging marriage. We are subsidizing singleness and divorce, actually. That is not good public policy. I believe we can do better. Of course, it will have no impact on a single person. No burden will fall on them because of passing this bill. It will simply be leveling the playing field and making it a more fair system. I thank the Senator from Kansas, and I thank Senator ROTH and the others who have worked on this legislation. We are moving forward. It is time to pass this bill, to give some relief and eliminate this unfair tax on marriage.

I yield the floor.

ADDITIONAL STATEMENTS

MENTAL RETARDATION AWARENESS MONTH

• Mr. GRAMS. Mr. President, I rise today to honor ARC Minnesota, and the men and women who volunteer countless hours to improve the quality of life for children and adults with mental retardation and their families. March is officially this nation's "Mental Retardation Awareness Month"—but the efforts of these individuals should be celebrated year-round.

As legislators at the federal level, our support tends to come in the form of funding. It would be an understatement to say that children and adults with mental retardation and their families are faced with unique challenges. Needs differ from family to family. For some, it may be specialized education needs, and for others health care access. And as a member of the Senate Budget Committee, I realize the vast array of programs we've created to address the broad spectrum of needs—all of which compete for tax dollars.

That is why I have strenuously supported initiatives which provide greater flexibility and control by individuals. Programs such as A+ accounts that help families meet unique educational needs that federal, state and local programs cannot. Legislation like the Patients' Bill of Rights Plus Act that expands medical savings accounts, ultimately providing more flexible health care access—particularly benefitting those that are uninsured.

Mr. President, while Mental Retardation Awareness Month is coming to a close, it doesn't mean that Congress cannot move forward with policies which provide unique solutions to the unique challenges faced by individuals with mental retardation and their families. I would urge my colleagues to join me in commemorating the work of the 1,000 chapters of the ARC, in Minnesota and across this nation, with their pledge to work towards this goal.•

DIABETES RESEARCH

• Mr. BAUCUS. Mr. President, I rise today to support increased research funding for diabetes, a devastating disease that afflicts 16 million Americans, one-third of whom do not even know that they have it.

Diabetes kills one American every three minutes, discriminating neither on the basis of age, race, or belief. It is a lifelong affliction, with severe consequences. This was made painfully clear to me by a meeting I recently had with a boy and his family from Montana.

Justin Windham, from Missoula, said to me: "I want a cure for diabetes because I don't want to have any long term effects like: going blind, kidney problems, or losing my legs. Also I would like to be able to eat whatever my friends eat and not feel left out."

Justin, and the 16 million other Americans with diabetes, should be able to live their lives without fear of medical complications or the pain of being ostracized. That is why Congress has a responsibility to fund diabetes research and prevention. I urge my colleagues to devote increased resources for research on diabetes, so that our scientists can find a cure.•

IN MEMORY OF ION RATIU

• Mr. ROTH. Mr. President, I rise today to honor the life and accomplishments of Ion Ratiu of Romania who passed away on the 16th of January.

I had the honor of developing a close friendship with Ion. He was an outstanding politician, a very successful businessman, a philanthropist and, above all, a freedom fighter and a leader devoted to deepening relations between Romania and the United States.

Born in Romania at the end of World War II, Ion Ratiu spent a good part of his life in the United Kingdom and the United States. Here in Washington he developed many friendships and many of us have benefited from the warm hospitality of his Georgetown home.

Those of us who had the pleasure of his friendship can only have been impressed by the tremendous personal energy he directed against the dictatorship that dominated his homeland until the Velvet Revolutions of 1989. Ion was himself an incarnation of many elements of democracy's powerful arsenal. He was a journalist reporting on Romania's tragedy. He was a protector and rescuer of its dissidents. He was the founder of the "Free Romania Movement." He was the unyielding proponent of human rights in Romania.

In addition to tearing down Communism and building democracy in Romania, Ion Ratiu was also one who contributed to the foundation of deeper ties and links between Romania and the West, particularly the United States.

In London he led the British-Romanian Association for 20 years, and with his wife and sons established the Romanian Cultural Center. Here in Washington, Ion endowed the Ion Ratiu Chair at Georgetown University, a lighthouse for Romanian-American relations.

After the Romanian Revolution, Ion Ratiu was elected a member of national Parliament in Bucharest. He even was a strong contender for the Romanian presidency. Ion benefited from the respect of all his colleagues in the Romanian Parliament. He was appreciated for his commitment to democracy and unyielding efforts to earn for his country membership in the North Atlantic Treaty Organization. It was no surprise for me that Ion, a member of the opposition, led his parliament's delegation to the NATO Parliamentary Assembly.

The Romanian nation is mourning and so are Ion Ratiu's friends in the United States and the United Kingdom.

We will remember his for the warm enthusiasm and gentle manners he brought to every event. We will miss his soft and unique sense of humor.

And, we will always be grateful to him for keeping the torch of liberty, democracy, and freedom alive and vibrant. Ion always stayed true to his principles and beliefs and to his love for Romania.

Ion Ratiu is truly one of the heroes of not only Romania, but also the relationship between Romania and the United States.●

TRIBUTE TO STUART PRENTISS HERMAN

● Mrs. FEINSTEIN. Mr. President, I rise today in memory of Stuart Prentiss Herman, a prominent California attorney who passed away recently, in Los Angeles, at the young age of 57 after battling cancer.

Mr. Herman lived his life fighting injustice and discrimination wherever he found it. He was active in the civil rights movement of the 1960's, and began his legal career in 1968 as a trial attorney in the Civil Rights Division of the United States Department of Justice.

After his term as a federal attorney, Mr. Herman entered private practice. His legal work was devoted to labor and civil rights law, and he was highly respected throughout the country as a litigator, a mediator, and an arbitrator of complex and significant cases, particularly in the areas of racial discrimination and sexual harassment. In addition to his private practice, Mr. Herman was committed to providing legal services to the less privileged members of our society, and served on the Managing Committee of Bet Tzedek Legal Services, the Southern California Committee of the NAACP Legal Defense Fund and the Board of Directors of the Western Law Center for Disability Rights.

He was also committed to preserving the quality of our legal system, having served on the California State Bar Complainants' Grievance Panel and the Los Angeles Police Commission's discipline panels, and our judiciary, having served on the Los Angeles County Bar Association's Judicial Evaluations Committee and on the U.S. Court of Appeals' Ninth Circuit Task Force on Judicial Reporting.

Stuart Prentiss Herman was an exemplary attorney, having truly dedicated his life to the pursuit of justice for all Americans. I rise today in recognition of all that he accomplished during his lifetime, and in sadness that he passed away at such an early age.●

MAYOR THOMAS MENINO'S YOUTH COUNCIL

● Mr. KENNEDY. Mr. President, I had the privilege of meeting today with a wonderful group of courageous and dedicated young people who are members of Mayor Thomas Menino's Youth Council in Boston. This diverse group of junior and senior high school students is in town for their annual trip to Washington to discuss issues that affect today's youth. The group presented a letter signed by hundreds of Boston's young people, asking Congress to provide funding for youth summer jobs programs.

Mayor Menino's Youth Council was established in 1994 to give young people the opportunity to take an active role as advocates on issues that directly affect their lives. These dedicated volunteers from each of the neighborhoods in Boston have reached out to their community. They work closely with other organizations to hold monthly meetings and workshops, and they sponsor forums where young people can express their concerns and recommend solutions to elected officials.

This week these high school students are here to emphasize their support for increased funding for summer job programs. These programs provide valuable job experience for youths who otherwise might not have them. It helps them support their families and save money for college. Last summer, 500,000 young people were able to give back to their community, serving in such worthwhile summer programs as day camps, child care, care for the elderly, and cleaning city parks and recreation areas.

Studies show that early work experience raises lifetime earnings by ten percent. Clearly, our investment in these programs opens doors for the future by providing experience, connections in the community, and an increased prospects for their lifelong earning potential.

I commend the efforts of these young people to create jobs, and to prepare students for worthwhile careers and the important choices that lie ahead. I look forward to working with them to build on this effort and make it even more effective. I also look forward to seeing these young activists become the leaders who will make a difference whatever challenge they face. I hope that they will continue to inspire their peers and their representatives through their energy, dedication and passion on the issues that can make a difference in the lives of our nation's youth. I congratulate these future leaders, for they are truly shining examples to us all.●

TRIBUTE TO CARDINAL KUNG

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Cardinal Kung, who passed away on March 12 in Stamford, CT, at the age of 98. Cardinal Kung was a historic figure in the Roman Catholic Church and a symbol of strength and hope for all of us who care about religious freedom. In China, his native land, the Cardinal endured terrible persecution because of his unwillingness to surrender his religious beliefs. My state, Connecticut, had the great honor and privilege of welcoming him as a resident for the final years of his life.

Born in Shanghai in 1901, and ordained a priest in 1930, Cardinal Kung's heroic story began soon after the Communists took power in China. In 1949, he became the Bishop of Shanghai and, in 1950, the Apostolic Administrator of Soochow and Nanking. Resisting the new regime's attempt to control the Catholic Church, he refused to join the government-sanctioned Catholic Patriotic Association, which cut ties to the Vatican. Instead, Cardinal Kung remained loyal to the Pope and led the devoutly Catholic Legion of Mary, which the Communists declared to be counter-revolutionary.

After 5 years of tension, the Chinese Government in 1955 arrested Cardinal Kung and several hundred other people involved in the unofficial Catholic Church. Dragged into a stadium in Shanghai for a public confession, the Cardinal, with his hands tied behind his back, instead courageously shouted: ''long live Christ the King, long live the Pope.'' The security forces rushed him off the stage, and Cardinal Kung was held in detention for another 5 years. When he was finally brought to trial in 1960, the authorities convicted Cardinal Kung and sentenced him to life imprisonment for the so-called counter-revolutionary activity of pursuing his Catholic faith.

Cardinal Kung was a prisoner of conscience whose plight became known around the world. He suffered 30 years of isolating imprisonment, during which time he was denied visits from family and concerned representatives of the international community, and other forms of contact such as written correspondence. Despite this tortuous experience, he refused to renounce his beliefs or give in to his oppressors. In fact, when told that he could win his release by denouncing the Pope and cooperating with the government-sanctions Catholic Patriotic Association, he responded: ''I am a Roman Catholic Bishop. If I denounce the Holy Father, not only would I not be a Bishop, I would not even be a Catholic. You can cut off my head, but you can never take away my duties.'' The Vatican has recognized Cardinal Kung's extraordinary devotion and sacrifice to the Roman Catholic Church. In 1979, while he was still serving his life sentence, Pope John Paul II secretly elevated Kung to Cardinal, in pectore (in his heart), and the Pope announced this to the world in 1991.

In 1985, after sustained pressure from his family, human rights organizations, and foreign governments, the Chinese Government moved Cardinal Kung to house arrest, and in 1987 finally released him, though they notably did not exonerate him. He soon traveled to the United States for medical treatment and lived with his nephew, Joseph Kung, in Connecticut. In 1998, the Chinese Government refused to renew Cardinal Kung's passport, effectively exiling him, and the Cardinal never returned to his country.

Cardinal Kung's life demonstrates, I believe, the power of an individual's

faith and will to resist the repression of the state, and thus replenish the wellspring of human liberty for others. He refused to bend, to abandon his commitment to his Church, and his example inspired millions of his countrymen to hold firm in their beliefs and to their rights. When the Communists took power, there were an estimated 3 million Roman Catholics in China. According to current Chinese government statistics, there are now 4 million persons registered with the official Catholic Church. However, according to China's unofficial Catholic Church, for whom Cardinal Kung was the greatest symbol, the number of underground Catholics has swelled to as many as 9–10 million.

It is no secret that religious persecution in China, including of underground Catholics, continues. It is my hope that the spirit of Cardinal Kung will endure and continue to inspire others in China and around the world to follow his courageous example. And that one day there will be the complete religious freedom in China that Cardinal Kung lived, worked, and prayed for.●

AMADOR VALLEY HIGH SCHOOL IN NATIONAL COMPETITION ON U.S. CONSTITUTION

● Mrs. FEINSTEIN. Mr. President, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People. . . The Citizen and the Constitution program. I am very proud to announce that the class from Amador Valley High School in Pleasanton will represent the State of California. These young scholars have worked diligently to reach the national finals. Through their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The We the People. . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The primary goal of the program is to promote civic competence and responsibility among our nation's elementary and secondary students. Administered by the Center for Civic Education, the We the People. . . program has provided curricular material for more than 26 million students nationwide.

The three-day national competition is modeled after hearings in the U.S. Congress. The students testify as constitutional experts before a panel of judges representing several regions of the country and a variety of appropriate professional fields. Their testimony is followed by a period of questioning by a simulated Congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

The class from Amador Valley High School is currently conducting research and preparing for the upcoming national competition in Washington. I wish these young ''constitutional experts'' the best of luck at the We the People. . . national finals and continued success in their future endeavors.●

SIXTH ANNIVERSARY OF THE SHOOTING DEATH OF AARON HALBERSTAM

● Mr. MOYNIHAN. Mr. President, I rise today to extend my condolences to the family of Aaron ''Ari'' Halberstam on the sixth Hebrew calendar anniversary of his death. On March 1, 1994, the 15 year old was shot and fatally wounded, while driving in a van with fifteen other students, on the on-ramp of the Brooklyn Bridge returning home from visiting the late Lubavitcher spiritual leader Rabbi Menachem Mendel Schneerson.

Although the shooter, Rashid Baz, was convicted of murder and sentenced to life in prison, there remains a question of what motivated the attack. Many New Yorkers have joined Ari's mother, Mrs. Devorah Halberstam, in calling on the Federal Bureau of Investigation, FBI, to reclassify this hateful attack as an act of urban terrorism. Last May, at the request of the New York Congressional Delegation, the FBI and the United States Attorney's Office agreed to review the case for possible evidence of Federal crimes such as terrorism, civil rights violations, and firearms violations. This investigation is ongoing.

We look forward to the swift conclusion of the FBI and US Attorney's review in the hope it will bring peace of mind to the family who has suffered so greatly. Then, we shall hopefully, once and for all, learn what motivated Rashid Baz to commit such a senseless act of violence.●

GRAND RAPIDS STATE OF THE CITY

● Mr. LEVIN. Mr. President, Americans are fed up with the intolerable levels of gun violence in this country. This violence has seeped into our homes, schools, churches and community centers.

In cities and counties across the nation, people are calling for commonsense gun legislation. Mayor John Logie, of Grand Rapids, Michigan, dedicated his State of the City speech to the issue of gun violence and its traumatic effect on children. He asks us to take a new and different approach to the problem, an approach focused on protecting our children. Mayor Logie suggests that there is ''no greater cause behind which we can all join, than saving the lives of our young people.'' Major Logie is right: gun violence can be reduced. I hope this Congress can endorse his message and work to protect our children from senseless firearm injury and death.

I ask that the text of Mayor Logie's speech be printed in the RECORD.

The article follows:

STATE OF THE CITY

We are at the start of a new millennium, or at least the start of a new year, and thanks to the support of a majority of the voters in each of the 80 of the City's 100 precincts, for me the start of a new 4-year term in office, until December 31, 2003. Even though that sounds like a long time off, if it is anything like the last 8 years, it will disappear all too quickly.

Last year in this speech I was able to talk about the Common Good, about our accomplishments, and about the positive aspects of our future. Sometimes, however, a series of events occur, which make me feel that living in a community like this one, if it can be aroused and focused, it could provide leadership to this region, this State, perhaps even the country. So here is the topic I want to talk about today. On December 7th in Fort Gibson, Oklahoma, a 13-year-old seventh grader named Seth Trickey emptied a 9-millimeter semi-automatic pistol, resulting in four of his classmates being shot. Surrounded by 14 spent cartridges, he kept trying to pull the trigger on the empty handgun until the police arrived.

In Springfield, Oregon, 15-year-old Kip Kinkel gave a report in science class about how to make a bomb. Then in literature class he read from his journal about thinking about killings. No one did anything until he later shot and killed his parents and two classmates.

At Columbine High School, Eric Harris and Dylon Klebold, used a saw-off shotgun, a rifle, and a semi-automatic pistol, to slaughter 13 students and teachers. One of their classmates, Patrick Ireland, recently featured in Life magazine's Year in Pictures, was shot twice in the head and once in the foot. One bullet passed through the left hemisphere of his brain, which controls language, complex thinking, and the right side of the body, causing massive damage. It's still in his brain—too risky to remove, and he's considered lucky, because he's alive. Recently a home-made videotape was released in which Eric and Dylon talked about how they hoped one day Hollywood directors would fight for the right to tell their story, but they said they couldn't decide whether Steven Spielberg or Quentin Tarantino should direct the film. Their callousness is unbelievable! They talk openly on the tape about concocting their plan under the noses of unsuspecting parents and friends. They mention the time a clerk from Green Mountain Guns called Harris's home. His father answered. ''The clips are in,'' the clerk said. Wayne Harris told the clerk he hadn't ordered any clips for a gun, but never asked the clerk if he had the right phone number.

Barry Loukaitis, then 14, walked into his Moses Lake, Washington Junior High School, wearing a black trenchcoat and carrying a high-powered rifle. The coat also concealed two fully stocked ammunition belts around his chest and a hip holster carrying two low-caliber handguns, both owned by his parents. Loukaitis burst into his Algebra classroom and began spraying bullets. He shot first at a popular boy who had taunted him, and then two other students and a teacher. When it was over, using a line from a novel, he said, ''Sure beats Algebra, doesn't it?''. All but one of the students died.

In Bethel, Alaska, a 16-year-old used a 12-gauge shotgun to kill his principal and a classmate. In Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; and Conyors, Georgia, this terrifying scene keeps reoccurring with startling similarity and frightening regularity. And of course, here in Michigan we have Nathaniel Abraham, a convicted murderer at

age 11, and, in West Michigan, maybe just missed something of this nature when Justin Walters pleaded no contest to ethnic intimidation charges after he and another boy in Holland were found to have allegedly compiled a hit list that targeted minority students at their school.

In 1996, handguns were used to murder only 2 people in New Zealand, only 15 in Japan, only 30 in Great Britain, and only 106 in our neighbor Canada. In that same year 9,390 handgun murders occurred in this country. In fact, that is only part of the approximately 33,000 firearm-related deaths in the United States—roughly the same number of Americans as were killed in the Korean War. Choose any 2 years in the 90's, and guns in the United States killed more people than in all the long years of the Vietnam War. Each week, more than 600 people in the United States die from gun-related incidents. Many of them are children. In 1997, half of the handgun homicides were kids under 19. Every day in America, 12 young people die of gunshot wounds. Even accidental shooting deaths take a hideous toll: The rate for accidental gun deaths for children under 15 in the United States is 9 times higher than the rate for the other 25 industrial nations combined.

Before we can talk about creating solutions, I want to suggest that we have to begin by taking a new and different approach. The typical rhetoric around the issue of so-called gun control almost always ends up with the people on the Right declaring that the Second Amendment to the Constitution's language about ''the right of the people to keep and bear arms not being infringed'' is an automatic license to own any firearm you want, protected from governmental intrusion. And the people on the Left answer by saying that what we have to do is outlaw guns entirely. But the reality is that there are some 240 million guns in this country, well over 90 million of them handguns, which are not just going to go away.

The missing link to much more effective regulation has to be keyed to our concern for our children. Has anyone missed the point of this speech so far? That while we continue to talk about this issue, to debate this issue, to fight over gun ownership rights, children are dying everywhere in America, including our own community. Whatever the Constitutional rights of adults are, we have always had a Constitutional basis to be more restrictive and more protective about our children. As Mayor and a practicing trial lawyer for more than 30 years, I suggest that this is a point of entry into better solutions. By focusing on protecting our children, we can avoid most, if not all of the most divisive legal issues.

But first we have to slow down the Michigan Legislature. Fifty-six weapons bills were introduced in Lansing in 1999. Let me describe only two of them. One dealt with carrying concealed weapons, or ''CCW.'' Here in Kent County, as in most of the densely populated counties in Michigan, our concealed weapons permit board is very conservative. Few permits are issued, and then only for a very real need. Other, more rural counties are sometimes more liberal in their approach. Somehow this difference between urban and rural counties has offended certain members of the Legislature because of its ''lack of uniformity.'' So a bill was rushed into both chambers to strip away that local discretion and make Michigan a ''shall issue'' state, which means that unless the applicant was nuts or a convicted felon, he gets a permit. Overnight, virtually any person wanting to carry a concealed weapon would be able to do so. Not one big-city mayor or police chief in Michigan supported this terrible idea. But if it hadn't been for Eric Harris and Dylon Klebold in Littleton, Colorado, the law would have been changed. Even this bill's most ardent supporters didn't have the stomach to pass this legislation after the slaughter at Columbine. But, be assured it will resurface and be tried again.

Then there is HB 4379, which would not only block lawsuits against the gun industry by state and local governments, but also private organizations and individuals; and more importantly to where I believe we have to go, it would explicitly block state government from requiring safety locks or warning labels on guns. This proposal had 58 sponsors in the House of Representatives, more than enough to assure passage in that chamber, unless they start receiving different messages from all of us. We must say ''no'' to more pro-gun manufacturer legislation.

Things are not any better in Washington. Last fall the majority Whip in the House of Representatives, Congressman TOM DELAY, was quoted as saying, ''This House is a pro-gun House.'' Last May the U.S. Senate passed a juvenile justice bill and added an amendment requiring trigger-locking devices to protect children. This was also the bill that by one vote, 51–50 with Vice President GORE casting the deciding vote, the Senate agreed to regulate sales at gun shows. Well, that piece of legislation is now languishing in the House-Senate Conference Committee, where no one shows the political will necessary to move it forward. Somehow we have to inspire these people to do the right thing. We must begin to demand a regulatory and statutory framework that protects our children—even from themselves.

Here are some of the issues that we can and should begin demanding receive serious consideration:

(1) Require background checks for all guns purchased at gun shows. All dealers should be federally licensed, requiring them to conduct a background check prior to selling a firearm. There are now more than 4,000 annual gun shows dedicated primarily to the sale or exchange of firearms. Our friends at The Grand Rapids Press supported this requirement in an editorial on September 29, 1999.

(2) Require trigger locks. Conservative Republican Governor Christine Todd Whitman, on October 13, 1999, made New Jersey the fourth state in the nation to prohibit the sale of any new handgun without a trigger lock. In 1998 New York City passed a local ordinance making sellers responsible for issuing trigger locks. When that didn't get the job done, on October 14, 1999, the city passed an ordinance punishing gun owners with a year in jail if they fail to use trigger locks. Chicago, San Francisco, and the State of Massachusetts all have similar requirements. According to a Wall Street Journal/NBC News poll last July, 94% of women and 81% of men support requiring that guns have safety triggers. If we can implement this rule without new state legislation, I will ask the City Commission to do so. If not, I will lobby for the necessary state law change to do so.

(3) California, in addition to outlawing ''Saturday Night Specials,'' has passed a law limiting sales of handguns to one per month. Republican Governor Bill Owens of Colorado has endorsed raising the legal age to buy a gun from 18 to 21. To keep firearms out of children's reach, he wants a law requiring safe storage. Finally, he would make ''straw purchases,'' the guys that buy in bulk for resale to anyone including particularly, teenagers, illegal.

(4) The domestic production of large-capacity ammunition clips, ones that carry more than 10 rounds, has already been banned. But a loophole as large as the cargo hold of a freighter still exists. The importation of these large-capacity ammo clips needs to be outlawed as well.

(5) Seventeen states have passed Child Access Prevention laws, so-called CAP laws. Florida, governed by Jeb Bush, was the first state to pass such a law and has seen unintentional shooting deaths drop by more than 50% in the first year. These laws would make a gun owner responsible if a child gains access to an improperly stored firearm and uses it to kill or injure others. Almost 60% of students in grades 6 through 12 have indicated that they know where to get a gun, and a third of them said that they could get one within an hour. The unlocked, loaded gun in the home should become a thing of the past.

(6) And finally, technology is almost available for so-called ''smart guns''—firearms equipped with an electronic device to prevent anyone but the owner from firing it. When you look at the billions of dollars that we spend annually to fight and attempt to conquer diseases, would it not be justified to fund and thereby advance the timetable for research on this smart gun technology to bring it to the marketplace sooner rather than later?

Whether or not we are in the 21st Century, we have certainly turned a numerical milestone. This year begins, for the first time, with a ''2.'' In my recent Third Inaugural Address, I had an opportunity to look back at the 19th Century's Last Will and Testament as it appeared in The Grand Rapids Herald, on December 31, 1900. The Editor was Arthur VandenBurg, who would later become our U.S. Senator. The Will bequeathed inventions, books and reading, an honest ballot box, the need for equal civil rights, care for the disadvantaged, and concerns about armaments. I made the observation that it appeared that 100 years later we were still struggling with many of the same issues.

Gun violence being perpetrated by children, or at them, was nowhere to be found in the years 1899 or 1900. It is a product of the age we now live in—perhaps just the last 25 years. I hope that what we have unfortunately found to be true about the social problems which are still with us from 100 years ago, would not be true for this issue 100 years from now. You know, one definition of insanity is doing the same thing over and over again, and expecting different results. We can, we should, and we must change our strategy toward guns and children to achieve a better outcome.

I can think of no greater cause behind which we all can join, than saving the lives of our young people. I have attended the funerals for two of my brother Jim's three children—one dead of natural causes, the other from a car accident. Burying children, having their lives abruptly cut off, is truly a tragedy.

Over the last 10 years, our community has grown in stature in this West Michigan region, in this State, and even beyond. Protecting our children is an issue that can and should transcend party politics and conservative and liberal ideologies. I am confident that we can make a difference. Let us commit to doing so.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3908. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that pursuant to section 4(b) of Public Law 94–201 (20 U.S.C. 2103(b)), and upon the recommendation of the Minority Leader, the Speaker has reappointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Mr. William L. Kinney of South Carolina.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. COMBEST, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. STENHOLM, Mr. CONDIT, Mr. PETERSON of Minnesota, and Mr. DOOLEY of California, as managers of the conference on the part of the House.

MEASURE REFERRED

The following bill was read the first and second time by unanimous consent and referred as indicated.

H.R. 3908. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2314. A bill for the relief of Elian Gonzalez and other family members.

S. 2323. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Lester L. Lyles, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael E. Zettler, 0000

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. John W. Handy, 0000

The Following named officers for appointment to the grade indicated in the United States Air Force and for regular appointment (identified by an asterisk (*)) under title 10, U.S.C., sections 624, 628, and 531:

To be major

Terrance A. Harms, 0000
*Frederick E. Snyder, Jr. 0000
Krista K. Wenzel, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James F. Barnette, 0000
Brig. Gen. Gilbert R. Dardis, 0000
Brig. Gen. David B. Poythress, 0000
Brig. Gen. Joseph K. Simeone, 0000
Brig. Gen. Richard E. Spooner, 0000
Brig. Gen. Steven W. Thu, 0000
Brig. Gen. Bruce F. Tuxill, 0000

To be brigadier general

Col. Shelby G. Bryant, 0000
Col. Kenneth R. Clark, 0000
Col. Gregory B. Gardner, 0000
Col. John B. Handy, 0000
Col. Jon D. Jacobs, 0000
Col. Clifton W. Leslie Jr., 0000
Col. John A. Love, 0000
Col. Douglas R. Moore, 0000
Col. Eugene A. Sevi, 0000
Col. David E.B. Strohm, 0000
Col. Harry M. Wyatt III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald E. Keys, 0000

The following named officers for appointment in the United States Air Frce to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gary A. Ambrose, 0000
Brig. Gen. Brian A. Arnold, 0000
Brig. Gen. Thomas L. Baptiste, 0000
Brig. Gen. Leroy Barnidge Jr, 0000
Brig. Gen. John L. Barry, 0000
Brig. Gen. Walter E.L. Buchanan III, 0000
Brig. Gen. Richard W. Davis, 0000
Brig. Gen. Robert R. Dierker, 0000
Brig. Gen. Michael N. Farage, 0000
Brig. Gen. Jack R. Holbein Jr, 0000
Brig. Gen. Charles L. Johnson II, 0000
Brig. Gen. Theodore W. Lay II, 0000
Brig. Gen. Teddie M. McFarland, 0000
Brig. Gen. Michael C. McMahan, 0000
Brig. Gen. Timothy J. McMahon, 0000
Brig. Gen. Duncan J. McNabb, 0000
Brig. Gen. Howard J. Mitchell, 0000
Brig. Gen. Bentley B. Rayburn, 0000
Brig. Gen. John F. Regni, 0000
Brig. Gen. Victor E. Renuart Jr, 0000
Brig. Gen. Lee P. Rodgers, 0000
Brig. Gen. Glen D. Shaffer, 0000
Brig. Gen. Charles N. Simpson, 0000
Brig. Gen. James N. Soligan, 0000
Brig. Gen. Michael P. Wiedemer, 0000
Brig. Gen. Michael W. Wooley, 0000
Brig. Gen. Bruce A. Wright, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Wherley Jr., 0000

The following named Air National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 12203 and 12212:

To be colonel

James L. Abernathy, 0000
David S. Angle, 0000
David E. Avenell, 0000
Travis D. Balch, 0000
Joseph G. Balskus, 0000
Anthony B. Basile, 0000
Daniel W. Beck, 0000
Donald M. Boone, 0000
Richard S. Cain, 0000
Craig E. Campbell, 0000
Donald H. Chamberlain, 0000
Michael G. Colangelo, 0000
Arthur O. Compton, 0000
James D. Conrad, 0000
Douglas T. Cromack, 0000
Thomas L. Dodds, 0000
Patrick F. Dunn, 0000
Claude J. Eichelberger, 0000
William H. Etter, 0000
Dante M. Ferraro, Jr., 0000
Kathleen E. Fick, 0000
Ronald K. Girlinghouse, 0000
Thomas M. Greene, 0000
David J. Hatley, 0000
Thomas J. Haynes, 0000
Debora F. Herbert, 0000
Randall D. Herman, 0000
Allison A. Hickey, 0000
Robert A. Hickey, 0000
Randall E. Horn, 0000
William E. Hudson, 0000
Thomas Ingargiola, 0000
John C. Inglis, 0000
Richard W. Johnson, 0000
Verle L. Johnston Jr. 0000
Richard W. Kimbler, 0000
Debra N. Larrabee, 0000
Michael L. Leeper, 0000
Alan E. Lew, 0000
Connie S. Lintz, 0000
Salvatore J. Lombardi, 0000
Henry J. Maciog, 0000
Naomi D. Manadier, 0000
Gregory L. Marston, 0000
Eugene A. Martin, 0000
Thaddeus J. Martin, 0000
Craig M. McCormick, 0000
Dennis W. Menefee, 0000
Dennis J. Moore, 0000
Maria A. Morgan, 0000

Barbara J. Nelson, 0000
Robert B. Newman, Jr., 0000
Christopher M. Nixon, 0000
Donald D. Parden, 0000
Francis W. Pedrotty, 0000
Kathleen T. Perry, 0000
Thomas F. Prenger, 0000
John A. Ramsey, 0000
Marvin L. Riddle, 0000
Renny M. Rogers, 0000
Russell H. Sahr, 0000
Lois H. Schmidt, 0000
Timothy W. Scott, 0000
Jack F. Scroggs, 0000
Samuel S. Sivewright, 0000
John B. Soileau, Jr. 0000
Benjamin J. Spraggins, 0000
Jay T. Stevenson, 0000
David K. Tanaka, 0000
Timothy G. Tarris, 0000
Wayne L. Thomas, 0000
James K. Townsend, 0000
Terrance R. Tripp, 0000
Kay L. Troutt, 0000
Brian A. Truman, 0000
Curtis M. Whitaker, 0000
Mark A. White, 0000
Kennard R. Wiggins Jr., 0000
Brent E. Winget, 0000
Darryll D.M. Wong, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Robert E. Gaylord, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David E. Glines, 0000

The following named officers for appointment to the grade indicated in the United States Army in the Nurse Corps, Medical Service Corps, Medical Specialist Corps and Veterinary Corps under title 10, U.S.C., sections 624 and 3064:

To be colonel

Jaime Albornoz, 0000
Carlos M. Arroyo, 0000
Katherine A. Babb, 0000
John M. Beus, 0000
James A. Blagg, 0000
Larry G. Carpenter, 0000
David S. Carter, 0000
Michael B. Cates, 0000
Maureen Coleman, 0000
Brian J. Commons, 0000
Patricia A. Cordts, 0000
Michael D. Daley, 0000
William G. Davies, 0000
Stephen L. Denny, 0000
Sharon S. Deruvo, 0000
Mary R. Deutsch, 0000
Donna M. Diamond, 0000
Kathleen N. Dunemn, 0000
Princess L. Facen, 0000
Bradley D. Freeman, 0000
Timothy D. Gordon, 0000
Greg A. Griffin, 0000
David S. Heintz, 0000
Joseph C. Hightower, 0000
Nancy S. Hodge, 0000
Sally S. Hoedebecke, 0000
William J. Huleatt, Jr., 0000
Dorene Hurt, 0000
Leland L. Jurgensmeier, 0000
William S. Kirk, 0000
Brian E. Knapp, 0000
Jeffrey N. Legrande, 0000
Larry C. Lynch, 0000
Francis L. McVeigh, 0000
Elizabeth A. Milford, 0000
Judith J. Minderler, 0000
Brenda F. Mosley, 0000
Roger W. Olsen, 0000
Analiza Y. Padderatz, 0000
Robert M. Pontius, 0000
Nathaniel Powell, Jr., 0000
Ann B. Richardson, 0000
Douglas S. Rinehart, 0000
Margaret Rivera, 0000
Lynele Rockwell, 0000
Gemryl L. Samuels, 0000
Catherine M. Schempp, 0000
Scott R. Severin, 0000
Kathleen Y. Shackle, 0000
Ronald L. Shippee, 0000
Debra L. Spittler, 0000
Daniel A. Strickman, 0000
Robert J. Thompson, 0000
Wren H. Walters, Jr., 0000
Lisa D. Weatherington, 0000
Noel R. Webster, 0000
Betty J. Wiley, 0000
Timothy D. Williamson, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. William A. Cugno, 0000
Brig. Gen. Bradley D. Gambill, 0000
Brig. Gen. Marianne Mathewson-Chapman, 0000
Brig. Gen. Michael H. Taylor, 0000
Brig. Gen. Francis D. Vavala, 0000

To be brigadier general

Col. John A. Bathke, 0000
Col. Barbaranette T. Bolden, 0000
Col. Ronald S. Chastain, 0000
Col. Ronald G. Crowder, 0000
Col. Ricky D. Erlandson, 0000
Col. Dallas W. Fanning, 0000
Col. Donald J. Goldhorn, 0000
Col. Larry W. Haltom, 0000
Col. William E. Ingram, Jr., 0000
Col. John T. King, Jr., 0000
Col. Randall D. Mosley, 0000
Col. Richard C. Nash, 0000
Col. Phillip E. Oates, 0000
Col. Richard D. Read, 0000
Col. Andrew M. Schuster, 0000
Col. David A. Sprynczynatyk, 0000
Col. Ronald B. Stewart, 0000
Col. Warner I. Sumpter, 0000
Col. Clyde A. Vaughn, 0000

The following named officers for appointment to the grade indicated in the United States Army in the Judge Advocate General's Corps under title 10, U.S.C. sections 624 and 3064:

To be colonel

Lyle W. Cayce, 0000
Malinda E. Dunn, 0000
Anthony M. Helm, 0000
William M. Mayes, 0000
Michele M. Miller, 0000
Melvin G. Olmscheid, 0000
John F. Phelps, 0000
Fred T. Pribble, 0000
Steven T. Salata, 0000
Mortimer C. Shea, Jr., 0000
Paul L. Snyders, 0000
William A. Stranko II, 0000
Manuel E. Supervielle, 0000
Marc L. Warren, 0000
Roger D. Washington, 0000

The following named Army National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

James M. Dapore, 0000
Richard Parker, 0000
Michael J. Wilson, 0000

The following named officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 1552 and 12203:

To be colonel

James W. Hutts, 0000
Timothy J. Hyland, 0000
Bronislaw A. Zamojda, 0000

The following named officers for appointment to the grades indicated in the United States Army and for regular appointment in the Medical Service Corps (MS) and, Medical Corps (MC), as indicated, under title 10, U.S.C., sections 531, 624, and 3064:

To be lieutenant colonel

Paul R. Hulkovich, 0000

To be major

Michael A. Weber, 0000

The following named officers for appointment to the grade indicated in the United States Army in the Medical Corps under title 10, U.S.C., sections 624 and 3064:

To be major

Scott R. Antoine, 0000
Vincent G. Becker, 0000
Bal R. Bhullar, 0000
Jon M. Bruce, 0000
Sellas P. Coble, 0000
Thomas R. Coomes, 0000
Marc D. Davis, 0000
James M. Ditolla, 0000
Jason R. Dittrich, 0000
Charles R. Downey, Jr., 0000
Travis A. Dugan, 0000
Samuel J. Eallonardo III, 0000
Jonathan C. Eugenio, 0000
Todd A. Farrer, 0000
Edmund W. Higgins, 0000
Philip G. Hirshman, 0000
Cheuk Y. Hong, 0000
Elizabeth D. Kassapidis, 0000
David C. Kottra, 0000
Alexander A. Kucewicz, 0000
Alex Loberarodriguez, 0000
Matthew J. Martin, 0000
Vincent M. Messbarger, 0000
Todd A. Miller, 0000
Carolyn Y. Millerconley, 0000
Mary V. Mirto, 0000
Charles A. Mullins, 0000
John F. Nicholson, 0000
Shawn D. Parsley, 0000
Robert L. Richard, 0000
Paul E. Rieck, 0000
Brian A. Sauter, 0000
Frederick K. Swiger, 0000
Shawn A. Tassone, 0000
Albert W. Taylor, 0000
William Warlick, 0000
David C. Wells, 0000
Warren T. Withers, 0000
Patrick J. Woodman, 0000

The following named officers for regular appointment in the grades indicated in the United States Army Nurse Corps (AN), Medical Corps (MC), Dental Corps (DE), Medical Specialist Corps (SP), Veterinary Corps (VC), and Judge Advocate General's Corps (JA) under title 10, U.S.C., sections 531 and 3064:

To be colonel

Martha C. Lupo, 0000
Indira Wesley, 0000
John M. Wesley, 0000

To be lieutenant colonel

Karen L. Cozean, 0000
Michael E. Faran, 0000
Todd R. Granger, 0000
Warren S. Mathey, 0000
Christine M. Piper, 0000
Phillip R. Pittman, 0000
David Schuckenbrock, 0000
Calvin Y. Shiroma, 0000
Ray N. Taylor, 0000

To be major

Susan C. Altenburg, 0000

Morgan L. Bailey, 0000
Elizabeth A. Bowie, 0000
Wilfredo Cordero, 0000
Debra R. Cox, 0000
Sylvia R. Dennis, 0000
Margaret L. Dixon, 0000
JoAnn S. Doleman, 0000
Ann M. Everett, 0000
Dorothy F. Galberth, 0000
Christine D. Garner, 0000
Robert C. Gerlach, 0000
Benny F. Harrell, 0000
Walt Hinton, 0000
Emmons V. Holbrook, 0000
Barbara M. Keltz, 0000
Daniel O. Kennedy, 0000
Dorothy J. Legg, 0000
Patricia A. Merrill, 0000
Joseph M. Molloy, 0000
Debra A. Ramp, 0000
Doris A. Reeves, 0000
Lue D. Reeves, 0000
Catherine F. Ryan, 0000
Robert Savage, 0000
Adoracion G. Soria, 0000
Karen A. Spurgeon, 0000
Benjamin Stinson, 0000
Palacestine Tabson, 0000
Irene E. Williford, 0000

To be captain

Eric D. Aguila, 0000
Deborah Albrecht, 0000
Elena Antedomenico, 0000
Jennifer Bager, 0000
Troy R. Baker, 0000
Jeffrey A. Banks, 0000
Thad J. Barkdull, 0000
Patrick A. Barrett, 0000
Sanaz Bayati, 0000
Jeremy T. Beauchamp, 0000
Amit K. Bhavsar, 0000
Robert E. Blease, 0000
Andrew S. Bostaph, 0000
Jonathan K. Branch, 0000
Annamae Campbell, 0000
Daniel W. Carlson, 0000
Mark G. Carmichael, 0000
Ambrose M. Carroll, 0000
Michael E. Clark, 0000
Corinne M. Conroy, 0000
John H. Craddock, 0000
Lisa E. Crosby, 0000
Frederick Davidson, 0000
Danny R. Denkins, 0000
David H. Dennison, 0000
Ronald D. Desalles, 0000
Thomas E. Ellwood, 0000
Jody L. Ennis, 0000
Susan K. Escallier, 0000
Stephanie Foster, 0000
Travis C. Frazier, 0000
Dennis J. Geyer, 0000
Michael A. Gladu, 0000
Brian L. Gladwell, 0000
Blondell S. Glenn, 0000
James W. Graham, 0000
Sheri K. Green, 0000
William Grief, 0000
Britney Grimes, 0000
Michael Hamilton, 0000
Kwasi L. Hawks, 0000
Brian A. Hemann, 0000
Jeffrey Hirsch, 0000
Richard W. Hussey, 0000
Jerry K. Izu, 0000
Edgar Jimenez, 0000
David E. Johnson, 0000
Jeremy D. Johnson, 0000
Samuel L. Jones, 0000
Ryan J. Keneally, 0000
Julie S. Kerr, 0000
Julie M. Kissel, 0000
Stuart R. Koser, 0000
Michael L. Kramer, 0000
Michael Krasnokutsky, 0000
Gregory T. Lang, 0000
Jennifer L. Lay, 0000
John P. Lay, 0000
Walter S. Leitch, 0000
Andrew H. Lin, 0000
Brian F. Malloy, 0000
Jason D. Marquart, 0000
Laura N. Marquart, 0000
Scott F. McClellan, 0000
Karin L. McElroy, 0000
Jennifer H. Mcgee, 0000
Valencia B. Meza, 0000
Steven C. Miller, 0000
Beverly J. Morgan, 0000
Philip S. Mullenix, 0000
Sean W. Mulvaney, 0000
Kevin M. Nakamura, 0000
Kenneth J. Nelson, 0000
Duc H. Nguyen, 0000
John P. O'Brien, 0000
Jason A. Pates, 0000
Theresa A. Pechaty, 0000
Sylvia F. Perez, 0000
Jose Perezvelazquez, 0000
America Planas, 0000
Richard D. Reed, 0000
Carolyn Richardson, 0000
Eric R. Richter, 0000
Christopher Rivera, 0000
Terry W. Roberts, 0000
Kevin K. Robitaille, 0000
Matthew M. Ruest, 0000
Harlan I. Rumjahn, 0000
Maureen A. Salafai, 0000
John D. Schaber, 0000
Paula I. Schasberger, 0000
John K. Shin, 0000
James E. Simmons, 0000
Netta F. Stewart, 0000
Neil Stockmaster, 0000
Juanita Stokes, 0000
Burton L. Stover, 0000
Chris A. Strode, 0000
Drew A. Swank, 0000
Douglas M. Tilton, 0000
Evelyn Townsend, 0000
George Vonhilsheimer, 0000
Jean E. Wardrip, 0000
Christopher Warner, 0000
Sylvia V. Waters, 0000
Thomas M. Wertin, 0000
David A. Weston, 0000
Ronald L. White, 0000
Grace F. Wieting, 0000
Ronald V. Wilson, 0000
Gary H. Wynn, 0000
Charles L. Young, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 3069 and in accordance with Article II, Section 2 of the Constitution of the United States:

To be brigadier general, Nurse Corps

Col. William T. Bester, 0000

The following named officers for appointment to the grade indicated in the Reserve of the Army under title, 10 U.S.C., section 12203:

To be colonel

Thomas W. Acosta Jr., 0000
Steven Alan Adams, 0000
Augustus D. Aikens Jr., 0000
Jeffrey C. Akamatsu, 0000
William E. Aldridge, 0000
Robert F. Altherr Jr., 0000
Ronald D. Anderson, 0000
Steven D. Anderson, 0000
William V. Anderson, 0000
Michael D. Armour, 0000
Philip L. Arthur, 0000
Deborah A. Ashenhurst, 0000
Robbie L. Asher, 0000
John M. Atkins, 0000
Milton G. Avery, 0000
Robert A. Avery, 0000
William P. Babcock, 0000
Steven A. Backer, 0000
James D. H. Bacon, 0000
Gregory P. Bailey 0000
Bruce H. Baker Jr., 0000
Kenneth J. Baker, 0000
Albert Bardayan, 0000
Newton R. Bardwell III, 0000
Roosevelt Barfield, 0000
Lonnie L. Barham, 0000
Rodney J. Barham, 0000
Steven R. Barner, 0000
John I. Barnes III, 0000
Robert L. Barnes Jr., 0000
Daniel W. Barr, 0000
Richard A. Baylor, 0000
Robert A. Bean Jr., 0000
Mark D. Becher, 0000
Bruce E. Beck, 0000
Carl B. Beckmann Jr., 0000
Terrence W. Beltz, 0000
Dan A. Berkebile, 0000
Gerald R. Betty, 0000
Warren K. Beyer, 0000
William G Bickel, 0000
Courtland C. Bivens III, 0000
Robert D. Bloomquist, 0000
Terry L. Bortz, 0000
Phillip E. Bowen, 0000
John L. Brackin, 0000
Thomas M. Bradley, 0000
George R. Brady, 0000
Paul M. Brady, 0000
James A. Brattain, 0000
John R. Rault, 0000
Allen E. Brewer, 0000
Robert K. Brinson, 0000
Sans C. Broussard, 0000
Harold E. Brown, 0000
Charles R. Brule, Sr. 0000
Robert O. Brunson, 0000
John A. Bucy, 0000
Harold G. Bunch, 0000
Andrew C. Burton, 0000
Philip C. Caccese, 0000
Matthew P. Cacciatore, Jr., 0000
Ann Moore Campbell, 0000
Roland L. Candee, 0000
James J. Caporizo III, 0000
Ronald A. Cassaras, 0000
Charles R. Chadwick, 0000
Charles A. Chambers, IV, 0000
Elizabeth A Checchia, 0000
Peter Paul Herellia, 0000
James Young Chilton, 0000
Thomas R. Christensen, 0000
Robert M. Christian, 0000
John G. Christiansen, Jr., 0000
Bobby Guy Christopher, 0000
Danny Dean Clark, 0000
James E. Cobb, 0000
McKinley Collins, Jr., 0000
Thomas Patrick Collins, 0000
Dennis Conway, 0000
Lawrence D. Cooper, 0000
April M. Corniea, 0000
Calvin Edward Coufal, 0000
Terry Ray Council, 0000
Ardwood R. Courtney, Jr., 0000
Homer T. Cox III, 0000
Mark E. Craig, 0000
John V. Crandall, 0000
Stanley E. Crow, 0000
Rita K. Cucchiara, 0000
Thomas W. Current, 0000
Thomas E. Dacar, 0000
Willie D. Davenport, 0000
Jack L. Davis, 0000
John T. Davis, 0000
Milton P. Davis, 0000
John E. Davoren, 0000
Gary W. Dawson, 0000
Thomas Dawayne Dean, 0000
Philip M. Dehennis, 0000
Joseph P. Dejohn, 0000
Paul Morton Dekanel, 0000
Santiago Delvalle, 0000
Joseph G. Depaul, 0000
Carolyn J. Derby, 0000
Ronald Edgar Dewitt, 0000
Neil Dial, 0000
Richard W. Dillon, 0000

David T. Dorrough, 0000
Raymond S. Doyle, 0000
Gilford C. Dudley, Jr., 0000
John Frederick Dugger, 0000
James J. Dunphy, Jr., 0000
Warren L. Dupuis, 0000
Paul W. Dvorak, 0000
William Thomas Egan, 0000
Michael E. Eichinger, 0000
Gary F. Eischeid, 0000
Gary R. Engel, 0000
Ernest T. Erickson, 0000
Richard M. Etheridge, 0000
Arthur Dale Evans, 0000
Peter Frank Falco, 0000
Clarence Faubus, 0000
Charles B. Faulconer, Jr., 0000
Dan W. Faust III, 0000
Samuel L. Ferguson, 0000
Robert Michael Field, 0000
William H. Finck, 0000
Michael P. Finn, 0000
Robert L. Finn, 0000
Lynn E. Fite, 0000
Dennis R. Flanery, 0000
George M. Flattley, 0000
Dale P. Foster, 0000
Michael J. Foy III, 0000
Lloyd J. Freckleton, 0000
Clarence C. Freels, 0000
William Roland Frost, 0000
Cherie Annette Fuchs, 0000
Wesley J. Fudger, Jr., 0000
Joe R. Gaines, Jr., 0000
John Duane Gaines, 0000
Paul Vincent Gambino, 0000
Daniel Michael Ganci, 0000
Ernest L. Gandy, 0000
James P. Gardner, 0000
Dennis V. Garrison, Jr., 0000
Paul C. Genereux, Jr., 0000
Robert L. Giacumo, 0000
Jerry M. Gill, 0000
Paul D. Golden, 0000
David S. Gordon, 0000
John Leggett Graham, 0000
Frank Joseph Grass, 0000
Melvin Jake Graves, 0000
Billy R. Green, 0000
Linda Diane Green, 0000
Oscar Charles Greenleaf, 0000
David J. Griffith, 0000
John Lawrence Gronski, 0000
Lindsay H. Gudridge, 0000
Terry Glynn Hammett, 0000
Ralph Bryan Hanes, 0000
Philip Lawrence Hanrahan, 0000
Eric A. Hanson, 0000
Russell S. Hargis, 0000
Robert C. Hargreaves, 0000
Joe Lee Harkey, 0000
Daniel Joseph Harlan, 0000
Thomas Wayne Harrington, 0000
George Ray Harris, 0000
George W. Harris, 0000
Robert Alan Harris, 0000
Donnan R. Harrison III, 0000
Michael F. Hau, 0000
Spencer L. Hawley, 0000
David Raymond Hays, 0000
James D. Head, 0000
Mark S. Heffner, 0000
Gerald M. Heinle, 0000
John W. S. Heltzel, 0000
Richard Eugene Hens, 0000
John Raymond Henstrand, 0000
Patrick R. Heron, 0000
Michael J. Hersey, 0000
John B. Hershman, 0000
Ruby Lee Hobbs, 0000
Dudley B. Hodges III, 0000
Mary Josephine Hogan, 0000
Richard Edward Holland, 0000
Henry Vance Holt, 0000
Herbert Lewis Holtz, 0000
Thomas French Hopkins, 0000
Gary Wayne Hornback, 0000
David Eugene Hriczak, 0000
Charles H. Hunt, Jr., 0000
Peter V. Ingalsbe, 0000
Harold D. Ireland, 0000
Charles Nathan Jay, 0000
Larry D. Jayne, 0000
Roy Jack Jensen, 0000
Calvin S. Johnson, 0000
William G. Johnson, 0000
William J. Johnson, Jr, 0000
William Carlyle Johnston, 0000
Daniel Lee Joling, 0000
Christopher Reed Jones, 0000
David C. Jones, 0000
David R. Jones, Jr., 0000
Charles Alfred Justice, 0000
Edward T. Kamarad, 0000
Gregory Ray Keech, 0000
Michael Aaron Kelly, 0000
Jeffrey J. Kennedy, 0000
Stanley R. Keolanui, Jr., 0000
Richard Joseph Kiehart, 0000
Craig Stephen King, 0000
Randy Warren King, 0000
Bruce Eric Kramme, 0000
Doris Jean Kubik, 0000
John J. Kuhle, 0000
Susan E. Kuwana, 0000
Timothy M. Lambert, 0000
Gary S. Landrith, 0000
Joseph A. Laneski, 0000
Richard Frank Lange, 0000
Konrad B. Langlie, 0000
George D. Lanning, 0000
Lawrence M. Larsen, 0000
Thomas Lebovic, 0000
Ralph L. Ledgewood, 0000
Myron C. Lepp, 0000
Glenn Jeffrey Lesniak, 0000
James R. Lile, 0000
Stephen David Lindner, 0000
Thomas Richard Logeman, 0000
Ralph Daniel Long, 0000
Rodney W. Loos, 0000
Walter E. Lorcheim, 0000
Vernon Lee Lowrey, 0000
Gilbert Lozano Jr., 0000
Stephen L. Lynch, 0000
Cheryl Marie Machina, 0000
David Clarence Mackey, 0000
Michael J. Madison, 0000
Carlos A. Maldonado, 0000
Jeffery Eugene Marshall, 0000
Eugene C. Martin, 0000
Robert A. Martinez, 0000
Oliver J. Mason, Jr., 0000
Larry W. Massey, 0000
Bobby E. Mayfield, 0000
John M. McAuley, 0000
Kevin R. McBride, 0000
Henry C. McCann, 0000
Timothy G. McCarthy, 0000
Morris E. McCoskey, 0000
John William McCoy, Jr., 0000
James P. McDermott, 0000
Daniel J. McHale, 0000
Donald E. McLean, 0000
Nolan R. Meadows, 0000
Robert E. Meier, 0000
Robert James Meier, 0000
Terrence John Merkel, 0000
James Richard Messinger, 0000
Donald Dean Meyer, 0000
Neil E. Miles, 0000
Lonnie R. Miller, 0000
Scott D. Miller, Jr., 0000
James F. Minor, 0000
Peter Francis Mohan, 0000
William Monk III, 0000
Raymond B. Montgomery, 0000
Randall W. Moon, 0000
David Fidel Morado, 0000
Jane Phyllis Morey, 0000
Jill E. Morgenthaler, 0000
Glenn David Mudd, 0000
Richard O. Murphy, 0000
Margaret E. Myers, 0000
Charles R. Nearhood, 0000
Daniel J. Nelan, 0000
David B. Nelson, 0000
Stephen D. Nichols, 0000
Joseph Frank Noferi, 0000
Oliver L. Norrell III, 0000
Mark D. Nyvold, 0000
Paul F. O'Connell, 0000
Hershell W. O'Donnell, 0000
Walter Stephen O'Reilly, 0000
Victor M. Ortizmercado, 0000
Karlynn P. O'Shaughnessy, 0000
Henry J. Ostermann, 0000
James Edward Otto, 0000
Clarence H. Overbay III, 0000
Benjamin F. Overbey, 0000
Jan Guenther Papra, 0000
John Henry Paro, 0000
David M. Parquette, 0000
George J. Pecharka, Jr., 0000
Lter Stephen Pedigo, 0000
George A. B. Peirce, 0000
Alan R. Peterson, 0000
Karl F. Peterson, 0000
William H. Petty, 0000
Joseph Carl Phillips, 0000
Nickey Wayne Philpot, 0000
D. Darrell Eugene Pickett, 0000
Robert Kent Pinkerton, 0000
Robert L. Pitts, 0000
Carl Joe Posey, 0000
Rick Lynn Powell, 0000
James Frederick Preston, 0000
Louis P. Preziosi, 0000
John M. Prickett, 0000
Robert M. Puckett, 0000
Barney Pultz, 0000
Walter L. Pyron, 0000
Terry Lee Quarles, 0000
Paul J. Raffaeli, 0000
Thomas H. Redfern, 0000
Johnny H. Reeder, 0000
Eldon Philip Regua, 0000
Price Lewis Reinert, 0000
Robert Reinke, Jr., 0000
Joseph Warren Reiter, 0000
Barry L. Reynolds, 0000
John F. Reynolds, 0000
James Lance Richards, 0000
Douglas G. Richardson, 0000
Philip A. Richardson, 0000
Mark C. Ricketts, 0000
Raynor J. Ricks Jr., 0000
Kenneth Wayne Rigby, 0000
James Francis Riley, 0000
Isabelo Rivera, 0000
David Lee Roberts, 0000
Paul Edwin Roberts, 0000
David P. Robinson, 0000
Steven Ray Robinson, 0000
Frank Gerard Romano, 0000
Debra C. Rondem, 0000
Timothy L. Rootes, 0000
Lawrence Henry Ross, 0000
Thomas Warren Round, 0000
Joel Ross Rountree, 0000
David H. Russell, 0000
Michael H. Russell, 0000
Larry D. Rutherford, 0000
Loretta R. Ryan, 0000
Frank Albert Sampson, 0000
Stephen M. Sarcione, 0000
Steven D. Saunders, 0000
Joseph M. Scaturo, 0000
Otto Byron Schacht, 0000
Helen P. Schenck, 0000
Robert W. Scherer, 0000
Paul A. Schneider, 0000
Edward C. Schrader, 0000
Gordon W. Schukei, 0000
James D. Schultz Jr., 0000
Stephen Peter Schultz, 0000
John Thomas Schwenner, 0000
Mark W. Scott, 0000
Michael F. Scotto, 0000
Gale Hadley Sears, 0000
Bernard Seidl, 0000
Stephen Ridgely Seiter, 0000
Charles R. Seitz, 0000
Ronald George Senez, 0000

Kenneth J. Senkyr, 0000
Christopher T. Serpa, 0000
Walter S. Shanks, 0000
Hugh Dunham Shine, 0000
Kenneth R. Simmons Jr., 0000
James L. Simpson, 0000
Robert G. Skiles Jr., 0000
James A. Slagen, 0000
William A. Slotter, 0000
Carlon L. Smith, 0000
David B. Smith, 0000
David C. Smith, 0000
Edward H. Smith, 0000
John F. Smith, 0000
Kenneth Eugene Smith, 0000
Roy C. Smith, 0000
Sherwood J. Smith, 0000
Steven W. Smith, 0000
Karl P. Smulligan, 0000
Arnold H. Soeder, 0000
David L. Spencer, 0000
Terrance J. Spoon, 0000
David William Starr, 0000
Michael R. Staszak, 0000
Michael E. Stephany, 0000
James Melvin Stewart, 0000
Richard W. Stewart, 0000
John M. Stoen, 0000
Gregory Wayne Stokes, 0000
James C. Suttle Jr., 0000
Richard E. Swan, 0000
Thomas B. Sweeney, 0000
Derek C. Swope, 0000
Doris P. Tackett, 0000
Michael Graham Temme, 0000
Lance Morell Tharel, 0000
Randal Edward Thomas, 0000
Carey Garland Thompson, 0000
Frederick T. Thurston, 0000
Jack Thomas Tomarchio, 0000
Stephen Craig Truesdell, 0000
Verlyn E. Tucker, 0000
Robert J. Udland, 0000
Robert J. Vandermale, 0000
Jacob A. Vangoor, 0000
Larry D. Vanhorn, 0000
Gary Wallace Varney, 0000
Robert Willard Vaughan, 0000
Russell Owen Vernon, 0000
Bert F. Vieta, 0000
Pedro G. Villarreal, 0000
William G. Vincent, 0000
Jeffery R. Vollmer, 0000
Keith Richard Votava, 0000
William D. R. Waff, 0000
Charles M. Wagner, 0000
Gary F. Wainwright, 0000
Layne J. Walker, 0000
Martin H. Walker, 0000
Sally Wallace, 0000
Kendall Scott Wallin, 0000
Joseph W. Ward III, 0000
Kenneth Robert Warner, 0000
Herbert R. Waters III, 0000
Michael K. Webb, 0000
Roy Landrum Weeks Jr., 0000
Frederick H. Welch, 0000
James M. Wells, 0000
Michael J. Wersosky, 0000
Mary E. Lynch Westmoreland, 0000
Grant L. White, 0000
Francis B. Williams, 0000
Stanley O. Williams, 0000
Richard J. Willinger, 0000
Cecil Mason Willis, 0000
Joel William Wilson, 0000
Tony N. Wingo, 0000
Anthony E. Winstead, 0000
Larry V. Wise, 0000
Paul K. Wohl, 0000
Bruce M. Wood, 0000
Glenn R. Worthington, 0000
Barry Gene Wright, 0000
Kathy J. Wright, 0000
Neil Yamashiro, 0000
Earl M. Yerrick Jr., 0000
David Keith Young, 0000
Richard S. W. Young, 0000
Samuel R. Young, 0000
Vincent A. Zike Jr., 0000

The following named Army National Guard of the United States Officers for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

James G. Ainslie, 0000
Shawn W. Flora, 0000
Douglas McCready, 0000
Theresa M. Odekirk, 0000
Thomas M. Penton Jr., 0000

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., sections 531 and 624:

To be lieutenant colonel

Jane H. Edwards, 0000

The following named officers for appointment to the grade indicated in the United States Army and for Regular appointment in the Nurse Corps (AN), Medical Service Corps (MS), Medical Specialist Corps (SP) and Veterinary Corps (VC) (identified by an asterisk(*)) under title 10, U.S.C., sections 624, 531, and 3064:

To be lieutenant colonel

Jeffrey J. Adamovicz, 0000 MS
Roxanne Ahrman, 0000 AN
Matthew J. Anderson, 0000 AN
Randall G. Anderson, 0000 MS
Debra C. Aparicio, 0000 AN
Donald F. Archibald, 0000 MS
David R. Ardner, 0000 MS
Kimberly K. Armstrong, 0000 AN
Cheryl M. Bailly, 0000 AN
Francis W. Bannister, 0000 MS
Linda M. Bauer, 0000 AN
*Terry K. Besch, 0000 VC
Steven G. Bolint, 0000 MS
Lori L. Bond, 0000 AN
Crystal M. Briscoe, 0000 VC
Hortense R. Britt, 0000 AN
*Henrietta W. Brown, 0000 AN
David P. Budinger, 0000 MS
Kay D. Burkman, 0000 VC
*Spencer J. Campbell, 0000 MS
Brian T. Canfield, 0000 MS
*Charles E. Cannon, 0000 MS
*Calvin B. Carpenter, 0000 VC
*Margaret N. Carter, 0000 VC
Janice E. Carver, 0000 AN
Thomas H. Chapman, Jr., 0000 AN
Steven H. Chowen, 0000 MS
*James A. Church, 0000 AN
Edward T. Clayson, 0000 MS
*Russell E. Coleman, 0000 MS
John M. Collins, 0000 MS
John P. Collins, 0000 MS
Joyce Craig, 0000 AN
*Joseph F. Creedon, Jr., 0000 SP
Peter C. Dancy, Jr., 0000 MS
Sheryl L. Darrow, 0000 AN
Raymond A. Degenhardt, 0000 AN
*Donald W. Degroff, 0000 MS
Danny R. Deuter, 0000 MS
Cheryl D. Dicarlo, 0000 VC
George A. Dilly, 0000 SP
Laurie L. Duran, 0000 AN
Rhonda L. Earls, 0000 AN
Wanda I. Echevarria, 0000 AN
Samuel E. Eden, 0000 MS
Richard T. Edwards, 0000 MS
Brenda K. Ellison, 0000 SP
*Richard J. Elliston, 0000 MS
Steven D. Euhus, 0000 MS
*Ann M. Everett, 0000 AN
Sheri L. Ferguson, 0000 AN
Julie A. Finch, 0000 AN
Daniel J. Fisher, 0000 MS
Elaine D. Fleming, 0000 AN
Lorraine A. Fritz, 0000 AN
Mary S. Gambrel, 0000 AN
Alexander Gardner, III, 0000 MS
Mary E. Garr, 0000 MS
Kathryn M. Gaylord, 0000 AN
David G. Gilbertson, 0000 MS
Mark H. Glad, 0000 MS
Ricardo A. Glenn, 0000 MS
Robert E. Gray, 0000 MS
*Steven W. Grimes, 0000 AN
Christina M. Hackman, 0000 AN
*Karen A. Hagen, 0000 AN
Christine S. Halder, 0000 MS
Teresa I. Hall, 0000 AN
Rita K. Hannah, 0000 AN
Bryant E. Harp, Jr., 0000 MS
*Sally C. Harvey, 0000 MS
Bruce E. Haselden, 0000 MS
Bernard F. Hebron, 0000 MS
Heidi A. Heckel, 0000 SP
David Hernandez, 0000 AN
Claude Hines, Jr., 0000 MS
Mark E. Hodges, 0000 AN
Charlotte L. Hough, 0000 AN
Robert E. Housley, Jr., 0000 MS
Randolph. G. Howard, Jr., 0000 MS
Linda L. Hundley, 0000 AN
Donna L. Hunt, 0000 AN
Thomas C. Jackson, II, 0000 MS
Clifette Johnson, II, 0000 AN
Richard N. Johnson, 0000 MS
Daria D. Jones, 0000 AN
David D. Jones, 0000 MS
Sandra D. Jordan, 0000 AN
Van A. Joy, 0000 MS
Philip Kahue, 0000 MS
Jung S. Kim, 0000 AN
Joshua P. Kimball, 0000 MS
Michael S. Lagutchik, 0000 VC
Marsha A. Langlois, 0000 MS
*Terry J. Lantz, 0000 MS
*James L. Larabee, 0000 AN
William J. Layden, 0000 MS
John R. Lee, 0000 MS
Cathy E. Leppiaho, 0000 MS
Patricia M. Leroux, 0000 AN
Gloria R. Long, 0000 AN
LEslie S. Lund, 0000 AN
Lisa C. Macphee, 0000 MS
Leo H. Mahony, Jr., 0000 SP
Lance S. Maley, 0000 MS
Thirsa Martinez, 0000 MS
Bruce W. McVeigh, 0000 MS
John R. Mercier, 0000 MS
Talford V. Mindingall, 0000 MS
Ulises Miranda, III, 0000 MS
Rafael C. Montagno, 0000 MS
Octavio C. Montvazquez, 0000 MS
Connie J. Moore, 0000 AN
Josef H. Moore, 0000 SP
Janet Moser, 0000 VC
Shonna L. Mulkey, 0000 MS
Michael C. Mullins, 0000 MS
Davette L. Murray, 0000 MS
Susan M. Myers, 0000 AN
Jane E. Newman, 0000 AN
Douglas E. Newson, 0000 AN
*Vicki J. Nichols, 0000 AN
Kimberly A. Niko, 0000 AN
Mary C. Oberhart, 0000 AN
John F. Pare, 0000 AN
Jessie J. Payton, Jr., 0000 MS
Joseph A. Pecko, 0000 MS
Jerome Penner, III, 0000 MS
Suzanne R. Pieklik, 0000 AN
Fonzie J. Quancefitch, 0000 VC
*Doris A. Reeves, 0000 AN
*Lue D. Reeves, 0000 AN
Michael L. Reiss, 0000 MS
George C. Renison, 0000 VC
Karolyn Rice, 0000 MS
Maria D. Risaliti, 0000 AN
Christopher V. Roan, 0000 MS
George A. Roark, 0000 MS
Laura W. Rogers, 0000 AN
Miguel A. Rosado, 0000 AN
Denise M. Roskovensky, 0000 AN
Robbin V. Rowell, 0000 SP
Yolanda Ruizisales, 0000 AN
Michael P. Ryan, 0000 MS
Kristine A. Sapuntzoff, 0000 AN

Patrick D. Sargent, 0000 MS
Wayne R. Smetana, 0000 MS
Susan G. Smith, 0000 AN
Earle Smith, II, 0000 MS
Wade L. Smith, Jr., 0000 MS
Nancy E. Soltez, 0000 AN
Kerry L. Souza, 0000 AN
Emery Spaar, 0000 MS
Glenna M. Spears, 0000 AN
Debra A. Spencer, 0000 AN
Joyce D. Stanley, 0000 AN
Barry T. Steever, 0000 AN
Marc J. Stevens, 0000 MS
John R. Stewart, 0000 MS
Robinette J. Struttonamaker, 0000 SP
Stephanie M. Sweeny, 0000 AN
John R. Taber, 0000 VC
Regina L. Tellitocci, 0000 AN
Robert D. Tenhet, 0000 MS
John H. Trakowski, Jr., 0000 MS
Joe M. Truelove, 0000 MS
*Corina Van De Pol, 0000 MS
Lorna M. Vanderzanden, 0000 VC
Linda J. Vanweelden, 0000 AN
Keith R. Vesely, 0000 VC
Jimmy C. Villiard, 0000 VC
Robert W. Wallace, 0000 MS
Kevin M. Walsh, 0000 AN
Jasper W. Watkins, III, 0000 MS
Virgil G. Wiemers, 0000 AN
Patricia A. Wilhelm, 0000 AN
James A. Wilkes, 0000 MS
*Kathleen J. Wiltsie, 0000 AN
Kelly A. Wolgast, 0000 AN
John S. Wong, 0000 AN
John F. Zeto, 0000 MS

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Stan M. Aufderheide, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Michael T. Bourque, 0000

The following named officers for appointment to the grades indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Marian L. Celli, 0000
Elizabeth B. Gaskin, 0000
Jeanne Y. Ling, 0000

To be lieutenant commander

Miguel A. Franco, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

William R. Mahoney, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Stephen R. Silva, 0000

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Graeme Anthony Browne, 0000

The following named officers for regular appointment to the grades indicated in the United States Navy under title 10, U.S.C., section 531:

To be commander

John P. LaBanc, 0000

To be lieutenant commander

Dan C. Hunter, 0000
Jerry K. Stokes, 0000

To be lieutenant

John L. Grinold, 0000
James P. Ingram, 0000
George S. Lesiak, 0000
Edward P. Neville, 0000
Landon C. Smith, 0000
Michael R. Tasker, 0000

To be lieutenant (junior grade)

Craig D. Arendt, 0000
Robert E. Asmann, 0000
William B. Bangert, 0000
Christopher F. Beaubien, 0000
Kevin S. Brown, 0000
Jerry C. Crocker, 0000
Nicholas A. Czaruk, 0000
Gary L. Durden, 0000
Patrick W. Finney, 0000
Bret M. Grabbe, 0000
Robert C. Hicks, 0000
Kathryn E. Hitchcock, 0000
Adam R. Hudson III, 0000
Robert H. Keller, 0000
John R. Martin, 0000
Richard T. McCarty, 0000
Scott W. McGhee, 0000
Thomas D. McKay, 0000
Stephen E. Mongold, 0000
Todd D. Moore, 0000
Todd J. Nethercott, 0000
Matthew S. Pederson, 0000
Derek J. Purdy, 0000
Edward J. Robledo, 0000
Adam Schneider, 0000
Forrest S. Yount, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Robert F. Blythe, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

George P. Haig, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Melvin J. Hendricks, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Jon E. Lazar, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Lawrence R. Lintz, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

David E. Lowe, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Michael S. Nicklin, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Robert J. Werner, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Carl M. June, 0000

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Joseph L. Baxter Jr., 0000

(The above nominations were reported with the recommendation that they be confirmed.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8274. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status for Certain Nationals of Nicaragua and Cuba'' (RIN1115–AF04), received March 28, 2000; to the Committee on the Judiciary.

EC–8275. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status for Certain Nationals of Haiti'' (RIN1115–AF33), received March 28, 2000; to the Committee on the Judiciary.

EC–8276. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Eligibility Reporting Requirements'' (RIN2900–AJ09), received March 28, 2000; to the Committee on Veterans' Affairs.

EC–8277. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 724 and 725; Trustees and Custodians of Pension Plans; Share Insurance and Appendix'', received March 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8278. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants and Nonimmigrants under the Immigration and Nationality Act, as Amended'', received March 28, 2000; to the Committee on Foreign Relations.

EC–8279. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received March 28, 2000; to the Committee on Governmental Affairs.

EC–8280. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–8281. A communication from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to

law, the 1999 annual report; to the Committee on Governmental Affairs.

EC–8282. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1710, Subpart E: Load Forecasts'' (RIN0572–AB05), received March 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8283. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1721: Post-Loan Policies and Procedures for Insured Electric Loans, Advance of Funds'', received March 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8284. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries'' (RIN0648–ZA81), received March 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8285. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Statistical Area 620 of the Gulf of Alaska'', received March 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The New Piper Aircraft, Inc. PA–31 Series Airplanes; Docket No. 99–CE–49 (3–23/3–27)'' (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company 150, 152, 172, 177, 180, 182, 185, 188, 206, 207, 210 and 337 Series Airplanes; Docket No. 97–CE–114 (3–22/3–23)'' (RIN2120–AA64) (2000–0167), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fairchild Aircraft Corporation SA226 and SA227; Docket No. 99–CE–52 (3–20/3–23)'' (RIN2120–AA64) (2000–0171), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc. Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 Airplanes; Docket No. 99–CE–44 (3–20/3–23)'' (RIN2120–AA64) (2000–0170), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42–200, ATR42–300, and ATR42–320 Series Airplanes; Docket No. 99–NM–94 (3–22/3–23)'' (RIN2120–AA64) (2000–0169), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series; Docket No. 99–NM–347 (3–22/3–23)'' (RIN2120–AA64) (2000–0168), received March 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes; Docket No. 99–NM–349 (3–23/3–27)'' (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AlliedSignal ALF502 and LF507 Series Turbofan Engines; Docket No. 96–ANE–36 (3–23/3–27)'' (RIN2120–AA64) (2000–0175), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GMBH Model MBB–BK 117 Helicopters; Docket No. 98–SW–77 (3–24/3–27)'' (RIN2120–AA64) (2000–0178), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines; Correction; Docket No. 99–NE–49 (3–23/3–27)'' (RIN2120–AA64) (2000–0177), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA330f, SA330G, SA330J, AS332C, AS332L, AS332L1, and AS332L2; Request for Comments; Docket No. 2000–SW–06 (3–24/3–27)'' (RIN2120–AA64) (2000–0174), received March 27, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–450. A resolution adopted by the Council of the Borough of South River, Middlesex County, New Jersey relative to Medicare; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY):

S. 2328. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2329. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. MURKOWSKI, Mr. ROBB, Mr. NICKLES, and Mr. MACK):

S. 2330. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

By Mr. HOLLINGS:

S. 2331. A bill to direct the Secretary of the Interior to recalculate the franchise fee owed by Forth Sumter Tours, Inc., a concessioner providing services to Fort Sumter National Monument, South Carolina; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 2332. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. BINGAMAN):

S. 2333. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. L. CHAFEE (for himself and Mr. JEFFORDS):

S. 2334. A bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolis statistical areas; to the Committee on Finance.

Mr. L. CHAFEE:

S. 2335. A bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 2336. A bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. KYL):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE):

S. 2338. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

3. Res. 279. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

By Mr. WELLSTONE:

S. Res. 280. A resolution expressing the sense of the Senate with respect to United States relations with the Russian Federation in view of the situation in Chechnya; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY):

S. 2328. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

IDENTITY THEFT PREVENTION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to send to the desk a bill cosponsored by Senator KYL of Arizona and Senator GRASSLEY of Iowa for reference to committee.

The bill is entitled the ''Identity Theft Prevention Act of 2000.''

The crime of identity theft has become one of the major law enforcement challenges of the new economy because vast quantities of sensitive personal information are now vulnerable to criminal interception and misuse.

What is identity theft? Identity theft occurs when one person uses another person's Social Security number, birth date, driver's license number, or other identifying information to obtain credit cards, car loans, phone plans, or other services in the potential victim's name. Of course, the victim does not know the theft has happened until he or she receives bills for items he or she didn't buy; plans for which he or she didn't contract, and so on.

Identity thieves get personal information in a myriad of ways. They steal wallets and purses containing identification cards. They use personal information found on the Internet. They steal mail, including preapproved credit offers and credit statements. They fraudulently obtain credit reports or they get someone else's personnel records at work.

All indications are that there is an alarming growth of this highly invasive crime. I believe the time has come to do something about it. A national credit bureau has reported that the total number of identity theft inquiries to its Theft Victim Assistance Department grew from 35,000 theft inquiries in 1992 to over one-half million in 1997. That is over a 1,400-percent increase. It is national. It touches every State and it impacts every area of our citizenry.

The United States Postal Inspection Service reports that 50,000 people a year have become victims of identity theft since it first began collecting information on identity theft in the mid-1990s. In total, the Treasury Department estimates that identity theft annually causes between $2 and $3 billion in losses from credit cards alone.

The legislation I introduce today, along with Senators KYL and GRASSLEY, tackles this issue. It makes it harder for criminals to access another person's private information, it gives consumers more tools to uncover fraudulent activity conducted in their name, and it expands the authority of the Social Security Administration to prosecute identity theft.

The Identity Theft Prevention Act makes it harder for criminals to steal personal information. First, it closes a loophole in the Fair Credit Reporting Act that permits personal identifying information such as Social Security numbers, one's mother's maiden name, and birth date to be distributed without restriction to marketers. This sensitive information would be treated under this bill like any other part of the credit report, with its disclosure restricted to businesses needing the data for extensions of credit, employment applications, insurance applications, or other permissible purposes.

This bill codifies, also, the practice of placing fraud alerts on a consumer's credit file and gives the Federal Trade Commission the authority to impose fines against credit issuers that ignore the alert. Too many credit issuers are presently ignoring fraud alerts to the detriment of identity theft victims.

Additionally, the bill requires credit bureaus to investigate discrepancies between their records and the address, birth date, and other personal information submitted as a part of an individual's application for credit, so that telltale signs of fraudulent applications such as incorrect addresses are immediately flagged.

The bill improves how credit card companies monitor requests for new credit cards or changes of address. For example, it requires that credit card holders always be notified at their original address when a duplicate card is sent to a new address.

This legislation also gives consumers more access to the personal information collected about them, which is a critical tool in combating identity theft. Currently, six States—Colorado, Georgia, Massachusetts, Maryland, Vermont, and New Jersey—have statutes that entitle consumers to one free personal credit report annually. This act makes this a national requirement. Every consumer across this Nation would have access to a free credit report. In addition, consumers could review the personal information collected about them by individual reference services for a reasonable fee. With greater access to their own personal information, consumers can proactively check their records for evidence of identity theft and uncover other errors.

We have worked with the staff of the Federal Trade Commission in preparing this legislation. I believe the staff of the FTC is supportive of this bill. This bill is also supported by the Consumer Federation of America.

We try to empower victims in this bill. This legislation calls for measures to help identity theft victims recover from the crime. In cases of identity theft, all too often victims get treated as if they were the criminals. Victims receive hostile notices from creditors who mistakenly believe they have not paid their bills. Victims' access to credit is jeopardized, and they can spend years trying to restore their good name.

This legislation calls upon the credit industry to assist victims in notifying credit issuers of fraudulent charges by developing a single model credit reporting form. However, should the credit industry fail to implement these measures, the Federal Trade Commission would then be authorized to take action.

Maureen Mitchell, an identity theft victim, recently described why this assistance is needed at a hearing before the Judiciary Committee Subcommittee on Terrorism, Technology, and Government Information, a subcommittee on which I am ranking member. She said:

> I have logged over 400 hours of time trying to clear my name and restore my good credit. Words are unable to adequately express the gamut of emotions that I feel as a victim.

Another victim wrote to me:

> I have spent an ungodly number of hours trying to correct the damage that has been done by the individual who stole my identity. Professionally, as a teacher and a tutor, my hours are worth $35. I have been robbed of $5,250 in time. I have been humiliated in my local stores because checks have been rejected at the checkout. I am emotionally drained. I am a victim and Congress needs to recognize me as such.

We try in this bill to do that.

This legislation targets the theft and misuse of another person's Social Security number, a major cause of identity theft. While the Social Security Administration has the ability to impose civil penalties for misusing a Social Security number to falsely obtain government benefits, it has no authority over other offenses involving the misuse of Social Security numbers. This bill gives them that authority. The

Identity Theft Prevention Act authorizes the Social Security Administration to impose civil monetary penalties against any individual who:

(1) knowingly uses another's Social Security number on the basis of false information provided by them or another person;

(2) falsely represents a number to be a Social Security number when it is not;

That means, makes up a number, which people do.

(3) alters a Social Security card; or

(4) compels the disclosure of a Social Security card in violation of the law.

I think these provisions enable the Social Security Administration to throw its full weight into the investigation and civil prosecution of identity theft involving Social Security numbers.

In conclusion, I hope my colleagues find this bill worthy and pass it. This bill implements a number of practical, concrete measures to close down the flow of private information to individuals with criminal intent. In this new technology-driven economy, consumers don't need to be left vulnerable. They shouldn't be left without recourse to predators who are out to steal their good name.

I think we have a very practical solution. It is well thought out. It is well drafted. It has been worked out with the staff of the FTC. My hope is, when it goes to the Banking Committee, that committee would take a good look at it and pass it. This is an increasing problem. There is no reason to believe it will stop. Without Congress providing basic protections to individuals who are the victims, it will continue to grow.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2329. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO IMPROVE THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Mrs. LINCOLN. Mr. President, the Wildlife Services Division of the United States Department of Agriculture needs assistance in expediting proper bird management activities. I am here today to introduce legislation that accomplishes this goal.

Proper migratory bird management is important to the state of Arkansas for a number of reasons. We are deemed ''The Natural State'' due to the numerous outdoor recreational opportunities that exist in the state. Fishing, hunting, and bird watching opportunities abound throughout Arkansas. Maintaining proper populations of wildlife, especially migratory birds, is essential for sustaining a balanced environment.

In Arkansas, aquaculture production has taken great strides in recent years. The catfish industry in the state has grown rapidly and Arkansas currently ranks second nationally in acreage and production of catfish. The baitfish industry is not far behind, selling more than 15 million pounds of fish annually, with a cash value in excess of $43 million. I have been a great supporter of this industry since my days in the House of Representatives and I am concerned about the impact the double breasted cormorant is having on this industry. In the words of one of my constituents, ''The double-crested cormorant has become a natural disaster!'' I am pleased that the Fish and Wildlife Service has agreed to develop a national management plan for the double breasted cormorant. I am hopeful that an effective management program will be the result of these efforts.

One of my first priorities since coming to Congress in 1992 has been to work to make government more efficient and effective. To specifically address what I see as an inequity among government agencies regarding this issue, I am introducing a bill today that gives Wildlife Service employees as much authority to manage and take migratory birds as any U.S. Fish and Wildlife Service employee. After all, Wildlife Services biologists are professional wildlife managers providing the front line of defense against such problems. With this legislation I would like to recognize the excellent job that Wildlife Services has done and is doing for bird management.

Currently, USDA-Wildlife Services is required to apply for and receive a permit from the U.S. Fish and Wildlife Service before they can proceed with any bird collection or management activities. This process is redundant and unnecessary. Oftentimes, Wildlife Services finds that by the time a permit arrives, the birds for which the permit was applied for are already gone. I hope that this legislation will lead to a more streamlined effort for management purposes and I urge both agencies, USDA and the Fish and Wildlife Service, to work together to accomplish this goal.

I would like to thank my colleague from Arkansas, Senator TIM HUTCHINSON, for joining me in this effort and look forward to working with my colleagues to ensure that government is operating efficiently.

By Mr. ROTH (for himself, Mr. MURKOWSKI, Mr. ROBB, Mr. NICKLES, and Mr. MACK):

S. 2330. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication service; to the Committee on Finance.

LEGISLATION TO REPEAL THE TELEPHONE EXCISE TAX

• Mr. ROTH. Mr. President, I rise today—along with Senator BREAUX and others—to introduce a bill to repeal the telephone excise tax. It is a tax that is outdated, unfair, and complex for both consumers to understand and for the collectors to administer. It cannot be justified on any tax policy grounds.

The federal government has had the American consumer on ''hold'' for too long when it comes to this tax. The telephone excise tax has been around for over 102 years. In fact, it was first imposed in 1898—just 22 years after the telephone itself was invented. So quickly was it imposed that it almost seems that Uncle Sam was there to collect it before Alexander Graham Bell could put down the receiver from the first call. In fact, the tax is so old that Bell himself would have paid it!

This tax on talking—as it is known—currently stands at 3%. Today, about 94% of all American families have telephone service. That means that virtually every family in the United States must tack an additional 3% on to their monthly phone bill. The federal tax applies to local phone service; it applies to long distance service; and it even applies in some cases to the extra amounts paid for state and local taxes. It is estimated that this tax costs the American public more than $5 billion per year.

The telephone excise tax is a classic story of a tax that has been severed from its original justifications, but lives on solely to collect money.

In truth, the federal phone tax has had more legislative lives than a cat. When the tax was originally imposed, Teddy Roosevelt was leading the Rough Riders up San Juan Hill. At that time, it was billed as a luxury tax, as only a small portion of the American public even had telephones. The tax was repealed in the early 20th century but then was reinstated at the beginning of World War I. It was repealed and reinstated a few more times until 1941, when it was made permanent to raise money for World War II. In the mid-60s, Congress scheduled the elimination of the phone tax, which had reached levels of 10 and 25 percent. But once again, the demands of war intervened, as the elimination of the tax was delayed to help pay for Vietnam. In 1973, the phone tax began to phase-out, but one year before it was about to be eliminated, it rose up yet again—this time justified by the rationale of deficit reduction—and has remained with us ever since.

This tax is a pure money grab by the federal government—it does not pass any of the traditional criteria used for evaluating tax policy. First, this phone tax is outmoded. Once upon a time, it could have been argued that telephone service was a luxury item and that only the rich would be affected. As we all know, there is nothing further from the truth today.

Second, the federal phone tax is unfair. Because this tax is a flat 3%, it applies disproportionately to low and middle income people. For example, studies show that an American family making less than $50,000 per year spends at least 2% of its income on telephone service. A family earning less than $10,000 per year spends over 9% of its income on telephone service. Imposing a tax on those families for a

service that is a necessity in a modern society is simply not fair.

Third, the federal phone tax is complex. Once upon a time, phone service was simple—there was one company who provided it. It was an easy tax to administer. Now, however, phone service is intertwined with data services and Internet access, and it brings about a whole new set of complexities. For instance, a common way to provide high speed Internet access is through a digital subscriber line. This DSL line allows a user to have simultaneous access to the Internet and to telephone communications. How should it be taxed? Should the tax be apportioned? Should the whole line be tax free? And what will we do when cable, wireless, and satellite companies provide voice and data communications over the same system? The burdensome complexity of today will only become more difficult tomorrow.

As these questions are answered, we run the risk of distorting the market by favoring certain technologies. There are already numerous exceptions and carve-outs to the phone tax. For instance, private communications services are exempt from the tax. That allows large, sophisticated companies to establish communications networks and avoid paying any federal phone tax. It goes without saying that American families do not have that same option.

With new technology, we also may exacerbate the inequities of the tax and contribute to the digital divide. For example, consider two families that decide it's time to connect their homes to the Internet. The first family installs another phone line for regular Internet access. The second family decides to buy a more expensive, dedicated high speed line for Internet access. The first family definitely gets hit with the phone tax, while the second family may end up paying no tax at all on their connection. I can't see any policy rationale for that result.

Speaking of complexity, let me ask if anyone has taken a look at their most recent phone bill. It is a labyrinth of taxes and fees piled one on top of another. We may not be able to figure out what all the fees are for; but we do know that they add a big chunk to our phone bill. According to a recent study, the mean tax rate across the country on telecommunications is slightly over 18%. That is about a 6% rise in the last 10 years. In my little state of Delaware, the average tax rate on telecommunications now stands at 12%. I can't control the state and local taxes that have been imposed, but I can do my part with respect to the federal taxes. I seek to remove this burden from the citizens of my state—and all Americans across the country.

The technological changes in America have increased productivity and revolutionized our economy. As members of Congress, we need to make sure that our tax policies do not stifle that economic expansion. We should not adhere to policies that are a relic from a different time. In 1987, even before the deregulation of the telecommunications market, the Treasury Department concluded that there were ''no strong arguments in favor of the communications excise tax.''

In today's economy, the arguments for repeal are even stronger. Earlier this year, the National Governors Association issued a report concluding that ''policymakers need to create a telecommunications tax structure that more accurately reflects the new economic realities of the market and to ensure that current state tax policy does not inhibit growth in the telecommunications industry.'' Moreover, the Advisory Commission on Electronic Commerce, which Congress established to study the issue of Internet taxation, appears to have reached near unanimous agreement that the phone excise tax should be repealed.

Mr. President, it is time to end the federal phone tax. For too long while America has been listening to a dial tone, Washington has been hearing a dollar tone. This tax is outmoded. It has been here since Alexander Graham Bell himself was alive. It is unfair. We are today taxing a poor family with a tax that was originally meant for luxury items. And it is complex. Only a communications engineer can today understand the myriad of taxes levied on a common phone bill and only the federal government has the wherewithal to keep track of who and what will be taxed. Mr. President, it is time we hung up the phone tax once and for all. I urge my colleagues to join me in supporting its repeal.●

● Mr. ROBB. Mr. President, I rise today to introduce legislation with several of my colleagues on the Finance Committee to repeal the telephone excise tax that originated during the Spanish American War. Fiscal discipline in the past seven years has put us in a position that we could not have imagined even a few short years ago. We now have opportunities to strengthen Social Security and Medicare, pay down our burgeoning national debt and make investments that keep our economy rolling. Along the way, we will have opportunities to correct inequities in the Tax Code. Currently, all users of telephone services pay a 3% excise tax on their use. Repealing this tax will make phone service and internet access more affordable for hard-working families. In order to decrease the expanding digital divide, we must eliminate policies that discourage families from connecting to the internet. While I continue to believe that the best use of our growing surplus is to pay down the debt and strengthen Social Security and Medicare, I am pleased that we are entering a period where we can consider legislation that will sustain our high technology growth at the same time that we are shrinking the digital divide.●

● Mr. BREAUX. Mr. President, I am pleased to cosponsor with my distinguished colleague, Senator ROTH, a bill that will repeal the federal excise on telephone service. This tax is outdated, highly regressive and has lasted entirely too long.

The ''tax on talking'' was originally levied as a luxury tax to fund the Spanish-American War. At the time, only a small number of wealthy individuals had access to telephone service. Telephones are no longer luxuries that only the very wealthy can afford. They are basic fixtures in every American household. And with the creation of the Internet, telephone service has become the lifeline of the new economy. This expansion of telephone service and its many uses has revealed the regressive nature of the ''tax on talking.'' Today, it is low-income families who are hit the hardest by this excise tax, since they pay a higher percentage of their income on telephone service than higher income families.

Mr. President, with the almost universal subscription to telephone service, the repeal of this telephone tax would provide tax relief to virtually every family in the United States. I urge my colleagues to cosponsor this important piece of legislation. It is time we ended over 100 years of Americans paying this regressive and unnecessary tax on telephone service.●

By Mr. HOLLINGS:

S. 2331. A bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing services to Fort Sumter National Monument, South Carolina; to the Committee on Energy and Natural Resources.

FORT SUMTER NATIONAL MONUMENT CONCESSIONS

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation in an attempt to settle a long-standing dispute between the National Park Service (NPS) and Fort Sumter Tours, Inc. (FST) regarding the calculation of FST's Concessioner Franchise Fees.

Fort Sumter National Monument was established by Congress in 1948 and is located in the harbor of Charleston, South Carolina. Congress directed that the National Park Service (NPS) ''Shall maintain and preserve it [the fort] for the benefit and enjoyment of the people of the United States.'' (16 USC 450ee et. seq.)

Since 1962, the private concessioner, Fort Sumter Tours, Inc. (FST), has provided visitors with service to this national monument. In 1985, FST was asked by NPS to acquire a new landside docking facility and invest in a new boat that would cost FST over $1 million. In exchange for these investments, an agreement was reached between FST and the NPS to provide a fifteen-year contract, with a franchise fee set by the NPS at 4.25 percent of gross receipts.

By statutory law all park concessionaires are required to pay a franchise fee based upon a percentage of

their gross receipts. In 1992 the NPS unilaterally attempted to increase FST's franchise fee from 4.25 percent to 12 percent and a dispute has existed ever since. This increase was based upon a Franchise Fee Analysis (FFA) prepared by the NPS, which FST claims to be inconsistent with Park Service guidelines existing at that time. I believe if errors have been made they need to be corrected.

While the Courts have ruled that the NPS has the authority to raise the franchise fee, that is not the actual dispute. The actual dispute is whether the NPS calculated the increase in these fees appropriately. This legislation provides for arbitration between FST and the NPS to settle a dispute that has lasted for almost eight years. By the NPS's own account, FST has been a valuable service benefiting thousands and thousands of visitors to Fort Sumter National Monument. It is time for the NPS and FST to settle their differences and move forward.

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:

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

SECTION 1. RECALCULATION OF FRANCHISE FEE.

(a) DEFINITIONS.—In this section:

(1) FRANCHISEE.—The term ''franchisee'' means Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) RECALCULATION OF FRANCHISE FEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) recalculate the amount (if any) of the franchise fee owed by the franchisee; and

(2) notify the franchisee of the recalculated amount.

(c) ARBITRATION.—

(1) IN GENERAL.—If the amount of the franchise fee as recalculated under subsection (a) is not acceptable to the franchisee—

(A) the franchisee, not later than 5 days after receipt of notification under subsection (b)(2), shall so notify the Secretary; and

(B) the amount of the franchise fee owed shall be determined through binding arbitration that provides for a trial-type hearing that—

(i) includes the opportunity to call and cross-examine witnesses; and

(ii) is subject to supervision by the United States District Court for the District of Columbia in accordance with the title 9, United States Code.

(2) SELECTION OF ARBITRATOR OR ARBITRATION PANEL.—

(A) AGREEMENT ON ARBITRATOR.—For a period of not more than 30 days after the franchisee gives notification under paragraph (1)(A), the Secretary and the franchisee shall attempt to agree on the selection of an arbitrator to conduct the arbitration.

(B) PANEL.—If at any time the Secretary or the franchisee declares that the parties are unable to agree on an arbitrator—

(i) the Secretary and the franchisee shall each select an arbitrator;

(ii) not later than 10 days after 2 arbitrators are selected under clause (i), the 2 arbitrators shall select a third arbitrator; and

(iii) the 3 arbitrators shall conduct the arbitration.

(3) COMMENCEMENT AND COMPLETION.—An arbitration proceeding under paragraph (1)—

(A) shall commence not later than 30 days after the date on which an arbitrator or arbitration panel is selected under paragraph (2); and

(B) shall be completed with a decision rendered not later than 240 days after that date.

(4) APPLICABLE LAW.—

(A) RELEVANT TIME PERIOD.—The law applicable to the recalculation of the franchise fee under this subsection shall be the law applicable to franchise fee determinations in effect at the beginning of the period for which the franchise fee is payable.

(B) PREVIOUS DECISIONS.—No previous judicial decision regarding the franchise fee dispute that is the subject of arbitration under this subsection may be introduced in evidence or considered by the arbitrator or arbitration panel for any purpose.

(5) FEES AND COSTS.—If the franchisee is the prevailing party in binding arbitration, the arbitrator or arbitration panel shall award the franchisee reasonable attorney's fees and costs for all proceedings involving the disputed franchise fee consistent with—

(A) section 504 of title 5, United States Code; and

(B) section 2412 of title 28, United States Code.

(d) BIDS AND PROPOSALS.—Until such date as any arbitration under this Act is completed and is no longer subject to appeal, the Secretary—

(1) shall not solicit or accept a bid or proposal for any contract for passenger service to Fort Sumter National Monument; and

(2) shall offer to the franchisee annual extensions of the concessions contract in effect on the date of enactment of this Act.●

By Mr. GRAMS:

S. 2332. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture, Nutrition, and Forestry.

THE LOAN DEFICIENCY PAYMENT FLEXIBILITY ACT

● Mr. GRAMS. Mr. President, I rise today to introduce the Loan Deficiency Payment Flexibility Act. The idea for this legislation came from Peter Kalenberg, a producer from Stewart, MN, and is an example of how a good idea can be transformed into sound public policy. It is supported by such organizations as the Minnesota Corn Growers, the Minnesota Farm Bureau Federation, and the Minnesota Wheat Growers Association. These and many other groups have recognized the need for this legislation.

As you know, Loan Deficiency Payments, otherwise known as LDPs, were a key component of the 1996 Farm bill and have helped cushion the blow of low commodity prices and restricted demand. However, producers in Minnesota and other northern states have questioned the fairness of how the LDP is administered. States farther south are able to begin harvest before farmers in states such as Minnesota and are therefore able to ''lock in'' a more favorable LDP. This has the potential of impacting market signals and driving down the futures price before harvest has begun in northern states.

Mr. President, by taking the approach I am about to outline, I have ensured that regions of the country that are currently able to utilize an earlier LDP are not placed at a disadvantage. The components of this legislation are simple, yet provide a common-sense approach to a problem faced by producers in states such as Minnesota.

My ''Loan Deficiency Payment Flexibility Act'' would correct this inequity by directing the Secretary of Agriculture to announce that harvest has begun on a particular commodity (i.e. corn or soybeans) and that producers throughout the United States may now utilize the Loan Deficiency Payment. Essentially my bill does two things:

It establishes an earlier, more flexible starting date when all producers would have the option of ''locking in'' that day's LDP. They would be able to do so once throughout the duration of the harvest season.

Allows a producer to lock-in an LDP for up to 85% of his or her actual yield. Because the LDP is ''locked in'' on paper, no payments are actually made until the crop is harvested and we avoid the problems posed by the old deficiency payment system due to unanticipated high or low yields.

Although there is no guarantee that the LDP will be better in the early summer versus the fall, my legislation will afford farmers the opportunity to evaluate the markets and base their decision on what best fits their management plan.

I urge my colleagues to cosponsor and support this legislation.●

By Mr. REED (for himself and Mr. BINGAMAN):

S. 2333. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TOBACCO REGULATORY FAIRNESS ACT OF 2000

● Mr. REED. Mr. President, I rise today to introduce legislation with my distinguished colleague, Senator BINGAMAN, that we hope will mark the beginning of a dialogue on an issue that has tremendous implications for our nation's public health, and more specifically, the health and well-being of our children. Today, we are introducing the ''Tobacco Regulatory Fairness Act of 2000''.

The goal of this legislation is quite simple—to grant the Food and Drug Administration (FDA) the authority it needs to regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

A week ago, the Supreme Court ruled 5 to 4 that the FDA does not have the authority to regulate tobacco products, thus nullifying regulations promulgated by the agency in August 1996.

While a slim majority of the court found that the agency lacked the jurisdiction necessary to act on this class of products, the Justices in the majority and minority both opinions acknowledged the clear threat unregulated tobacco products poses to public health. In the majority opinion, Justice Sandra Day O'Connor stated that tobacco was ''perhaps the single most significant threat to public health in the United States.'' Similarly, Justice Stephen G. Breyer, a former professor of mine at Harvard University School of Law, pointed out in the dissenting opinion that FDA's ability to regulate tobacco products clearly fit into its basic authority, ''the overall protection of the public health.''

Although the court upheld the 1998 ruling by the United States Court of Appeals for the Fourth Circuit, the decision does not dispute, and, in fact, it reaffirms that the FDA is the most appropriate agency to regulate tobacco products, given the general scope of its authority and its emphasis on protecting the public health. Now, it is a matter of Congress taking action to clearly give the FDA the long overdue authority it requires.

So today, I introduce this legislation as a challenge to my colleagues to do what is right—to debate and pass legislation that will once and for all give FDA the tools it needs to enact regulations that will help to protect children and others from the dangers of tobacco.

After the long and protracted debate in the Senate two years ago on the McCain tobacco bill, I am sure that most of my colleagues are familiar with the numerous statistics that are often cited in relation to the dangers of smoking and its devastating impact on society in terms of health care costs, lost productivity, disability, and loss of life. However, I believe these figures bear repeating. It is estimated that today, some 50 million Americans are addicted to tobacco, and one out of every three long-term users will die from a disease related to their tobacco use.

The cost of tobacco use not only results in lives lost, but also has a considerable toll on health care expenses. It is estimated that the health care costs associated with treating tobacco-related disease totals over $80 billion a year—with almost half being paid for by taxpayer financed health care programs.

We also know that tobacco addiction is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18. Each year, one million children become regular smokers—and one-third of them will die prematurely of lung cancer, emphysema, and similar tobacco caused diseases. Unless current trends are reversed, five million kids under 18 alive today will die from tobacco related diseases.

In Rhode Island, while overall cigarette use is declining slightly, it has increased by more than 25 percent among high-schoolers. Currently, over one-third of New England high school students under age 18 use tobacco products. In Rhode Island, over one third of high school students smoke.

Indeed, tobacco use continues to permeate the ranks of the young. For decades, the tobacco industry has ingeniously promoted its products. It has done so with total disregard for the health of its customers. It has relied upon cool, youthful images to sell its products. The tobacco industry has taken an addiction that prematurely kills and dressed it up as a glamorous symbol of success and sex appeal.

By providing the FDA with the appropriate and unambiguous authority, we can be assured that these products comply with minimum health and safety standards. Tobacco should be regulated in the same way every other product we consume is regulated.

I will concede that there are some formidable challenges ahead—but these challenges are not insurmountable. During the 1998 debate on the McCain tobacco bill, a majority of my colleagues on both sides of the aisle agreed our country needed a national tobacco control policy. While we may not have succeeded then, we cannot and must not allow the progress the FDA has made in limiting minors' access to tobacco be lost.

We all know that tobacco is a substance that not only reduces the quality of one's life in the short term, but with lifelong use results in untimely death. We have an opportunity this year to make a real difference. Through the legislation I am introducing today, I call my colleagues to action in the ongoing fight to protect the long term health of the children of this country.

I urge my colleagues to join me in this commitment to enacting legislation granting FDA the authority to regulate tobacco products.

Mr. President, I ask unanimous consent to have 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. 2333

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 ''Tobacco Regulatory Fairness Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cigarette smoking and tobacco use cause approximately 450,000 deaths each year in the United States.

(2) Cigarette smoking accounts for approximately $65,000,000,000 in lost productivity and health care costs.

(3) In spite of the well-established dangers of cigarette smoking and tobacco use, there is no Federal agency that has any authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(4) The tobacco industry spends approximately $4,000,000,000 each year to promote tobacco products.

(5) Each day 3,000 children try cigarettes for the first time, many of whom become lifelong addicted smokers.

(6) There is no minimum age requirement in Federal law that an individual must reach to legally buy cigarettes and other tobacco products.

(7) The Food and Drug Administration is the most qualified Federal agency to regulate tobacco products.

(8) It is inconsistent for the Food and Drug Administration to regulate the manufacture, sale, and distribution of other nicotine-containing products used as substitutes for cigarette smoking and tobacco use and not be able to regulate tobacco products in a comparable manner.

SEC. 3. DEFINITIONS.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) The term 'tobacco product' means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

''(ll) The term 'tobacco additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any tobacco product.

''(mm) The term 'constituent' means any element of cigarette mainstream or sidestream smoke which is present in quantities which represent a potential health hazard or where the health effect is unknown.

''(nn) The term 'tar' means mainstream total articulate matter minus nicotine and water.''.

SEC. 4. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(1) in subsections (a), (b), (c), (g), and (k), by striking ''or cosmetic'' and inserting ''cosmetic, or tobacco product''; and

(2) by adding at the end the following:

''(u) The manufacture, sale, distribution, and advertising of tobacco products in violation of regulations promulgated by the Secretary pursuant to chapter X.''.

SEC. 5. REGULATION OF TOBACCO PRODUCTS.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

''CHAPTER X—TOBACCO PRODUCTS

''SEC. 1000. REGULATION OF TOBACCO PRODUCTS.

''(a) REGULATIONS.—Not later than 1 year after the date on which the Secretary receives the recommendations described in section 1003(f), the Secretary shall promulgate regulations governing the manufacture, sale, and distribution of tobacco products in accordance with the provisions of the chapter.

''(b) FOOD AND DRUG ADMINISTRATION.—Regulations promulgated under subsection (a) shall designate the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution, and sale of tobacco products.

''(c) LIMITATION.—Regulations promulgated under subsection (a) may not prohibit the manufacture, distribution, or sale of a tobacco product solely on the basis that such product causes a disease.

''(d) SALE OR DISTRIBUTION.—Under regulations promulgated under subsection (a) it shall be unlawful to—

''(1) sell a tobacco product to an individual under the age of 18 years;

''(2) sell a tobacco product to an individual if such tobacco product is intended for use by an individual under the age of 18 years; and

''(3) sell or distribute a tobacco product if the label of such product does not display the following statement: 'Federal Law Prohibits Sale To Minors'.

''(e) MANUFACTURING.—Regulations promulgated under subsection (a) governing the manufacture of tobacco products shall—

''(1) require that all additives used in the manufacture of tobacco products are safe; and

''(2) classify as a drug any nicotine-containing product that does not meet the definition of a tobacco product.

''SEC. 1001. ADULTERATED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be adulterated—

''(1) if such product consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any poisonous or deleterious substance that may render such product injurious to health;

''(2) if such product has been prepared, packed, or held under insanitary conditions in which such product may have been contaminated with filth, or in which such product may have been rendered injurious to health; and

''(3) if the container for such product is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents of such product injurious to health.

''(b) REGULATIONS.—The Secretary may by regulation prescribe good manufacturing practices for tobacco products. Such regulations may be modeled after current good manufacturing practice regulations for other products regulated under this Act.

''SEC. 1002. MISBRANDED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be misbranded—

''(1) if the labeling of such product is false or misleading in any particular;

''(2) if in package form unless such product bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor; and

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count,

except that under subparagraph (B) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if such product has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name is prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that the labeling of such product bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless the labeling of such product conforms in all respects to such regulations; and

''(6) if such product was manufactured, prepared, propagated, or processed in an establishment not duly registered as required under section 1004.

''SEC. 1003. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Food and Drug Administration a Tobacco and Nicotine Products Advisory Committee (hereafter referred to as the 'advisory committee').

''(b) PURPOSE.—The advisory committee shall assist the Secretary in developing the regulations described in section 1000.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary shall appoint to the advisory committee 10 individuals who are qualified by training and experience to evaluate and make recommendations regarding regulations governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

''(2) EXPERTS.—The members described under paragraph (1), not including the chairperson of such advisory committee, shall consist of—

''(A) one expert in the field of nicotine addiction;

''(B) one expert in the field of pharmacology;

''(C) one expert in the field of food and drug law;

''(D) one expert in the field of public education;

''(E) one expert in the field of toxicology;

''(F) two experts representing the interests of family medicine, internal medicine, or pediatrics; and

''(G) two consumer representatives from the public health community.

''(3) EX OFFICIO.—The advisory committee shall have the following as ex officio members:

''(A) The Director of the National Cancer Institute.

''(B) The Director of the National Heart, Lung, and Blood Institute.

''(C) The Director of National Institute on Drug Abuse.

''(D) The Director of the Centers for Disease Control and Prevention.

''(E) The Surgeon General of the Public Health Service.

''(4) CHAIRPERSON.—The chairperson of the advisory committee shall be appointed by the Secretary with the advice and consent of the Commissioner of Food and Drugs.

''(d) FUNCTION.—The advisory committee shall—

''(1) review the available scientific evidence on the effects of tobacco products on human health;

''(2) review the manufacturing process of tobacco products, including the use of additives, sprayed on chemicals, product development, and product manipulation;

''(3) review the role of nicotine as part of the smoking habit, including its addictive properties and health effects; and

''(4) review current Federal, State, and local laws governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

''(e) AUTHORITY.—The advisory committee may hold hearings and receive testimony and evidence as the committee determines to be appropriate.

''(f) RECOMMENDATIONS.—Not later than 1 year after the Secretary has appointed all members to the advisory committee, such committee shall prepare and submit recommendations regarding regulations to be promulgated under section 1000 to the Secretary.

''SEC. 1004. REGISTRATION.

''Not later than 120 days after the date of enactment of this chapter, any manufacturer directly or indirectly engaged in the manufacture, distribution, or sale of tobacco products shall register with the Secretary the name and place of business of such manufacturer.

''SEC. 1005. ADVERTISING.

''(a) REGULATIONS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, shall promulgate regulations governing the advertising of all tobacco products.

''(b) LABELS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, may promulgate regulations that—

''(1) modify the warning labels required by the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) if the modification in the content of the label does not weaken the health message contained in the label and is in the best interests of the public health as determined by the Secretary; and

''(2) increase the size and placement of such required labels.''.

SEC. 6. CONFORMING AMENDMENTS.

(a) RECORDS.—Section 703 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 373) is amended—

(1) by striking ''or cosmetics'' each place it appears and inserting ''cosmetics, or tobacco products''; and

(2) by striking ''or cosmetic'' each place it appears and inserting ''cosmetic, or tobacco product''.

(b) FACTORY INSPECTIONS.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking ''or cosmetics'' each place it appears and inserting ''cosmetics, or tobacco products''; and

(B) by striking ''or restricted devices'' each place it appears and inserting ''restricted devices, or tobacco products''; and

(2) in subsection (b), by striking ''or cosmetic'' and inserting ''cosmetic, or tobacco product''.●

● Mr. BINGAMAN. Mr. President, today I am very proud to be here with my friend and colleague, Senator Jack REED, to introduce the Tobacco Regulation Fairness Act of 2000.

I urge all of my colleagues in the Senate to join this effort, for it is time for Congress to take action. We must ensure that the Food and Drug Administration can regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

While many are disappointed with last week's Supreme Court ruling on FDA regulation of tobacco products, the ruling reflects reality. Congress has not acted to give FDA the authority it needs to regulate tobacco products. The Supreme Court's decision underscores this fact and heightens the need for Congress to pass meaningful and comprehensive legislation to ensure FDA authority over tobacco products.

This legislation is the key to preventing tobacco use by teenagers and adolescents and to preventing the sales of tobacco products to children. If we can prevent kids from smoking, we can head off a tremendous amount of human disease and suffering, medical costs, and loss of life. While even tobacco companies say that they are against kids smoking, we must look at the facts. According to the American Cancer Society, in the course of this Congress, almost 600,000 children will try tobacco products for the first time. Of those, nearly 200,000 will become addicted to nicotine. Additionally, over more than 90,000 people will die from tobacco related cancers.

In 1997, a study by the Center for Disease Control showed that children and adolescents were able to buy tobacco products 67 percent of the times they

tried. The CDC found that most young smokers were able to buy their own cigarettes and were seldom asked for identification. While strides have been made in the past 2 years, it is imperative that change continue. The bottom line is that the Supreme Court made its decision and Congress must act so that we can continue to make inroads into youth smoking prevention.

Mr. President, this legislation designates the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution and sale of tobacco products. This Act will serve to provide the Secretary of Health and Human Services with the authority to promulgate regulations governing the manufacture, sale and distribution of tobacco products. Additionally, the legislation also establishes a federal minimum age of sale of tobacco products of 18 and require the label to state "Federal Law Prohibits Sale to Minors."

Mr. President, in 1989 and again in 1992, I introduced a bill to require the Food and Drug Administration to regulate the manufacture and sale of tobacco products. "The Tobacco Health and Safety Act of 1992" had a companion bill with Representative Michael Synar in the House. These bills were very similar legislative attempts to regulate tobacco by bringing it under the jurisdiction of the Federal Food and Drug Administration.

I believed then and I believe now that the FDA is the appropriate regulatory entity to address this vital issue. To do anything else is unacceptable. It is time to give the FDA the full authority to regulate the manufacture, sale, labeling, advertising, and promotion of tobacco products.

The bill we introduce today is a fair and equitable approach to the issue. It represents a strong commitment to health promotion and disease prevention. I urge my colleagues to support this bill and work with us to act upon this as a public health issue before we adjourn this year.●

By Mr. L. CHAFEE (for himself and Mr. JEFFORDS):

S. 2334. A bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

LEGISLATION TO EXTEND EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

By Mr. L. CHAFEE:

S. 2335. A bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes; to the Committee on Environment and Public Works.

STATE AND LOCAL BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, today I am introducing a pair of bills to enhance the pace and effectiveness of brownfields redevelopment throughout the country. The first bill, entitled the "State and Local Brownfields Revitalization Act of 2000", will authorize the U.S. Army Corps of Engineers to remediate and restore brownfield sites owned by state and local governments. The second bill, S. 2334, which I introduce with Senator JEFFORDS, will expand coverage of the federal brownfields tax incentive and extend it for an additional six years. I also am adding my name as a co-sponsor to the "Small Business Brownfields Redevelopment Act of 1999", S. 1408, authored by Senator JEFFORDS. Along with these initiatives, I am announcing my intention to develop broader legislation to remove barriers to the redevelopment and restoration of brownfields.

Brownfields are abandoned, idled, or under-used commercial or industrial properties at which development or expansion is hindered by the presence, or potential presence of hazardous substantives. Countless numbers of brownfield sites blight our communities, pose health and environmental hazards, erode our cities' tax base, and contribute to urban sprawl. In fact, in 210 cities surveyed by the U.S. Conference of Mayors, an estimated 21,000 brownfields sites covering more than 81,000 acres were identified. But, we stand to reap enormous economic, environmental, and social benefits with the successful redevelopment of brownfield sites. The redevelopment of brownfields capitalizes on existing infrastructure, creates a robust tax base for local governments, attracts new businesses and jobs, mitigates urban sprawl, and reduces the environmental and health risks to communities.

Yet, many of these contaminated sites sit abandoned because of the presence of hazardous substances. Developers that would otherwise restore these properties choose not to for fear of becoming tangled in liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as Superfund. I believe it is critical that Congress take action to ensure that the federal government provides funding and incentives to recycle our nation's contaminated land, remove barriers to development, and ally perceived fears associated with Superfund liability. The bills I am introducing today are a step toward resolving those concerns.

Let me take a moment to take a moment to explain each one.

The first bill I am introducing today is the "State and Local Brownfields Revitalization Act of 2000." This legislation would authorize the U.S. Army Corps of Engineers to establish and implement a program to assist state, regional, and local governments in the remediation and restoration of brownfields sites tied to the quality, conservation, and sustainable use of the nation's waterways and watershed ecosystems.

Additionally, this bill would provide authority to the Corps to conduct site characterization and planning, site design and construction, environmental restoration, and preparation for site development on brownfields sites owned by state, regional, or local governments. When selecting these projects, the Corps must consider whether the project would improve public health and safety, encourage sustainable economic and environmental redevelopment in areas serviced by existing infrasture, and help cure or expand parks, greenways, or other recreational property.

Activities by the Corps would be contingent upon a 35 percent match in cash or in-kind contribution by the state, regional, or local government. The bill limits the Corps to spending $3,250,000 on an individual site. However, the Secretary of the Army could increase the cap to $5,000,000 if he determines that the size of the site or the level of contamination warrants additional funds. To carry out the provisions of this Act, the bill authorizes annual appropriations of $100 million for fiscal years 2001 through 2005.

I believe this bill would make a significant, positive contribution to the revitalization of our communities. Recently, I toured two sites along the banks of the Woonasquatucket River in Providence. At the turn of the century these sites housed a woollen mill and a lace and braid factory. They have been abandoned, but debris and contamination soils remain. They also threaten the river and the children that inevitably explore these abandoned properties. City officials and local residents have a wonderful vision for the cleanup of these sites that would create a bike path and a park along the Woonasquatucket River. This effort is integral to the success of the Woonasquatucket River Greenway Project, a public-private initiative to increase recreational and green space in low-income neighborhoods, thereby promoting economic reinvestment in the area.

Despite selection of this project as a federal Brownfields Showcase Community and contributions totaling over $1 million by the City and State, the community is unable to complete remediation activities. And, because the area is intended for use as a local park and will not generate an income stream, the community cannot utilize a loan. In the meantime, the area remains an eyesore. This bill would revitalize the neighborhoods surrounding the Woonasquatucket River, as well as many other projects around the country.

The Army Corps of Engineers is not new to brownfields redevelopment. The Corps currently conducts pre-remedial activities at brownfields sites for EPA on a fee-for-service basis. However, current law precludes it from carrying out the necessary cleanup activities. In addition, the Corps is limited to conducting activities for which EPA will provide reimbursement. I believe that EPA's brownfields budget is inadequate

to complete the task at hand. My bill will address these deficiencies and spur revitalization at many sites.

The second bill (S. 2334), which I am introducing with Senator JEFFORDS addresses two key deficiencies in current law. It would expand the definition of a targeted area to include any brownfield site located within a metropolitan statistical area making the current tax incentives more useful; and extending it for an additional six years.

Under current law, parties that remediate brownfields sites in targeted areas are eligible to expense, or deduct, the costs of environmental restoration in the year the costs are incurred. A targeted area is any population census tract with a poverty rate of more than 20 percent, any empowerment zone or enterprise community, or any site deemed to an EPA pilot project before February 1, 1997. This tax incentive is scheduled to expire at the end of 2001.

The vast underutilization of the existing tax incentive highlights the need for a re-examination of the goals we are pursuing. As chairman of the Environment and Public Works Subcommittee on Superfund, Waste Control, and Risk Assessment, I have heard complaints that parties eager to utilize the existing federal tax incentive have not done so for one of two reasons. The first reason is the limitation on the areas covered by the incentive. Unless the project constitutes an early EPA pilot project or lies within an impoverished community, the tax incentive does not apply. In addition, the tax incentive expires frequently, which creates uncertainty.

Let me provide an example. Let us assume that a party is willing to purchase contaminated land and clean it up in order to redevelop the property. However, a party may be unable to make the acquisition and complete the remediation within one calendar year. Uncertain as to whether the tax incentive will be reinstated in the next year may discourage the party from taking on the risk. To address this issue, the bill extends the tax incentive until the end of calendar year 2007. I believe that this will provide certainty to those who see the wisdom in redeveloping these untapped properties of value.

In addition, I am pleased to add my name as co-sponsor to the Small Business Brownfield Redevelopment Act of 1999 (S. 1408) offered by Senators JEFFORDS, MOYNIHAN, SCHUMER, LAUTENBERG, LIEBERMAN, and LEAHY. This bill is an important component of my vision for brownfields redevelopment throughout the nation. S. 1408 provides $50 million to the Small Business Administration to finance projects that assist qualified small businesses, or prospective small business owners, in carrying out site assessment and cleanup activities at brownfields sites. I believe that this bill will assist small businesses in Rhode Island and the country cleanup brownfield sites.

In conclusion, I would like to emphasize that brownfields are a critical national issue, because abandoned or underused properties dot every community, large and small. The bills I have introduced and co-sponsored today are critical components of the bigger picture, but we can do more. To complement these initiatives, I am announcing today that I intend to work on legislation to provide funding through the U.S. Environmental Protection Agency for assessment and cleanup of brownfields, and clarify liability to encourage the transfer of property. I would also like to provide assurances that while we work to facilitate state cleanup programs, EPA will take action at a brownfields site when necessary to protect human health and the environment.

As I have studied CERCLA and Rhode Island's Superfund sites, I have heard from many people of all political stripes that brownfields legislation can be achieved on a bipartisan basis. They have urged us to address the issues as soon as possible. I have visited brownfields sites in Rhode Island and have seen the potential that exists to revitalize our communities if we can provide sufficient funding, clarify liability issues, and remove other barriers to redevelopment. I am hopeful that if we work in a bipartisan manner, we will be successful in passing brownfields legislation that the President can sign this year.●

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 2336. A bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes; to the Committee on Energy and Natural Resources.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT OF ENERGY MISSIONS ACT

● Mr. BINGAMAN. Mr. President, today I am pleased to introduce the ''Networking and Information Technology Research and Development for Department of Energy Missions Act,'' which is cosponsored by Senators CRAIG, SCHUMER, and MURRAY.

This bipartisan bill is in recognition of the critical contributions and future potential of computing programs within the Department of Energy's Office of Science. These programs have played a key role in the development of high performance computing, networking, and information technology. Some of their notable accomplishments have included: the establishment of the first national supercomputer center, the development of mathematical algorithm libraries for high performance computing, the development of a critical interface and other software packages to support high speed parallel interconnection of supercomputers, and the development of a fundamental component of how information is routed on the internet. Recent recognition of the scientists supported by this program have included: the 1998 Fernbach award; the 1998 Gordon Bell prize; awards for the best overall paper as well and the best of show award at the Supercomputing 1998 conference; the best paper and a number of special awards at the Supercomputing 1999 conference, the Maxwell prize in applied mathematics, and the 2000 Norbert Wiener Prize in applied mathematics.

The future potential of these programs is immense and not limited to the computation, networking, and information sciences. There is also great potential for helping not only the mission needs of the Department of Energy but also the broader scientific community and the public through increased understanding of biological systems, energy and environmental systems, chemical, physical, and plasma systems, and high energy and nuclear systems. This understanding is key to our more efficient and environmentally friendly production and utilization of energy and material goods.

The notable features of the bill include: an authorization for increased funding similar in scope to what is proposed in the House of Representatives for the National Science Foundation computational efforts; an open competition for funding; a collaborative program between DOE program offices; building partnerships between laboratories, universities, and industry; a focus on solutions to networking and information technology problems that are critical to the achieving DOE missions; and management of funding provided to NNSA laboratories administered by the sponsoring program of the Department. This last provision is consistent with the legislation which created the NNSA in that it maintains accountability for new money authorized by this bill in DOE civilian programs so that such funding will remain within the purview of civilian programs under the oversight of the authorizing committee for this legislation, while maintaining the principle that funding at laboratories under the purview of the NNSA be consistent with their general programmatic missions.

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. 2336

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 ''Networking and Information Technology Research and Development for Department of Energy Missions Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Department of Energy, especially in its Office of Science research programs, has played a key role in the development of high performance computing, networking and information technology. Important contributions by the Department include pioneering the concept of remote, interactive

access to supercomputers; developing the first interactive operating system for supercomputers; establishing the first national supercomputer center; laying the mathematical foundations for high performance computing with numerical linear algebra libraries now used by thousands of researchers worldwide; leading the transition to massively parallel supercomputing by developing software for parallel virtual machines; and contributing to the development of the Internet with software that is now used in the TCP/IP system responsible for routing information packages to their correct destinations.

(2) The Department of Energy's contributions to networking and information technology have played a key role in the Department's ability to accomplish its statutory missions in the past, in particular through the development of remote access to its facilities. Continued accomplishments in these areas will be needed to continue to carry out these missions in the future.

(3) The Department of Energy, through its portfolio of unique facilities for scientific research including high energy and nuclear physics laboratories, neutron source and synchrotron facilities, and computing and communications facilities such as the National Energy Research Scientific Computing Center and Energy Sciences Network, has a unique and vital role in advancing the scientific research, networking and information technology infrastructure for the nation.

(4) The challenge of remote creation of, access to, visualization of, and simulation with petabyte-scale (1,000,000 gigabyte) data sets generated by experiments at DOE scientific facilities is common to a number of different scientific disciplines. Effective treatment of these problems will likely require collaborative efforts between the university, national laboratory and industrial sectors and involve close interactions of the broader scientific community with computational, networking and information scientists.

(5) The solution of contemporary challenges facing the Department of Energy in developing and using high-performance computing, networking, communications, and information technologies will be of immense value to the entire nation. Potential benefits include: effective earth, climate, and energy systems modeling; understanding aging and fatigue effects in materials crucial to energy systems; promoting energy-efficient chemical production through rational catalyst design; predicting the structure and functions of the proteins coded by DNA and their response to chemical and radiation damage; designing more efficient combustion systems; and understanding turbulent flow in plasmas in energy and advanced materials applications.

SEC. 3. DEPARTMENT OF ENERGY PROGRAMS.

(a) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking ''and'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding after paragraph (4) the following:

''(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy.''.

(b) COMPUTATION, NETWORKING AND INFORMATION TECHNOLOGY COLLABORATIVE PROGRAM.—Within the funds authorized under this Act, the Secretary shall provide up to $25,000,000 in each fiscal year for a program of collaborative projects involving remote access to high-performance computing assets or remote experimentation over network facilities. The program shall give priority to cross-disciplinary projects that involve more than one office within the Office of Science of the Department of Energy or that couple the Office of Science with Departmental energy technology offices.

(c) PROGRAM LINE AUTHORITY.—To the extent consistent with their national security mission, laboratories administered by the National Nuclear Security Administration may compete for funding authorized in this Act to the same extent and on the same terms as other Department of Energy offices and laboratories. Such funding at laboratories administered by the National Nuclear Security Administration shall be under the direct programmatic control of the sponsoring program for the funding in the Department of Energy.

(d) MERIT REVIEW.—All grants, contracts, cooperative agreements, or other financial assistance awarded under programs authorized in this Act shall be made only after being subject to independent merit review by the Department of Energy.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for the purposes of carrying out section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) and this Act $190,000,000 for fiscal year 2001; $250,000,000 for fiscal year 2002; $285,000,000 for fiscal year 2003; $300,000,000 for fiscal year 2004; and $300,000,000 for fiscal year 2005.●

By Mr. SANTORUM (for himself and Mr. KYL):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

THE FAIR CARE FOR THE UNINSURED ACT

● Mr. SANTORUM. Mr. President, I rise to join my friend and colleague, Senator JON KYL of Arizona, in introducing the Fair Care for the Uninsured Act of 2000, legislation aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance.

As we all know, the growing ranks of uninsured Americans—currently 44 million and increasing at a rate of 100,000 per month—remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system. The uninsured are three times as likely not to receive needed medical care, at least twice as more likely to need hospitalization for avoidable conditions like pneumonia and diabetes, and four times more likely to rely on an emergency room or have no regular source of care than Americans who are privately insured.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health coverage through the creation of a new tax credit for the purchase of private health insurance, a concept which enjoys bipartisan support.

This legislation directly addresses one of the main barriers which now inhibits access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation (including payroll taxes). This is effectively a $120 billion per year federal subsidy for employer-provided health insurance. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy this situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family (indexed for inflation), for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the states could supplement the credit.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. Representative DICK ARMEY has been a leader in this field for some time now, having introduced last year similar legislation in the House of Representatives. And just recently, Senators JEFFORDS and BREAUX introduced their own version of health insurance tax credit proposal here in the Senate. I applaud their efforts for advancing this important public policy initiative.

A tax credit for the purchase of insurance would make it possible for many more people to obtain insurance, thereby helping to lower the total cost of insurance. In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that my colleagues will join me in endorsing this approach to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.•

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE):

S. 2338. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

THE EFFECTIVE NATIONAL FIREARMS OBJECTIVES FOR RESPONSIBLE, COMMONSENSE ENFORCEMENT (ENFORCE) ACT

• Mr. SCHUMER. Mr. President, I rise today to introduce on behalf of myself and Senators KENNEDY, DURBIN, LAUTENBERG, REED, TORRICELLI, LEVIN, ROBB, MOYNIHAN, BOXER, DODD, and Mr. DASCHLE, the Effective National Firearms Objectives For Responsible, Commonsense Enforcement Act. This bill, I believe, bridges the gap between those who reflexively support the gun lobby and those who strongly support gun control.

The ENFORCE Act is the culmination of years of research into gun tracing and gun trafficking. It is the next phase in stopping gun violence. It is a bill and an approach to gun crime that works smarter and works harder.

This bill works smarter by ridding us of many of the laws that have shielded illegal gun traffickers and dirty gun dealers from prosecution. It uses the latest in gun tracing data and ballistics technology to make it possible for law enforcement to zero in on the bad apples, throw the book at them, and leave the rest alone. It works harder by finally giving ATF the street agents they need to crack down on high crime gun dealers and to prosecute more gun crimes.

Let me outline a few provisions in this legislation. First, this bill will fund 500 new ATF agents and inspectors to crack down on dirty gun dealers. These new agents will target high-crime gun dealers who supply firearms to criminals and juveniles and crack down on violent gun criminals and illegal gun traffickers at gun shows, gun stores, and on the streets.

ENFORCE will also give ATF the authority to investigate high crime-gun stores. Under current law, the ATF is only allowed to conduct one unannounced inspection of a licensed dealer a year. The bill would allow the ATF to conduct four compliance inspections annually of licensed firearms dealers, importers, and manufacturers.

In addition, this legislation will authorize funds to hire an additional 1,000 local, state and federal prosecutors to expand the Project Exile program in high gun-crime areas. In cases where federal law enforcement authorities defer to state prosecutors, this funding would ensure that state prosecutors have sufficient resources. Furthermore, ENFORCE authorizes funding for federal prosecutors and gun enforcement teams to coordinate efforts with local law enforcement and to determine where federal prosecution is warranted.

ENFORCE will also create a comprehensive ballistics DNA testing network. The Act would triple current funding for ballistics testing programs to support the deployment of 150 ballistics imaging units, helping to link bullets and shell casings to the crime-guns they were fired from.

ENFORCE will expand to 50 cities and counties the Youth Crime Gun Interdiction Initiative (YCGII), which would dramatically increase tracing of crime guns to find sources. Participating cities and counties' law enforcement agencies would submit and share identifying information about crime guns and conduct law enforcement investigations regarding illegal youth users of firearms and illegal traffickers of firearms to youth. The Secretary of the Treasury would provide an annual report on the types and sources of recovered crime guns and the number of investigations associated with YCGII.

The bill would also fund $10 million for smart gun technology research and development. New state-of-the-art innovations could limit a gun's use to its owner or other authorized users—and could therefore prevent accidental shooting deaths of children, detect gun theft, and stop criminals from seizing and using the guns of police officers against them.

ENFORCE is a comprehensive package of measures that will strengthen the enforcement of existing gun laws and target high crime-gun dealers to reduce gun violence and to keep firearms out of the hands of children and criminals. The gun lobby has been calling for more enforcement. This is as tough and effective an enforcement bill as ever drafted. Gun rights and gun control supporters ought to step up to the plate and pass it.•

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 784

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1017

At the request of Mr. MACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1215

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1399

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1408

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE,) was added as a cosponsor of S. 1408, a bill to amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real

or perceived environmental contamination, and for other purposes.

S. 1498

At the request of Mr. BURNS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1762

At the request of Mrs. LINCOLN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1806

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1806, a bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1932

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1932, a bill to amend the Ricky Ray Hemophilia Relief Fund Act of 1998 to revise and extend certain provisions.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 1975

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1975, a bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2058

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2058, a bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

S. 2087

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2097

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2097, supra.

At the request of Mr. HATCH, his name was added as a cosponsor of S. 2097, supra.

S. 2123

At the request of Ms. LANDRIEU, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Mississippi (Mr. COCHRAN), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2234

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2234, a bill to designate certain facilities of the United States Postal Service.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2246

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2277

At the request of Mr. ROTH, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2285

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2285, a bill instituting a Federal fuels tax holiday.

S. 2291

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2291, a bill to provide assistance for efforts to improve conservation of, recreation in, erosion control of, and maintenance of fish and wildlife habitat of the Missouri River in the State of South Dakota, and for other purposes.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2300

At the request of Mr. THOMAS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. RES. 90

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 90, a resolution designating the 30th day of April 2000 as ''Dia de los Ninos: Celebrating Young Americans,'' and for other purposes.

S. RES. 271

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.Res. 271, a resolution regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 279—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 279

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran, and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil, and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings, and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota, and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, including many major national membership organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 2000 is the 21st anniversary of the adoption of CEDAW by the United Nations General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the convention on the Elimination of All Forms of Discrimnation Against Women (CEDAW); and

(2) the Senate should act on CEDAW by July 19, 2000, the 20th anniversary of the signing of the convention by the United States.

SENATE RESOLUTION 280—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED STATES RELATIONS WITH THE RUSSIAN FEDERATION IN VIEW OF THE SITUATION IN CHECHNYA

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 280

Whereas the Senate of the United States unanimously passed Senate Resolution 262 on February 24, 2000, condemning the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya, encouraging peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, and urging the Government of the Russian Federation to immediately grant international organizations full and unimpeded access into Chechnya in order to provide humanitarian assistance and investigate alleged atrocities and war crimes;

Whereas the Committee of Foreign Relations of the Senate received credible evidence and testimony reporting grave human rights violations on both sides of the war in Chechnya;

Whereas the Committee on Foreign Relations of the Senate received credible evidence and testimony that Russian forces in Chechnya caused the deaths of countless thousands of innocent civilians and the displacement of well over 250,000 innocents; forcibly relocated refugee populations; and committed widespread atrocities including summary executions, arbitrary detentions, torture, and rape;

Whereas the Government of the Russian Federation continues its military campaign in Chechnya through the use of indiscriminate force, causing further dislocation of people from their homes, the deaths of unarmed civilians and widespread suffering;

Whereas this war contributes to ethnic hatred and religious intolerance within the Russian Federation, and could divert much-needed international development assistance, undercut the ability of the international community to trust the Russian Federation as a signatory to international agreements, generate political instability within the Russian Federation, and be a continuing threat to the peace in the region; and

Whereas the Senate again expresses its deep concern over the war and humanitarian tragedy in Chechnya, and its desire for a peaceful and durable settlement to the conflict: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the lack of vigorous and sustained action of most Western governments, including that of the United States, to respond to the conflict in Chechnya could be too easily interpreted by the Government of the Russian Federation as indifference to it and thus allow that government to intensify and expand its military campaign there, further contributing to the suffering of the Chechen people;

(2) the President of the Russian Federation, Vladimir Putin, is responsible for the conduct of Russian troops in and around Chechnya and has an obligation to ensure compliance with international humanitarian law and human rights norms, including the obligation to prevent present and future atrocities there, and to investigate fully atrocities already committed, and to initiate, where appropriate, prosecutions against those accused;

(3) the Government of the Russian Federation and the leadership of the Chechen Government should immediately cease military operations in Chechnya and seek a negotiated settlement to the conflict there;

(4) the President of the Russian Federation should—

(A) act immediately to end human rights violations by Russian soldiers in Chechnya;

(B) allow immediate, full, and unimpeded access into and around Chechnya international monitors to assess and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate, full, and unimpeded access to Chechen civilians, including those in refugee, detention, and ''filtration'' camps, or any other facility where citizens of Chechnya are detained; and

(D) investigate fully atrocities committed in Chechnya, including those alleged in Alkhan-Yurt and Grozny, and initiate, where appropriate, prosecutions against those accused;

(5) the President of the United States of America should—

(A) affirm respect for human rights, democratic rule of law, and international accountability as a foundation of United States foreign policy;

(B) affirm respect for human rights, democratic rule of law, and international accountability as a condition for continued United States-Russian cooperation;

(C) conduct a full and comprehensive review of United States foreign policy toward the Russian Federation with respect to its conduct in Chechnya, and its implications for United States-Russian relations;

(D) promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government through third-party mediation by the OSCE Assistance Group in Chechnya, the United Nations, or other appropriate parties;

(E) publicly and openly support societal forces in the Russian Federation working to preserve democracy there, including empowering human rights activists and promoting programs designed to strengthen the independent media, trade unions, political parties, and other institutions of a democratic civil society there; and

(F) take further, more tangible steps to demonstrate to the Government of the Russian Federation that the United States strongly condemns its conduct in Chechnya and its unwillingness to find a just political solution to the conflict there, including—

(i) sponsoring a Resolution at the 56th annual meeting of the United Nations Human Rights Commission in Geneva, Switzerland, expressing the Commission's serious concern about reports of very grave violations of human rights and humanitarian law in Chechnya, and including provisions, such as the establishment of a Commission of Inquiry, to investigate accusations of violations of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and other international humanitarian law;

(ii) supporting the appointment of a United Nations Special Rapporteur for Chechnya; and

(iii) placing the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation; and

(6) the President of the United States should not reverse actions taken under paragraph (5)(f) until the Government of the Russian Federation has—

(A) acted forcefully and effectively to end human rights violations by Russian soldiers in Chechnya;

(B) provided full and unimpeded access into and around Chechnya to international monitors to assess and report on the situation there and to investigate alleged atrocities and war crimes;

(C) granted international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and ''filtration'' camps, or any other facility where citizens of Chechnya are detained; and

(D) begun to investigate fully atrocities committed in Chechnya, including those alleged in Alkhan-Yurt and Grozny, and initiated, where appropriate, prosecutions against those accused.

Mr. WELLSTONE. Mr. President, I rise today to draw attention to the continuing war in Chechnya and to remind the international community that our lack of vigorous and sustained action to respond to the conflict there could be too easily interpreted by the Russian Government as indifference to it. We must act to again remind the newly elected President of the Russian Federation, Vladimir Putin, that he is responsible for the conduct of Russian troops in and around Chechnya and has an obligation to ensure compliance with international humanitarian law and human rights norms; and we must act to urge the Government of the Russian Federation and the leadership of the Chechen Government to immediately cease military operations in Chechnya and to seek a negotiated just settlement to the conflict there.

Today I am offering a Resolution which urges the Administration to sponsor a Resolution condemning the Russian Federation's conduct in Chechnya at the annual United Nations Human Rights Commission meeting that is currently underway in Geneva, Switzerland, to support the appointment of a U.N. Special Rapporteur for Chechnya, and to place the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation. The United States must publicly and actively affirm respect for human rights, democratic rule of law and international accountability as a foundation of United States policy and not simply pay them lip service.

Sunday night we watched as acting President Vladimir Putin was elected President of the Russian Federation. As the President of a fully sovereign state I do not question President Putin's authority to combat what it perceives as terrorism on its own soil and to ensure the integrity of its borders, nor do I dismiss credible reports of grave violations of human rights on both sides of this war. I do, however, condemn the continuing indiscriminate use of force by the Russian military in Chechnya and the blatant disregard it continues to show for international humanitarian law there.

Last month the Senate Foreign Relations Committee heard evidence and testimony reporting that Russian forces in Chechnya have caused the deaths of countless thousands of innocent civilians and the displacement of well over 250,000 innocents; forcibly relocated refugee populations; and committed widespread atrocities including summary executions, arbitrary detentions, torture, and rape. While they claim to have begun to open up access to the region, the Russian government continues to effectively deny international organizations full and unimpeded access into Chechnya to assess and report on the situation there, to investigate alleged atrocities and war crimes, and to provide humanitarian relief.

I am not alone in my concern about the situation in Chechnya. Last November both the House and Senate passed resolutions expressing grave concern regarding the armed conflict in the North Caucasus region of the Russian Federation and condemning the violence in Chechnya. On February 24 of this year, the Senate unanimously agreed to Senate Resolution 262, calling for a peaceful resolution to the conflict in Chechnya, and Senate Resolution 261, regarding the detention of the journalist Andrei Babitsky. Finally, just a few weeks ago on March 9, Senate Resolution 269, regarding relations with the Russian Federation given its conduct in Chechnya, was referred to the Senate Foreign Relations Committee.

We have all read editorials on Chechnya in the news media written by our own colleagues, witnessed a joint conference on Chechnya by the Commonwealth of Independent States Inter-parliamentary Assembly and the European Parliament, heard claims by a leading Russian human rights activist who is also a member of the Russian Parliament offering fierce criticism of the Russian government's efforts in Chechnya, and listened as just this past week at the annual meeting of the U.N. Human Rights Commission meeting in Geneva, Secretary Albright objected to the indiscriminate use of force against civilians in Chechnya and proclaimed that allegations of Russian human rights violations are serious and must be addressed urgently. In a phone call to congratulate President Putin on his victory in the Presidential election, President Clinton expressed his hope that Mr. Putin would carry out impartial and transparent investigations of reported human rights violations in Chechnya and provide prompt and full access for international organizations and the press. But, Mr. President, even after all this commentary, and numerous meetings designed to press the Russians to change course, the situation has changed hardly at all.

I fully support Secretary Albright's decision to address the allegations of gross human rights abuses by Russian soldiers in Chechnya in her address to the U.N. Commission on Human Rights, and the President's raising this issue again in his phone call to President Putin, but the grave situation in Chechnya demands that we do more. The annual meeting of the U.N. Commission on Human Rights provides a

major forum for addressing human rights concerns and for expressing international commentary on the human rights performance of all nations. The Government of the Russian Federation must be held accountable for its conduct in Chechnya and should be forced to defend itself against allegations of grave human rights violations there, in the full light of public scrutiny.

The administration should bring a resolution expressing the Commission's serious concern about reports of gross human rights abuses and other violations of humanitarian law in Chechnya, including provisions urging the establishment of a Commission of Inquiry to investigate violations of the Geneva Convention and other international humanitarian law. It must also support the appointment of a United Nations Special Rapporteur for Chechnya to assess and report on the situation there, and place the war in Chechnya at the top of the agenda of all high-level diplomatic meetings involving the United States and the Russian Federation.

Mr. President, it is high time the United States expressed its commitment to human rights, democratic rule of law, and international accountability through concrete action. We must send a message to the Russian Federation, as well as the international community, that respect for these important principles will be a condition for continued cooperation with the United States. We must demand concrete action by the Government of the Russian Federation to end human rights violations by Russian soldiers in Chechnya, to investigate, where appropriate, those accused of violations, and to ease the suffering of civilians there. We must not be diverted by verbal commitments by the Russian leadership that never come to fruition. We need to exercise our leadership now. The international community and the people of Chechnya deserve no less.

AMENDMENTS SUBMITTED

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

BAUCUS (AND OTHERS) AMENDMENTS NOS. 2892–2893

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. LEAHY, and Mr. ROBB) submitted two amendments intended to be proposed by them to the bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; as follows:

AMENDMENT NO. 2892

On page 25, line 10, insert after ''local television stations'' the following: '', and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 30, strike line 9 and insert the following: ''means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike ''(B)'' and insert ''(C)''.

AMENDMENT NO. 2893

On page 25, strike line 10 and all that follows through page 33, line 25, and insert the following:

signals of local television stations, and related signals (including high-speed Internet access and National Weather Service broadcasts), for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts), will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to

the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ‘‘Amount’’ for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

(C) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a

* * *

LEAHY (AND BAUCUS) AMENDMENTS NOS. 2894–2895

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. BAUCUS) submitted two amendments intended to be proposed by them to the bill, S. 2097, supra; as follows:

AMENDMENT NO. 2894

On page 25, line 10, insert after ‘‘local television stations’’ the following: ‘‘, and related signals (including high-speed Internet access and National Weather Service broadcasts),’’.

On page 30, strike line 9 and insert the following: ‘‘means (including spectrum rights) by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),’’.

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike ‘‘(B)’’ and insert ‘‘(C)’’.

AMENDMENT NO. 2895

On page 25, strike line 10 and all that follows through page 33, line 25, and insert the following:

signals of local television stations, and related signals (including high-speed Internet access and National Weather Service broadcasts), for households located in unserved areas and underserved areas.

SEC. 3. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the ‘‘Board’’).

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 10 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 5 of this Act) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this Act applicable to the Board.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means (including spectrum rights) by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts), will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D) the loan is provided by an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board, and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas; and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) ADDITIONAL PRIORITY.—Among projects receiving a priority under subparagraph (A), the Board should also give an additional priority to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

(C) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a * * *

BUNNING AMENDMENT NO. 2896

Mr. BUNNING proposed an amendment to the bill, S. 2097, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(4) REQUIREMENT RELATING TO APPLICANT RECEIVING ENTIRE GUARANTEE AMOUNT.—The entire amount of the guarantee available under subsection (f) may not be provided for the guarantee of a single loan unless the applicant for the loan agrees to provide in each unserved area and underserved area of each State the signals of all local television stations broadcast in such State.

GRAMM AMENDMENT NO. 2897

Mr. GRAMM proposed an amendment to the bill, S. 2097, supra; as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

''(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

''(I) is provided by any entity engaged in the business of commercial lending—

''(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

''(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

''(II) is provided by a nonprofit corporation engaged primarily in commercial lending, if the Board determines that the nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and that such rating will not decline upon the nonprofit corporation's approval and funding of the loan;

''(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made by a governmental entity or affiliate thereof, or a Government-sponsored enterprise as defined in section 1404(e)(1)(A) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) or any affiliate thereof;

''(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

''(III) if a nonprofit corporation fails to maintain the debt rating required by subclause (i)(II), the subject loan shall be sold to another entity described in clause (i) through an arm's length transaction, and the Board shall by regulation specify forms of acceptable documentation evidencing the maintenance of such debt rating;

''(IV) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the issued and outstanding voting and nonvoting interests of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;''.

JOHNSON AMENDMENT NO. 2898

Mr. JOHNSON proposed an amendment to amendment No. 2897 proposed by Mr. GRAMM to the bill, S. 2097, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

''(D) the loan is provided by an insured depository institution (as defined in section 3 of the F.D.I. Act) that is acceptable to the Board, or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this Act and has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

THE GAS TAX REPEAL ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 2899

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Ms. MIKULSKI, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

At the appropriate place, insert the following:

TITLE II—

SEC. 201. SHORT TITLE.

This title may be cited as the ''Minimum Wage Increase Act of 2000''.

SEC. 202. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.15 an hour beginning September 1, 1997,

''(B) $5.65 an hour during the year beginning April 1, 2000, and

''(C) $6.15 an hour beginning April 1, 2001;''.

SEC. 203. MINIMUM WAGE IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Subject to subsection (b), the provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C.

206(a)(1)) shall be $3.55 an hour beginning on the date that is 30 days after the date of enactment of this section.

(2) INCREASES IN MINIMUM WAGE.—

(A) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, and every 6 months thereafter, the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be increased by $0.50 per hour (or such a lesser amount as may be necessary to equal the minimum wage under such section) until such time as the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

(B) FURTHER INCREASES.—With respect to dates beginning after the minimum wage applicable to the Commonwealth of the Northern Mariana Islands is equal to the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), as provided in subparagraph (A), such applicable minimum wage shall be immediately increased so as to remain equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

THE LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

BAUCUS (AND OTHERS) AMENDMENT NO. 2900

Mr. BAUCUS (for himself, Mr. LEAHY, Mr. ROBB, Mr. KENNEDY, Mr. STEVENS, Mr. WELLSTONE, Mr. BURNS, Mr. MURKOWSKI, Mrs. LINCOLN, and Mr. INOUYE) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 25, line 10, insert after ''local television stations'' the following: '', and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 30, strike line 9 and insert the following: ''means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service broadcasts),''.

On page 33, between lines 23 and 24, insert the following:

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extent practicable the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service broadcasts).

On page 33, line 24, strike ''(B)'' and insert ''(C)''.

BREAUX AMENDMENT NO. 2901

Mr. BREAUX proposed an amendment to the bill, S. 2097, supra; as follows:

At the appropriate place insert the following:

Section 4(d)(2)(a) of S. 2097 is amended by striking the word ''launch,''.

S. 2097 is amended by inserting the following Section 5A:

''SEC. 5A. APPROVAL AND ADMINISTRATION OF LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.

''(a) AUTHORITY TO APPROVE LOAN GUARANTEES RELATING TO LAUNCH VEHICLES.—To further the purposes of this Act including to reduce costs necessary to facilitate access to local television broadcast signals in unserved and underserved areas, without unnecessarily creating a new administrative apparatus, the Secretary of Transportation is authorized, subject to the provisions of this Section, to approve loans guarantees relating to space launch vehicles. For this purpose, the credit assistance program established in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, is expanded to include projects for the design, development, and construction of space transportation systems and infrastructure, including launch and reentry vehicles subject to the licensing requirements of Section 70104 of Title 49, United States Code.

''(b) FUNDING.—To fund the cost to the Government of loan guarantees provided under this Section for space transportation systems and infrastructure projects, there is authorized to be appropriated $250 million for Fiscal Year 2001, and such other sums as may be necessary for each of Fiscal Years 2002 through 2005. From funds made available under this subsection, the Secretary of Transportation, for the administration of the program, may use not more than $2 million for each of Fiscal Years 2001 through 2005. For each of Fiscal Years 2001 through 2005, principal amount of Federal credit instruments made available for space transportation systems and infrastructure projects shall be limited to the same amounts set forth in Section 1503 of Chapter 1 of Subtitle E of the Transportation Equity Act for the 21st Century, Pub. L. No. 105–178.

''(c) REGULATORY AUTHORITY.—To carry out the provisions of this Section, the Secretary shall, within 120 days after enactment of this Act, adopt such regulations as he reasonably deems necessary. Such regulations shall not be inconsistent with the provisions of Section 5 of S. 2097, the ''Launching Our Communities' Access to Local Television Act of 2000.''

GRAMM (FOR HATCH) AMENDMENT NO. 2902

Mr. GRAMM (for Mr. HATCH) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 49, strike lines 1 through 13 and insert the following:

SEC. 8. DEFINITIONS.

On page 50, line 23, strike ''10.'' and insert ''9.''

JOHNSON (AND OTHERS) AMENDMENT NO. 2903

Mr. JOHNSON (for himself, Mr. GRAMM, Mr. THOMAS, Mr. GRAMS, and Mr. BURNS) proposed an amendment to the bill, S. 2097, supra; as follows:

On page 30, strike line 22 and all that follows through page 31, line 3, and insert the following:

''(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

''(I) is provided by any entity engaged in the business of commercial lending—

''(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

''(bb) if subclause (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

''(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

''(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

''(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

''(III) for purposes of subclause (i)(I)(bb), the term 'net equity' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;''.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

SMITH AMENDMENT NO. 2904

Mr. SMITH of New Hampshire proposed an amendment to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Estuary Habitat and Chesapeake Bay Restoration Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Establishment of Collaborative Council.
Sec. 106. Duties of Collaborative Council.
Sec. 107. Cost sharing of estuary habitat restoration projects.
Sec. 108. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 109. Cooperative agreements; memoranda of understanding.
Sec. 110. Distribution of appropriations for estuary habitat restoration activities.
Sec. 111. Authorization of appropriations.
Sec. 112. National estuary program.
Sec. 113. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay restoration.

TITLE III—LONG ISLAND SOUND

Sec. 301. Reauthorization.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Estuary Habitat Restoration Partnership Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the commercial fish and 80 to 90 percent of the recreational fish catches of the United States;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities, through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461)), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 104. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term ''Collaborative Council'' means the interagency council established by section 105.

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term ''estuary'' means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term ''estuary habitat'' means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term ''estuary habitat'' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term ''estuary habitat restoration strategy'' means the estuary habitat restoration strategy developed under section 106(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term ''Federal estuary management or habitat restoration plan'' means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 105. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the ''Estuary Habitat Restoration Collaborative Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 106. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent;

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat; or

(D) the estuary habitat restoration project includes—

(i) pilot testing; or

(ii) a demonstration of an innovative technology having potential for improved cost-effectiveness in restoring—

(I) the estuary that is the subject of the project; or

(II) any other estuary.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2001 through 2005.

SEC. 107. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

(e) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing or a demonstration of an innovative technology described in section 106(b)(3)(D) shall be 100 percent.

SEC. 108. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 110. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 106(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2001;

(2) $50,000,000 for fiscal year 2002; and

(3) $75,000,000 for each of fiscal years 2003 through 2005.

SEC. 112. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section

320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 2000, and $25,000,000 for each of fiscal years 2001 and 2002''.

SEC. 113. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Restoration Act of 2000''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

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

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY RESTORATION.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the

Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a grant award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2001, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this subsection and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this subsection or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 through 2006.''.

TITLE III—LONG ISLAND SOUND

SEC. 301. REAUTHORIZATION.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking ''1991 through 2001'' and inserting ''2001 through 2006''; and

(2) in paragraph (2), by striking ''not to exceed $3,000,000 for each of the fiscal years 1991 through 2001'' and inserting ''not to exceed $10,000,000 for each of fiscal years 2001 through 2006''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, April 5, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on political parties in America.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, April 6, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine the energy potential of the 1002 area of the Arctic Coastal Plain; the role this energy could play in National security; the role this energy could play in reducing U.S. dependence on imported oil; and the legislative provisions of S. 2214.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, April 12, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine federal actions affecting hydropower operations on the Columbia River system.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, April 25, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2239, a bill ''To authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.''

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday March 30, at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992; and S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policy of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 30, 2000, for an Open Executive Session to mark up and report out an original bill regarding Marriage Tax Penalty Relief.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 9:30 am and 2:00 pm to hold a hearing and a roundtable discussion.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 10:00 a.m. for a nominations hearing to consider the nominations of Alan Kessler to be a Governor on the United States Postal Service and Carol Waller Pope to be a Member of the Federal Labor Relations Authority.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 30, 2000, at 10:00 a.m., in SD226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRAMM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 30, 2000, at 9:30 a.m., to conduct an oversight hearing on the operations of the Architect of the Capitol.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 30, 2000 at 2:00 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism and Property Rights be authorized to meet to conduct a hearing on Thursday, March 30, 2000 at 2:00 p.m., in SD226.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 30 at 2:30 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the Administration's effort to review approximately 40 million acres of national forest lands for increased production.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. GRAMM. Mr. President I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, March 30, 10:30 a.m., to conduct a hearing to receive testimony regarding the Administration's FY 2001 budget for programs within EPA's Office of Solid Waste and Emergency Response.

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

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that a fellow of Senator BAUCUS, Deb Jackson, be extended floor privileges for the remainder of the day.

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

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 323, S. 835.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 835

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 ''Estuary Habitat Restoration Partnership Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State,

and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 4. DEFINITIONS.

In this Act:

(1) COLLABORATIVE COUNCIL.—The term ''Collaborative Council'' means the interagency council established by section 5.

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term ''estuary'' means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, *including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act*; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term ''estuary habitat'' means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term ''estuary habitat'' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this Act, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term ''estuary habitat restoration strategy'' means the estuary habitat restoration strategy developed under section 6(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term ''Federal estuary management or habitat restoration plan'' means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 5. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the ''Estuary Habitat Restoration Collaborative Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this Act is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 6. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this Act, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or

restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this Act if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2000 through 2004.

SEC. 7. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this Act from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this Act; and

(2) any criteria established by the Collaborative Council under this Act.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this Act shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this Act for the purpose of carrying out an estuary habitat restoration project.

SEC. 8. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this Act.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this Act, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this Act; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 9. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this Act, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 10. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this Act based on the need for the funds and such other factors as are determined to be appropriate to carry out this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this Act to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 6(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2000;

(2) $50,000,000 for fiscal year 2001; and

(3) $75,000,000 for each of fiscal years 2002 through 2004.

SEC. 12. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1999, and $25,000,000 for each of fiscal years 2000 and 2001''.

SEC. 13. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this Act; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this Act.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this Act.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this Act. The analysis shall include recommendations regarding necessary additional funding.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the committee amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the committee amendment is withdrawn.

AMENDMENT NO. 2904

(Purpose: In the nature of a substitute)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH) proposes an amendment numbered 2904.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I am very pleased that the Senate is taking up today an important piece of legislation that will enhance our ability to protect the Nation's most valuable shoreline habitats. This bill, S. 835, the Estuary Habitat Restoration Partnership Act, is a great tribute, I think, to not only our leadership in the Senate but also to our late colleague, Senator John Chafee. I urge my colleagues to support this bill and move it forward quickly, to get it into law.

S. 835 is an example of environmental policy based on partnership and cooperation—not on this top-down mandate, overburdensome Federal regulation, but a partnership and a cooperative effort. It shows you, when you have a partnership and have a cooperative effort and don't try to impose regulations, what you can do. This bill is a good example of that. It promotes working together in a partnership situation with the States, with local programs, and with the private sector.

This bill will make it possible to restore 1 million acres of habitat with almost no cost to the taxpayer. Environmental success is what this is, and it is the kind of environmental success that I am very proud to support. This bill is yet one more of the many legacies of our friend and late colleague, Senator John Chafee of Rhode Island. He was the principal sponsor and a longtime champion of the estuary system in this country.

Last October, under his chairmanship, the Committee on Environment and Public Works reported out S. 835 by a voice vote. For the past 5 months, his son, Senator LINCOLN CHAFEE, has carried forward the effort in the Senate and helped me immensely to get where we are today with this legislation. I am grateful for his leadership. I know it was a special matter for him to lead on this issue and on this bill because of what his father had done on its behalf. So I am pleased to be a part of this effort, pleased as the chairman of the Environment and Public Works Committee to bring this matter to the Senate for final passage.

To understand how important this act is for protecting the environment, one has to understand what estuaries are and how valuable they are to our society.

An estuary is a bay, a gulf, a sound, or an inlet where fresh water from rivers and streams meet and mixes with saltwater from the ocean, or put simply, it is where the river meets the sea.

Examples of estuaries are coastal marshes, coastal wetlands, maritime forests, sea grass, meadows, and river deltas.

Estuaries represent some of the most environmentally and economically productive habitats in the entire world.

Estuaries are critical for wildlife. Approximately 50 percent of the Nation's migratory songbirds are linked to coastal estuary habitat, while near 30 percent of North American waterfowl rely upon coastal estuary habitat for wintering grounds. Threatened and endangered species depend upon estuaries for their survival.

Estuaries also play a major role in commercial and recreational fishing as well. Approximately 70 percent of the commercial fish catch, and 80 to 90 percent of recreational fish catch, depend in some way on estuaries. Obviously these fish swim up into those estuaries and spawn, and those small fish work their way back into the oceans.

You may not realize it, but estuaries also contribute significantly to the quality of life that many of us enjoy as Americans. Over one-half of the entire population of the United States lives near a coastal area.

Traditionally, a great majority of Americans visit estuaries every year to swim, to fish, to hunt, to dive, to bike, to learn, or just to view the beauty of the marshes and the wildlife.

For many States, this tourism provides enormous economic benefit, and it does in New Hampshire, as well as almost every State in the Union.

In fact, the coastal recreation and tourism industry is the second largest employer in the Nation serving 180 million Americans each year.

These many attributes of estuaries are especially important to me because of the rich coastline of New Hampshire. We only have 18 or 19 miles of it, but it is rich. New Hampshire estuaries contribute to dynamic habitat, and they contribute to the beauty of the State as well as the economy. Recreational shell fishing alone in New Hampshire contributes an estimated $3 million annually to the State and local economy. New Hampshire is in the forefront of the national effort to identify and protect sensitive estuary habitats.

The New Hampshire Great Bay, Little Bay and Hampton Harbor, and their tributary rivers joined the National Estuary Program in July 1995 as part of the New Hampshire Estuaries Project.

The Great Bay estuary has a rich cultural history. Its beauty and resources attracted the Paleo Indians in the area nearly 6,000 years ago. It was also the site of a popular summer resort during the 1800s, as well as a shipyard.

As a Senator from New Hampshire, I am proud to be involved in this historical and ecological resource, and to preserve it for future generations.

What we do in environmental matters we should do not for the next election, and not for somebody's business bottom line, but for the next generation—for the generations of our grandchildren and their generations to come.

That is why we make these decisions to preserve these estuaries so that 1,000 years from now our descendents can say: We can see an estuary because those guys stood up when it counted and they saved them for us.

That is a great legacy.

Unfortunately, though, many of the estuaries around the United States, including those in New Hampshire, have been harmed by excessive urbanization of surrounding areas. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuary habitat is impaired. S. 835 is a tremendous step to establishing a much needed restoration program.

What does S. 835 do? It does not duplicate any existing efforts, but instead it builds upon current restoration projects by establishing a community-driven, incentive-based program while expanding EPA's ability to provide grants for conservation management plans.

It has a national strategy because a national strategy is vital in order to coordinate current and future restoration efforts among both Federal, State, and local programs. Sometimes estuaries have no State borders. They move across the borders of States and towns.

We have a collaborative council to accomplish this goal. S. 835 establishes this council. It is chaired by the Secretary of the Army with the participation of the Under Secretary for Oceans and Atmosphere, the Department of Commerce, the Administrator of EPA, and the Secretary of Interior.

It will be authorized to distribute $315 million over 5 years to community groups to implement restoration projects.

It establishes criteria to select projects; for example, quantity and quality of the habitat to be restored; criteria to minimize the Federal share; criteria to address sources of pollution that would otherwise again impair the

restored habitat; and, criteria that fosters the development of cost-effective and innovative technologies.

This bill encourages local communities and the private sector to develop partnerships to implement restoration activities. Decisions of how to restore these estuaries are made by the local communities.

Another key feature of the bill is that it ensures accountability through ongoing monitoring and evaluation. NOAA maintains a database of restoration projects. Information and lessons learned from one project can be incorporated into other restoration projects.

The council will publish the biannual report to Congress detailing the progress made under the act. It allows Congress and the public to know about the successes and failures of the projects and strategies under this section.

S. 835 includes important provisions dealing with the National Estuaries Program, the Chesapeake Bay Region Program, and the Long Island Sound.

I know that these provisions have been of particular importance to Senators WARNER and LIEBERMAN, and no doubt they will be addressing the importance of these programs on the floor very soon.

However, I want to acknowledge the important role that the National Estuaries Program has played in raising national awareness on the value of these habitats.

The National Estuaries Program, established in 1988, demonstrates what we can accomplish when the Federal Government, the State government, and the local government work together in partnership without all of the friction and without all the confrontation.

Participation in the program is voluntary, and it emphasizes watershed planning and community involvement.

I have met with so many people at the local and State level on so many of these environmental projects who are knowledgeable, smart, and well-educated people who know these issues very well. They don't need to be dictated to by the Federal Government.

To date, 28 conservation plans under this program have been prepared for designated estuaries. I am pleased that New Hampshire is in the process of developing its own conservation plan.

Unfortunately, though, the program does not have sufficient resources to adequately address all habitat restoration. Until now, in fact, only the development of a plan could be funded—not their implementation. S. 835 will change that.

This bill will increase the authorization for the program from $12 million to $25 million annually for 2001 and 2002.

Let me close by saying that there is overwhelmingly bipartisan support for this bill. It represents an approach to environmental policy that should be the basis for solving environmental problems by dealing with these issues through cooperation, not confrontation. And that is what this bill is all about.

Decisions that affect local communities are to be made by local communities. They use taxpayer dollars wisely and effectively.

This bill represents the sixth report by the Environment and Public Works Committee since I became its chairman just a few months ago.

I include also the reauthorization of the National Fish and Wildlife Foundation Establishment Act, and a wetlands bill in Louisiana.

It is only the sixth in what I hope will be a long line of good, solid, strong, bipartisan environmental bills.

We all breathe the same air. We all like to drink clean water. We all like to walk the land and to have that land be clean and to enjoy the wildlife.

I have never been able to figure out why Democrats perhaps would like to do that more than Republicans, or vice versa. This is nonpartisan. This is bipartisan.

This is good legislation, and many of these initiatives were very important to our beloved former colleague, John Chafee.

I thank Senator BAUCUS and my other committee colleagues, as well as Senators LOTT and DASCHLE, for helping us to continue the tradition of bipartisan action on environmental matters. That is so much a part of the legacy of John Chafee.

I urge my colleagues to support its passage.

Mr. L. CHAFEE. Mr. President, I rise today in support of S. 835, the Estuary Habitat Restoration Partnership Act. Senator John H. Chafee was the sponsor of this bill; indeed, it was one of his top environmental priorities this Congress. Like the many supporters of this bill, I believe this legislation is needed to turn the tide and start restoring the valuable estuarine habitats that are literally disappearing along our Nation's coasts. I hope all of my colleagues in the House and Senate will join me in working towards its timely enactment.

I would like to briefly discuss the importance of estuaries to the hundreds of different animals that live in or near these waterbodies. Estuaries are defined as waterbodies where the river's current meets the sea's tide. These waterbodies are truly unique areas where life thrives. The food chain begins in estuaries, and many of them produce more harvestable human food per acre than the best Mid-western farmland. An astonishing variety of life, including animals as diverse as lobsters, whooping cranes, manatees, salmon, otters, bald eagles, and sea turtles all depend on estuaries for their survival. The San Francisco Bay area alone is home to approximately 255 bird species, 81 mammal species, 30 reptile species and 14 amphibian species. And we cannot forget the importance of estuaries to the human species. As you look around the country—some of our most beloved cities: Boston, New Orleans, San Francisco, New York, Seattle—are located alongside estuaries.

While some may disagree, I would have to strongly argue that the most precious estuary is Narragansett Bay, located in my home State of Rhode Island. Rhode Island is "the Ocean State;" The anchor adorns our State flag; and we have an official State shell, the Quahog. And, we are known for our sailing, seafood and beaches. Tourism, fishing and other bay-related businesses fuel the regional economy. As a Rhode Islander, it is clear that our welfare depends on a clean, healthy, and productive bay.

The bottom line is that we are not doing enough for these valuable resources. The combination of development and pollution in our coastal areas has resulted in a widespread decline in estuary habitat. Estuaries are national treasures, and they deserve a national effort to protect and restore them.

The Estuary Habitat Restoration Partnership Act answers the growing challenge of estuary restoration. It sets a goal of restoring one million acres of estuary habitat by the year 2010. This bill emphasizes the crucial ingredients of successful habitat restoration projects: effective coordination among different levels of government; continued investment by public and private sector partners; and, most importantly, active participation by local communities.

Some of the key provisions of the bill are: a $315 million authorization over 5 years for habitat restoration projects; creation of a council to help develop a national strategy for habitat restoration; and a cost-sharing requirement to help leverage Federal dollars. S. 835 also promotes ongoing restoration efforts by reauthorizing the Chesapeake Bay Program and the Long Island Sound Estuary Program.

And, the bill makes a significant and necessary change in the EPA's National Estuary Program. Up until now, the 28 designated estuaries of national significance—including Narragansett Bay—could only use Federal funds to develop conservation and management plans. This bill amends the program to allow NEP grants to be used to implement the conservation measures included in those plans, and it doubles the authorization for the National Estuary Program. Indeed, a central theme of this legislation is the need to carry out projects within existing plans and get moving with on-the-ground restoration activities.

Responding effectively to the growing threats to our bays, sounds and other coastal waters presents a tremendous challenge: Federal resources are scarce, the need is great, and the pressure on these areas is intensifying. Yet, I am encouraged by the enormous support—at the local, State and Federal levels—for taking action to arrest the deterioration of our estuaries, and to reverse the trend through restoration projects. And, these restoration

projects do work. Simply by storing the flow of saltwater to a marsh, or dredging a salt pond to its original depth, we allow nature a chance to revive and flourish.

As the former Mayor of Warwick, RI, I have experienced first hand the complexity of restoring estuary habitat degraded by pollution. The City of Warwick surrounds Greenwich Bay, which contains some of the most productive shellfish beds in Rhode Island. In 1992, bacterial contamination closed the entire area to shell fishing. My city responded with the Greenwich Bay Initiative, an ongoing effort to restore the estuary. With help from the State, the Federal Government and the private sector, we rehabilitated sewer systems, installed marina pump-out stations, reduced agricultural runoff and acquired sensitive land for open space conservation.

A lot of progress has been made towards restoring the health of the Greenwich Bay, but considerable work remains to be done. The challenge of estuary restoration is even greater at the national level. With the aid of the Estuary Habitat Restoration Partnership Act, we can revive our most precious and productive estuary resources. When you consider this bill, please remember that the beginnings of the food chain that sustain life on Earth dwell in the marshes and tidal pools that we seek to protect. I hope my colleagues will support this important bill.

Mr. EDWARDS. Mr. President, I rise today to express how pleased I am that we will be passing S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation, introduced by our former colleague Sen. John Chafee, will reauthorize the National Estuary Program at $25 million annually and will allow these funds to be used to help implement and develop estuary management plans. It will also set a goal of restoring 1 million acres of estuary habitat over the next decade.

I am proud to be a cosponsor of this important legislation because it will help us restore and protect our nation's estuaries. Too many of our estuaries are endangered by various forms of pollution or from overuse and development. In North Carolina, we are still dealing with the effects of last year's devastating hurricane season; the full effect on places like the Albemarle and Pamlico Sounds are still being evaluated. This legislation will enable estuaries like the Albemarle and Pamlico Sounds to implement the restoration and management plans that were developed several years ago. This legislation will help make them healthier, more ecologically productive estuarine habitats.

Estuaries are home to a remarkably diverse wildlife population, and they provide a ''safe haven'' for plant and animal species, many of which are endangered. They are essential habitats for many young fish species who need clean and healthy estuaries to spawn. They are also an important resting spot for many migratory bird species.

Estuaries are critical not only to environmental health, but to economic health as well. They support commercial activities, such as shipping and fishing. They are a source of drinking water for coastal areas. They also provide recreation opportunities for residents and visitors who want to boat, fish, or birdwatch.

In my state of North Carolina, our estuaries are of vital importance. North Carolina's estuarine system is the second largest in the continental United States, encompassing more than 2.2 million acres. Our coastal waters produce more than half the fish caught on the East Coast. North Carolina is also home to one of the last bay scallop fisheries in the United States. This industry depends upon submerged aquatic seagrasses that are extremely sensitive to pollution and they must be protected. Our estuary system is also home to large number of pelicans, who years ago were nearly extinct but have now rebounded dramatically in their restored habitat. Nearly ten percent of North Carolina's coastal estuaries have been designated as ''Outstanding Resource Waters'' by the state Environmental Management Commission. These waters are some of the most valuable in the state, indeed in the nation. I believe we must fight hard to protect them for the future. This legislation will help us do that.

The National Estuary Program has enabled nearly thirty estuaries to develop restoration and management plans—including the Albemarle and Pamlico Sounds in North Carolina. This legislation is an important component to insuring the continued good health of these estuaries, and I am extremely pleased to see it pass the Senate.

Finally, Mr. President, I'd like to say a few words about the man who introduced this legislation, our friend and colleague, Senator John Chafee. Senator Chafee was able to be a nonpartisan voice of reason on a great many issues. I miss him dearly. This legislation is a tribute to his perseverance and ability to develop legislation that we all recognize as a benefit to our nation as a whole. I thank him for his dedication, and I am pleased that Senator LINCOLN CHAFEE is on hand for the passage of this important measure.

I ask unanimous consent that my statement be placed in the RECORD following the remarks of Senator CHAFEE on this legislation.

Mr. SARBANES. Mr. President, I rise in strong support of S. 835, the Estuary Habitat Restoration Partnership Act of 1999. This legislation is absolutely vital to the future health of our nation's estuaries, including our largest and most productive estuary—the Chesapeake Bay, and Maryland's Coastal Bays, and I am proud to be an original co-sponsor of this measure.

H.L. Mencken once called the Chesapeake Bay a ''great outdoor protein factory,'' a description which, perhaps more than any other, underscores the critical importance of protecting and restoring estuarine ecosystems. Estuaries provide habitat to more than three-quarters of the fish and shellfish harvested in the United States. They are home to thousands of species of plants and animals, including many endangered and threatened species. They support millions of American jobs and play a vital role in the quality of life that our citizens enjoy. But the health and productivity of our estuaries are being degraded or destroyed by the tremendous increase in shoreline population and development, increasing point and non-point source pollution and other activities. It is estimated that, over the past century, some estuaries have lost up to 90 percent of their original habitat.

The Estuary Habitat Restoration Partnership Act seeks to reverse these trends by setting the goal of restoring 1 million acres of estuarine habitat by the year 2010. It authorizes federal funding totaling $315 million over the next 5 years for the U.S. Army Corps of Engineers, in cooperation with NOAA, EPA and the U.S. Fish and Wildlife Service, to carry out estuary habitat restoration projects and provides incentives for local communities to participate in creative partnerships. It also reauthorizes the National Estuary Program and, for the first time, enables EPA to provide grants to implement conservation and management plans as well as design the plans.

Also incorporated in this measure is S. 492, the Chesapeake Bay Restoration Act (CBRA), which I introduced together with Senators WARNER, ROBB, MIKULSKI and SANTORUM to reauthorize and enhance EPA's Chesapeake Bay Program. Mr. President, the Chesapeake Bay Program (CBP) was established in 1983 with the signing of the Chesapeake Bay Agreement which formally bound the Federal Government and the States to work together to restore and protect the Bay. It is the oldest EPA geographic program and the first estuary in the nation to be targeted for restoration as a single ecosystem. EPA's participation in the CBP was formally authorized in the Water Quality Act of 1987. The Act authorized $3 million annually to support the activities of the Agency's Chesapeake Bay Program Office in Annapolis, Maryland which coordinates Federal and State efforts to restore and protect the Bay and $10 million annually for matching Interstate Development grants.

The Chesapeake Bay Program has evolved considerably in the years since it was first established and has become a model for other estuaries around the country and around the world. The Bay Program has pioneered a wide range of pollution control initiatives, including biological nutrient removal technology implemented at 42 wastewater treatment facilities; various agricultural nonpoint source controls, such as nutrient management and integrated pesticide management being implemented

on nearly two million acres of agricultural land; and implementation of a basinwide ban on phosphate detergents and a national ban on tributylin. The Bay Program has also been a leader in establishing a large volunteer monitoring program; creating a sophisticated computer modeling program; identifying atmospheric deposition of nitrogen as a significant pollution source for east coast estuaries; conducting an extensive habitat restoration program including the opening of hundreds of miles of prime spawning habitat to migratory fish through the construction of fish passages; and the restoration of submerged aquatic vegetation to support the filtering of nutrients as well as habitat for the Bay's living resources. The CBP has also spawned landmark state legislation such as nutrient management of farms, growth management and forest conservation and critical area protection.

The 1987 Chesapeake Bay Agreement expanded initial restoration efforts by targeting nutrient overenrichment as the Bay's major problem, and establishing the goal to reduce by 40%, nutrients flowing into the Bay by 2000. The pact included 28 other specific commitments to address key issues in living resources, water quality, population growth and development, public information and public access. The 1992 Amendments to the Agreement moved the Program upriver, committing the 40% nutrient reduction goal to the ten major tributaries to the Bay, as well as committing to retain the 40% nutrient reductions as a permanent cap to be extended beyond 2000.

There are signs that the general degradation of Chesapeake Bay has ebbed, and actual restoration has begun. However, numerous problems remain. Rapid population growth and development are expected in the areas of the Bay watershed closest to its waters. Loadings of nitrogen and sediments to the Bay remain high. Toxic sediment and water column contaminants are a problem in specific regions of concern and some other Chesapeake Bay locations. Of great concern are recent outbreaks of Pfiesteria-like organisms and the occurrence of lesions from other sources on striped bass and other commercial and recreationally important finfish in the Bay. Important food chain species and populations of forage fish are also declining.

In order to address these problems and continue restoration efforts, the CBRA reauthorizes and increases funding for EPA's Chesapeake Bay Program from the current level of approximately $20 million to $30 million a year. It encourages and assists Chesapeake Bay Agreement signatories in meeting nutrient reduction, water quality, toxics reduction and prevention and habitat restoration goals, and requires that federal facilities within the watershed comply with nutrient reduction and other Agreement goals. The legislation also creates a new small watersheds program designed to help local groups preserve and restore stream corridors. The initiative would make ''seed grants'' and technical assistance available to local governments, nonprofit organizations and citizens' groups involved in river and stream-restoration projects. It is my hope that the legislation will enable the Chesapeake Bay Program to continue its leadership and technology transfer to other groups participating in the National Estuary Program, particularly in the areas of nutrient reduction through new technologies, such as biological nutrient removal; air deposition of nitrogen to estuarine and coastal waters; computer modeling; and environmental indicators with an emphasis on measuring improvements to living resources.

Mr. President, in my judgement, the provisions contained in S. 835, will pay significant dividends in the years ahead by helping to preserve and enhance our nation's estuaries, while at the same time improving the quality of life for our citizens. I want to commend the Chairman and ranking member of the Committee, Senators SMITH and BAUCUS, for moving this legislation to the Senate floor. In my judgement, the legislation is a real tribute and fitting legacy to the former Chairman of the Committee and author of the legislation, John Chafee. I also want to express my appreciation to the co-sponsors of the Chesapeake Bay bill, Senators WARNER, MIKULSKI, ROBB and SANTORUM for their assistance. I urge my colleagues to join me in supporting this measure.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Estuary Habitat Restoration Partnership Act, S. 835. When our late colleague, Senator John Chafee, introduced this bill, he did so because he understood the tremendous importance of estuaries to our national economy and environment. At the same time, Senator Chafee was concerned about the considerable challenges the nation's estuaries face, such as habitat loss, concentration of upstream pollutants, and coastal development. S. 835 would enable us to move forward as a nation in addressing those challenges, and I am proud to be a cosponsor of this bill.

Mr. President, I am particularly happy to be here today because this legislation, if passed, would have a real impact on the estuary nearest and dearest to my own heart, the Long Island Sound. Title 3 of the bill reauthorizes the Long Island Sound Office through 2005 and significantly increases the funding authorization. Last fall, with the Connecticut and New York delegations, I introduced S. 1632 to reauthorize the Office and provide significant new funding to implement critical conservation and restoration projects which will directly improve the health of the Sound. I am grateful to my colleagues for including that reauthorization in the Estuary Habitat Restoration Partnership Act.

Having grown up on the coast of Connecticut, I am well aware of the importance of Long Island Sound to the region's economic health and quality of life. Water-quality-dependent activities such as commercial and recreational fishing, boating, and swimming contribute an estimated $5 billion to the regional economy each year. The Sound is the leading producer of oysters along the east coast. In addition, despite the many industrial facilities and residential developments along its shoreline, the Sound is recognized nationally for its distinctive habitat types, including tidal wetlands, tidal flats, beaches, dunes, bluffs, rocky tidal areas, eelgrass, kelp beds, and natural and artificial reefs.

However, the Sound does experience many of the same challenges as other estuaries—residential, commercial, and industrial development have increased pollution and removed or altered habitat, and excess nutrients have resulted in low levels of dissolved oxygen in the waters of the Sound.

The Long Island Sound estuary program predated the National Estuary Program (NEP). As early as 1985, Congress recognized Long Island Sound as a national treasure when it appropriated funding for the Long Island Sound Study to research, monitor, and assess the water quality of the Sound. When the National Estuary Program was created in 1987, the Long Island Sound became a charter member. In the intervening years, Federal and state government, business, labor, environmental groups, and local communities in Connecticut and New York have come together to make a significant commitment to cleaning up the Sound. More recently, in 1994, the Governors of Connecticut and New York and the Administrator of the EPA jointly adopted the Long Island Sound Comprehensive Conservation and Management Plan (CCMP) which incorporated the results of the Long Island Sound Study. Since 1985, Federal, state, and private funds have been well spent on researching the existing conditions of the Sound and identifying conservation and restoration needs.

These efforts bode well for the health of the Long Island Sound; however, much work remains to be done. Last fall, the Long Island Sound lobster fishery experienced a severe die-off, with losses in some ports as high as 90 percent. Preliminary research suggests that a combination of environmental stresses may have caused this dramatic collapse.

The time has come to move from identifying to implementing the conservation and restoration projects which will directly improve the water quality and habitat of the Long Island Sound. The Estuary Habitat Restoration Partnership Act would help make this possible by leveraging on-the-ground restoration work with Federal funding and by creating market-based incentives for the private sector to work with community-based organizations and local governments on restoration efforts. This is an important

bill for my state and our country, and I look forward to seeing it pass this body.

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any additional statements be printed in the Record.

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

The amendment (No. 2904) was agreed to.

The bill (S. 835), as amended, was read a third time and passed, as follows:

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 ''Estuary Habitat and Chesapeake Bay Restoration Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Establishment of Collaborative Council.
Sec. 106. Duties of Collaborative Council.
Sec. 107. Cost sharing of estuary habitat restoration projects.
Sec. 108. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 109. Cooperative agreements; memoranda of understanding.
Sec. 110. Distribution of appropriations for estuary habitat restoration activities.
Sec. 111. Authorization of appropriations.
Sec. 112. National estuary program.
Sec. 113. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay restoration.

TITLE III—LONG ISLAND SOUND

Sec. 301. Reauthorization.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Estuary Habitat Restoration Partnership Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the commercial fish and 80 to 90 percent of the recreational fish catches of the United States;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities, through use of the environmental technology innovation program associated with the National Estuarine Research Reserve System (established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461)), to ensure that restoration efforts are based on sound scientific understanding and innovative technologies.

SEC. 104. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term ''Collaborative Council'' means the interagency council established by section 105.

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term ''estuary'' means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean, including the area located in the Great Lakes Biogeographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term ''estuary habitat'' means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term ''estuary habitat'' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term ''estuary habitat restoration strategy'' means the estuary habitat restoration strategy developed under section 106(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term ''Federal estuary management or habitat restoration plan'' means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 105. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the ''Estuary Habitat Restoration Collaborative Council''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 106. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing

the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(3) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent;

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat; or

(D) the estuary habitat restoration project includes—

(i) pilot testing; or

(ii) a demonstration of an innovative technology having potential for improved cost-effectiveness in restoring—

(I) the estuary that is the subject of the project; or

(II) any other estuary.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 2001 through 2005.

SEC. 107. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

(e) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing or a demonstration of an innovative technology described in section 106(b)(3)(D) shall be 100 percent.

SEC. 108. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 110. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 106(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 2001;

(2) $50,000,000 for fiscal year 2002; and

(3) $75,000,000 for each of fiscal years 2003 through 2005.

SEC. 112. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 2000, and $25,000,000 for each of fiscal years 2001 and 2002''.

SEC. 113. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Restoration Act of 2000''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

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

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY RESTORATION.

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a grant award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2001, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this subsection and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this subsection or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 through 2006.''.

TITLE III—LONG ISLAND SOUND

SEC. 301. REAUTHORIZATION.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking ''1991 through 2001'' and inserting ''2001 through 2006''; and

(2) in paragraph (2), by striking ''not to exceed $3,000,000 for each of the fiscal years 1991 through 2001'' and inserting ''not to exceed $10,000,000 for each of fiscal years 2001 through 2006''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. On behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations reported by the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Lester L. Lyles, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael E. Zettler, 0000.

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. John W. Handy, 0000.

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James F. Barnette, 0000.
Brig. Gen. Gilbert R. Dardis, 0000.
Brig. Gen. David B. Poythress, 0000.
Brig. Gen. Joseph K. Simeone, 0000.
Brig. Gen. Richard E. Spooner, 0000.
Brig. Gen. Steven W. Thu, 0000.
Brig. Gen. Bruce F. Tuxill, 0000.

To be brigadier general

Col. Shelby G. Bryant, 0000.
Col. Kenneth R. Clark, 0000.
Col. Gregory B. Gardner, 0000.
Col. John B. Handy, 0000.
Col. Jon D. Jacobs, 0000.
Col. Clifton W. Leslie, Jr., 0000.
Col. John A. Love, 0000.
Col. Douglas R. Moore, 0000.
Col. Eugene A. Sevi, 0000.
Col. David E.B. Strohm, 0000.
Col. Harry M. Wyatt III, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald E. Keys, 0000.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Gary A. Ambrose, 0000.
Brig. Gen. Brian A. Arnold, 0000.
Brig. Gen. Thomas L. Baptiste, 0000.
Brig. Gen. Leroy Barnidge, Jr., 0000.
Brig. Gen. John L. Barry, 0000.
Brig. Gen. Walter E.L. Buchanan III, 0000.
Brig. Gen. Richard W. Davis, 0000.
Brig. Gen. Robert R. Dierker, 0000.
Brig. Gen. Michael N. Farage, 0000.
Brig. Gen. Jack R. Holbein Jr., 0000.
Brig. Gen. Charles L. Johnson II, 0000.
Brig. Gen. Theodore W. Lay II, 0000.
Brig. Gen. Teddie M. McFarland, 0000.
Brig. Gen. Michael C. McMahan, 0000.
Brig. Gen. Timothy J. McMahon, 0000.
Brig. Gen. Duncan J. McNabb, 0000.
Brig. Gen. Howard J. Mitchell, 0000.
Brig. Gen. Bentley B. Rayburn, 0000.
Brig. Gen. John F. Regni, 0000.
Brig. Gen. Victor E. Renuart, Jr., 0000.
Brig. Gen. Lee P. Rodgers, 0000.
Brig. Gen. Glen D. Shaffer, 0000.
Brig. Gen. Charles N. Simpson, 0000.
Brig. Gen. James N. Soligan, 0000.
Brig. Gen. Michael P. Wiedemer, 0000.
Brig. Gen. Michael W. Wooley, 0000.
Brig. Gen. Bruce A. Wright, 0000.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David F. Wherley, Jr., 0000.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

Col. Robert E. Gaylord, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. David E. Glines, 0000.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. William A. Cugno, 0000.
Brig. Gen. Bradley D. Gambill, 0000.
Brig. Gen. Marianne Mathewson-Chapman, 0000.
Brig. Gen. Michael H. Taylor, 0000.
Brig. Gen. Francis D. Vavala, 0000.

To be brigadier general

Col. John A. Bathke, 0000.
Col. Barbaranette T. Bolden, 0000.
Col. Ronald S. Chastain, 0000.
Col. Ronald G. Crowder, 0000.
Col. Ricky D. Erlandson, 0000.
Col. Dallas W. Fanning, 0000.
Col. Donald J. Goldhorn, 0000.
Col. Larry W. Haltom, 0000.
Col. William E. Ingram, Jr., 0000.
Col. John T. King, Jr., 0000.
Col. Randall D. Mosley, 0000.
Col. Richard C. Nash, 0000.
Col. Phillip E. Oates, 0000.
Col. Richard D. Read, 0000.
Col. Andrew M. Schuster, 0000.
Col. David A. Sprynczynatyk, 0000.
Col. Ronald B. Stewart, 0000.
Col. Warner I. Sumpter, 0000.
Col. Clyde A. Vaughn, 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 3069 and in accordance with Article II, Section 2 of the Constitution of the United States:

To be brigadier general, Nurse Corps

Col. William T. Bester, 0000.

IN THE AIR FORCE

Air Force nominations beginning Terrance A. Harms, and ending Krista K. Wenzel, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Air Force nominations beginning James L. Abernathy, and ending Darryll D.M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE ARMY

Army nominations beginning Jaime Albornoz, and ending Timothy D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Army nominations beginning Lyle W. Cayce, and ending Roger D. Washington, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nominations beginning James M. Dapore, and ending Michael J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning James W. Hutts, and ending Bronislaw A. Zamojda, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Paul R. Hulkovich, and ending Michael A. Weber, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Scott R. Antoine, and ending Patrick J. Woodman, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Martha C. Lupo, and ending Charles L. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

Army nominations beginning Thomas W. Acosta, Jr., and ending Vincent A. Zike, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2000.

Army nominations beginning James G. Ainslie, and ending Thomas M. Penton, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., sections 531 and 624:

To be lieutenant colonel

Jane H. Edwards, 0000

Army nominations beginning Jeffrey J. Adamovicz, and ending John F. Zeto, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2000.

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Joseph L. Baxter, Jr., 0000

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Stan M. Aufderheide, 0000

The following named officer for appointment to the grade indicated in the United

States Navy under title 10, U.S.C., section 624:

To be commander

Michael T. Bourque, 0000

Navy nominations beginning Marian L. Celli, and ending Miguel A. Franco, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

William R. Mahoney, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Stephen R. Silva, 0000

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Graeme Anthony Browne, 0000

Navy nominations beginning John P. Labanc, and ending Forrest S. Yount, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2000.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Robert F. Blythe, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

George P. Haig, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Melvin J. Hendricks, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Jon E. Lazar, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Lawrence R. Lintz, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

David E. Lowe, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Michael S. Nicklin, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Robert J. Werner, 0000

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Carl M. June, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, APRIL 3, 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, April 3. I further ask consent on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

One hour under the control of Senator BOB SMITH; 30 minutes under the control of Senator BROWNBACK; 30 minutes under the control of Senator CRAIG or his designee from 3 to 3:30; and 2 hours under the control of Senator DURBIN or his designee.

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

Mr. SMITH of New Hampshire. I further ask unanimous consent it be in order for the Budget Committee to file the budget resolution between the hours of 10 a.m. and 11 a.m. on Friday.

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

Mr. SMITH of New Hampshire. I further ask unanimous consent that the Senate proceed to the budget resolution at 9:30 a.m. on Tuesday, April 4, providing the report is available Saturday morning.

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

PROGRAM

Mr. SMITH of New Hampshire. For the information of all Senators, the Senate will be in a period of morning business during the day on Monday. No votes will occur during Monday's session of the Senate. The Senate will begin the budget resolution on Tuesday. Therefore, votes may be expected during the day and into the evening on Tuesday. Members should expect late nights each session next week in an effort to conclude the budget resolution by the end of next week. The leader urges all Members to adjust their schedule accordingly.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to comment for a moment on some of the things that happened today. Yesterday, I introduced legislation to provide permanent residency to Elian Gonzalez because I wanted to try to diffuse what I think is a very volatile situation in south Florida. I believe Elian Gonzalez should be allowed to go to custody court and allow his family—all of his family from Cuba, not just Juan Gonzalez—to come here so they could be free from any encumbrances or any threats or hostility toward them by Fidel Castro. They can sit down as a family, the way a family should, and try to work out the fate of Elian Gonzalez. If that could not be worked out, that it go to custody court.

Regretfully, we couldn't get enough people to support this action. So we have postponed any action. Some have objected and caused a series of delays which did not provide the opportunity for me to have a vote here today, which I regret. It is my sincere hope that the Attorney General over the next several days will not move to do something that I think would be not only silly but dangerous and not in the best interests of Elian Gonzalez—trying to drag this boy from his home in Miami and send him off to Cuba.

I believe Senators should go on record and say how they feel about this. I have heard some say, I don't want to be involved in a custody battle. I don't either. That is not the job of a Senator. We are asking in this resolution, not to have a Senator interfere with a custody battle, but to allow a custody proceeding to occur.

Right now, this is an immigration situation. Elian Gonzalez didn't come here the way most people immigrate to the United States or immigrate into the United States. He came here floating on a raft, picked up by fishermen after his mother died trying to get him here to freedom.

He deserves his day in court. He deserves to be heard, like any child in America. I want that to happen worse than anything. I want all 100 Senators to speak on this. I hope that happens. I want to let Janet Reno, the Attorney General, know that I urge her to take the time to think this thing through, meet with Elian Gonzalez, talk with the family, and understand that it is in the best interests of this child that his family, all of his family, come here from Cuba—that is what my legislation does—on permanent residency status. They can go back anytime they want to. They are not provided citizenship. They can come here of their own free will without Castro's influence. They can make a decision about this little boy. That is the right thing to do.

I want to acknowledge a statement today made by the Vice President of the United States, Al Gore, regarding Elian Gonzalez. He has today supported this action that I have advocated, along with Senator MACK and Senator GRAHAM of Florida, to have permanent residency status for Elian Gonzalez and

his family. I commend the Vice President for what he did. It was a very courageous action. He parted ways with his own administration to say that this is the right thing to do. You have to give credit where credit is due, and he gets all the credit in the world from me for having made that decision. I ask unanimous consent that his statement of March 30, today, regarding Elian Gonzalez, be printed in the RECORD.

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

STATEMENT BY AL GORE REGARDING ELIAN GONZALEZ, MARCH 30, 2000

From the very beginning, I have said that Elian Gonzalez's case is at heart a custody matter. It is a matter that should be decided by courts that have the experience and expertise to resolve custody cases—with due process, and based on Elian's best interests.

It now appears that our immigration laws may not be broad enough to allow for such an approach in Elian's case. That is why I am urging Congress to pass legislation that is being sponsored by Senators BOB GRAHAM and BOB SMITH—which would grant permanent resident status to Elian and his family so that this case can be adjudicated properly. I know that Congressman BOB MENENDEZ has introduced similar legislation in the House as well.

Let us be clear that the real fault in this case lies with the oppressive regime of Fidel Castro. Elian should never have been forced to choose between freedom and his own father. Now we must take action, here on our own shores, to make sure that Elian's best interests are served.

Mr. SMITH of New Hampshire. I will read a couple lines:

From the very beginning, I have said that Elian Gonzalez's case is at heart a custody matter. It is a matter that should be decided by the courts that have the experience and expertise to resolve custody cases—with due process, and based on Elian's best interests.

My sentiments exactly.

Let us be clear, the real fault in the case lies with the regime of Fidel Castro. Elian should never have been forced to choose between freedom and his own father. Now we must take action, here on our own shores, to make sure that Elian's best interests are served.

That is a very powerful statement. I commend the Vice President for making it. I hope the Vice President now can work with some of his colleagues on the other side of the aisle who have been opposing this opportunity to have the permanent residency status on Elian Gonzalez.

This bill is a perfect solution for those who are not prepared to grant full citizenship for this boy. This is a compromise, not full citizenship, and it is not sending him back to Cuba. It is a compromise. It is one on which I have worked for a long time. It is the perfect solution for those who are concerned that the Senate would be stepping into a custody matter. This bill makes this a custody case, as I just said. It removes the issue from the pro-Cuba or anti-Cuba politics. It allows the issue to be settled by a judge who has the expertise in family custody matters to resolve the status of Elian without any intimidation or any threats from Fidel Castro.

As I have stated, this is a decision the Attorney General has made. I applaud the Vice President's endorsement, and I hope and plead with him to pick up the telephone, call some of his former colleagues, and urge them to support this legislation or urge Janet Reno to pull back from this insistence that Elian Gonzalez not have permanent residency status.

I will have more to say on this when we return on Monday.

ADJOURNMENT UNTIL MONDAY, APRIL 3, 2000

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

There being no objection, the Senate, at 7:39 p.m., adjourned until Monday, April 3, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 30, 2000:

DEPARTMENT OF TRANSPORTATION

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

ROBERT W. BAKER, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

EDWARD M. BOLEN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

DEBBIE D. BRANSON, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS. (NEW POSITION)

GEOFFREY T. CROWLEY, OF WISCONSIN, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

ROBERT A. DAVIS, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

KENDALL W. WILSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR. (NEW POSITION)

IN THE ARMY

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

To be brigadier general, Medical Service Corps

COL. RICHARD L. URSONE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARLENE E. ABBOTT, 0000
TAREK C. ABBOUSHI, 0000
PAUL R. ACKERMAN, 0000
R. KEVIN ADAMS, 0000
SANDRA M. ADAMS, 0000
DANNY L. ADDISON, 0000
EDWARD A. ADKINS, 0000
SAM RALPH AH, 0000
JEROME J. AKERSON, 0000
STEVEN B. ALDERFER, 0000
FRANK S. ALEXA, 0000
MARK G. ALLCOTT, 0000
BRUCE A. ALLEN, 0000
THOMAS G. ALLEY, 0000
JOHN P. ALMIND, 0000
JAMES K. ALTMAN, 0000
MARK A. ALTOBELLI, 0000
DOUGLAS L. AMON, 0000
MICHAEL D. ANDERSEN, 0000
BRIAN D. ANDERSON, 0000
GREGG D. ANDREACHI, 0000
WALTER G. ANDRESS, JR., 0000
CRAIG L. ANFINSEN, 0000
MICHAEL B. ANGELORO, 0000
JOHN P. ANTON, 0000
ALAN W. ARATA, 0000
JOSEPH F. ARATA, 0000
ROBERT L. ARENDS, 0000
DANIEL E. ARNOLD, 0000
DAVID R. ARREOLA, 0000
SAMUEL A. ARROYO, 0000
KENNETH R. ARTEAGA, 0000
MATTHEW B. ASH, 0000
THOMAS G. ATKINS, 0000
CAROL L. ATKINSON, 0000
DIANA ATWELL, 0000
JAMES S. AVRIT, 0000
KEVIN W. AYER, 0000
CHRISTOPHER B. AYRES, 0000
BALAN R. AYYAR, 0000
MICHAEL A. BABAUTA, 0000
RONALD J. BABSKI, JR., 0000
GARY J. BACKES, 0000
DALE E. BAILEY, 0000
JIMMY C. BAILEY, 0000
RICHARD S. BAILEY, 0000
RICHARD D. BAKER, 0000
KAREN E. BAKKE, 0000
KENNETH E. BANDY, 0000
BRITTON W. BANKSON, 0000
ALEXANDER R. BAPTY, 0000
GREGORY A. BARBER, 0000
WILLIAM TERRY BARE, 0000
THEODORE H. BARLOCK, 0000
JAMES M. BARON, 0000
ROBERT S. BARONE, 0000
PAUL R. BARRE, 0000
STEPHEN L. BARRETT, 0000
BRYAN K. BARTELS, 0000
RICHARD A. BAUMANN, 0000
JAMES R. BEAMON, 0000
BARRY M. BEARD, 0000
JAMES B. BEARDEN, 0000
DENNIS L. BEATTY, 0000
MARGARET H. BEATY, 0000
CHARLES J. BECK, 0000
JEFFREY A. BECK, 0000
WILLIAM J. BECKER, 0000
WILLIAM C. BECKINGER, 0000
BENJAMIN C. BEEDE, 0000
ERIC A. BEENE, 0000
DIANE F. BEHLER, 0000
DANIEL G. BEHNE, 0000
THOMAS E. BELL, 0000
TIMOTHY R. BELL, 0000
CHRIS C. BELSON, 0000
WILSON M. BEN, 0000
DAVID L. BENNETT, 0000
EDWARD J. BENNINGFIELD, 0000
ROBERT W. BENWAY, 0000
ROBERT F. BERKHEISER, 0000
JON H. BERRIE, 0000
RONALD J. BEYERS, 0000
JAMES M. BIEDA, 0000
WILLIAM W. BIERBAUM, 0000
DOROTHA A. BIERNESSER, 0000
PAUL T. BIGELOW, 0000
STEVEN H. BILLS, 0000
GEORGE P. BIONDI, 0000
FRANCIS J. BISHOP, JR., 0000
GRANT C. BISHOP, 0000
CASEY D. BLAKE, 0000
KEVIN C. BLAKLEY, 0000
GREGORY O. BLANCHARD, 0000
REGINA A. BLANKE, 0000
BRIAN S. BLANKENSHIP, 0000
JAMES C. BLASINGAME, JR., 0000
MICHAEL A. BLAYLOCK, 0000
GAGE A. BLEAKLEY, 0000
DAVID D. BLOMBERG, 0000
JOHN W. BLUMENTRITT, 0000
CHARLES H. BOARDMAN IV, 0000
KRISTINA M. BOERMEESTER, 0000
CHARLES R. BOONE, 0000
KEVIN A. BOOTH, 0000
ELIZABETH B. BORELLI, 0000
KEVIN A. BORNHOFT, 0000
MARK T. BOSWELL, 0000
JOYCE M. BOUGHAN, 0000
BRIAN D. BOURNE, 0000
KELVIN C. BOWEN, 0000
MELVIN K. BOWEN, 0000
JOHN C. BOWER, 0000
JOSEPH H. BOWERS, 0000
ROBERT V. BOWERSOX, 0000
ANNETTE V. BOX, 0000
FLOYD J. BOYER, 0000
JOHN V. BOYLE, 0000
ANTHONY G. BRADLEY, 0000
PATRICK O. BRADSHAW, 0000
MICHAEL T. BRAMAN, 0000
WILLIAM C. BRANDT, 0000
STEPHEN M. BRANNEN, 0000
WILLIAM S. BREI, 0000
MICHAEL J. BRENNAN III, 0000
ALAN C. BRIDGES, 0000
DAVID A. BROMWELL, 0000
MARK A. BRONAKOWSKI, 0000
MICHAEL J. BROOKS, 0000
ROGER G. BROOKS, 0000
HEIDI S. BROTHERS, 0000
DAVID A. BROWN, 0000
JONATHAN D. BROWN, 0000
MICHAEL R. BROWN, 0000
THOMAS P. BROWN, 0000
THOMAS W. BROWN, 0000
TIMOTHY D. BROWN, 0000
GERALD R. BRUCE, 0000
ALVIN A. BRUNNER III, 0000
ROBIN R. BRUNNER, 0000
JAMES M. BRUNO, 0000
ANTHONY R. BUCK, 0000
JOSEPH E. BUDER, 0000
GREGORY S. BUELT, 0000

DAVID J. BUNKER, 0000
ERIK D. BURGESON, 0000
ROBYN M. BURK, 0000
ALAN W. BURKE, 0000
CHRISTOPHER J. BURKE, 0000
JOSEPH E. BURLBAUGH, 0000
JAMES M. BURLINGAME, 0000
RODNEY A. BURNETT, 0000
ANTHONY P. BURNS, 0000
MARK E. BURNS, 0000
RICHARD E. BURNS, 0000
DANIEL C. BUSCHOR, 0000
KAREN R. BUTLER, 0000
LAWRENCE W. BUTLER, 0000
MARK E. BUTLER, 0000
MICHAEL T. BYRNE, 0000
TIMOTHY J. BYRNE, 0000
STEVEN C. CABERTO, 0000
GREGORY M. CAIN, 0000
KELLY P. CALABIO, 0000
LEONARDO P. CALABRETTA, 0000
BRIAN D. CAMPBELL, 0000
ELIZABETH A. CAMPBELL, 0000
ROBERT J. CAMPBELL, 0000
JOHN C. CANNAFAX, 0000
MICHAEL M. CANNON, 0000
ROSARIO J. CAPUTO, 0000
MARK G. CARBO, 0000
DAVID B. CAREY, 0000
GLENN W. CARLSON, 0000
DOUGLAS B. CARNEY, 0000
GEORGE C. CARPENTER II, 0000
ROBERT CARRIEDO, 0000
RODNEY D. CARROLL, 0000
MARCUS E. CARTER, 0000
MARK ELLIOTT CARTER, 0000
MARK L. CARTER, 0000
THORLOUGH E. CARTER, JR., 0000
CLAY H. CASH, 0000
TIMOTHY S. CASHDOLLAR, 0000
JAMES P. CASHIN, 0000
KAREN M. CASTILLO, 0000
ANDREW J. CERNICKY, 0000
AMY E. CHALFANT, 0000
RAYMOND F. CHAMBERLAND III, 0000
WAYNE R. CHAMBERS, 0000
MARK A. CHANCE, 0000
DAVID A. CHEVESS, 0000
JOHN L. CHITWOOD, 0000
CHRISTOPHER C. CHOATE, 0000
PAWLOWSKI YANGHEE A. M. CHOI, 0000
PATRICK W. CHRISTOPHERSON, 0000
TERRY S. CHURCH, 0000
CHERYL A. CLABOUGH, 0000
MICHAEL J. CLARK, 0000
STEPHEN A. CLARK, 0000
ROBERT D. CLAUSEN, 0000
STEPHEN R. CLIATT, 0000
JOSEPH C. CODIROLI, 0000
BENJAMIN J. COFFEY, 0000
CYNTHIA D. COGBURN, 0000
BRADLEY A. COLE, 0000
ROBERT A. COLELLA, 0000
LORI T. COLEMAN, 0000
KEVIN F. COLLAMORE, 0000
IRA Q. COLLIER III, 0000
DOUGLAS S. COLLINS, 0000
ADA A. CONLAN, 0000
CHRISTOPHER M. CONNELLY, 0000
JERRY R. CONNER, 0000
MARK G. CONNOLLY, 0000
DOUGLAS P. CONSTANT, 0000
JOHN P. COOK, 0000
PETER D. COOK, 0000
PHILIP S. COOPER, 0000
TERRENCE P. COOPER, 0000
CYNTHIA S. COPERROTTI, 0000
SCOTT E. CORCORAN, 0000
RICHARD A. CORDELL, 0000
ANTHONY N. CORRERO, 0000
ALBERT H. R. COUILLARD, 0000
WILLIAM D. COWAN, 0000
ELIZABETH A. COWLES, 0000
DAVID W. COX, 0000
KAREN L. COX, 0000
LEEVOLKER COX, 0000
TIMOTHY W. COY, 0000
MICHAEL K. CRAMER, 0000
DAVID E. CRANE, 0000
GEORGE A. CRAWFORD, 0000
LOREN A. CREA, 0000
RODERICK L. CREGIER, 0000
MICHAEL J. CRIBBS, 0000
ROBERT D. CRITCHLOW, 0000
JEFFREY D. CROSBY, 0000
CLINTON E. CROSIER, 0000
RODGER T. CULKIN, 0000
DONALD R. CULP, JR., 0000
JAMES V. CULP, 0000
GRAHAM J. CUMMIN, JR., 0000
GREGORY A. CUMMINGS, 0000
STEPHEN G. CUNICO, 0000
CHARLES D. CUNNINGHAM, 0000
DONALD L. CURRY, 0000
EDWARD T. CYRUS, 0000
KARL J. DAHLHAUSER, 0000
GARY A. DAIGLE, 0000
DAVID S. DALE, JR., 0000
ERIC M. DALE, 0000
MARY W. DALEY, 0000
ORLANDO M. DARANG, 0000
ROBERT E. DARE, 0000
GERALD J. DAVID, 0000
DAVID A. DAVIES, 0000
CHRISTOPHER O. DAVIS, 0000
JAMES M. DAVIS, JR., 0000
RODERICK H. DAVIS, JR., 0000
STEVEN M. DAVIS, 0000
WILLIAM C. DAVIS, SR., 0000
THOMAS H. DEALE, 0000
GREGORY H. DEAN, 0000
DAVID A. DECASTRO, 0000
VERNON L. DEFREESE, JR., 0000
STANLEY B. * DELL, 0000
FRANK DEMARTINI III, 0000
BETSY L. DEMAY, 0000
JOSEPH E. DEMBOWSKI III, 0000
MICHAEL R. DEMBROSKI, 0000
KIMBERLY BALKEMA DEMORET, 0000
STEPHEN T. DENKER, 0000
ROBERT L. DESILVA, 0000
DAVID M. DEVRIES, 0000
CRAIG B. DEZELL, 0000
RAFAEL A. DIAZ, 0000
STEVE G. DIDOMENICO, 0000
DAVID A. DIGEORGE, 0000
JOSEPH C. DILL, 0000
DENNIS D. DILLON, 0000
LONNIE R. DILLON, 0000
CHRISTOPHER P. DINENNA, 0000
JOSEPH T. DINUOVO, 0000
EDITH A. DISLER, 0000
TROY L. DIXON, 0000
SANDRA DOMINGOS, 0000
CYNTHIA O. DOMINGUEZ, 0000
LANCE A. DONNELLY, 0000
SUSAN M. DONNELLY, 0000
JOHN L. DONOVAN, 0000
EUGENE I. DOREMUS, 0000
JAMES A. DORSEY, 0000
RANDALL C. DORTCH, 0000
DAVID J. DORYLAND, 0000
KRISTEN A. DOTTERWAY, 0000
JOSEPH J. DOUEZ, 0000
BRIAN K. DOUGHERTY, 0000
MICHAEL W. DOUGLASS, 0000
BARRY N. DOWELL, 0000
JOHN M. DOWLING, 0000
THOMAS A. DOYNE, 0000
DANIEL A. DRAEGER, 0000
STEVEN R. DRAGO, 0000
DON M. DRESSEL, 0000
BENJAMIN A. DREW, JR., 0000
RODGER A. DREW, JR., 0000
KEVIN B. DRISCOLL, 0000
PAUL A. DRIVER, 0000
JOSEPH D. DROZD, 0000
CELESTE SANDERS DRYJANSKI, 0000
COURTNEY ANNE DUCHARME, 0000
DONALD E. DUCKRO, 0000
MARK F. DUFFIELD, 0000
DAVID A. DUKE, 0000
DOUGLAS K. * DUNBAR, 0000
JOHN I. DUNHAM, JR., 0000
THOMAS C. DUNHAM, 0000
DAVID G. DUNLOP, 0000
JEFFERSON S. DUNN, 0000
KATHLEEN M. DUNNCANE, 0000
DAVID P. DUNTEMAN, 0000
MICHAEL S. DUPERIER, 0000
DAVID J. DURGAN, 0000
DOUGLAS E. DYER, 0000
DIANNA M. DYLEWSKI, 0000
JOSEPH F. DYLEWSKI, 0000
DAVID M. EARLY, 0000
M. ELIZABETH MASON EASTMAN, 0000
CHARLES O. EDDY IV, 0000
TIMOTHY E. EDEM, 0000
CRAIG R. EDKINS, 0000
ANNETTE W. EDWARDS, 0000
DAWN R. EFLEIN, 0000
JOHN M. EGENTOWICH, 0000
WILLIAM H. EICHENBERGER, 0000
JAMES E. EILERS, 0000
JOEY A. EISENHUT, 0000
ERIC N. EKLUND, 0000
DAVID E. ELLIS, 0000
MARK W. ELLIS, 0000
PETER S. H. ELLIS, 0000
MICHAEL D. ELLISON, 0000
BRUCE D. ELLWEIN, 0000
DAVID W. ELSAESSER, 0000
GREGORY G. EMANUEL, 0000
CHARLES G. EMMETTE, 0000
JEFFERY L. EMMONS, 0000
GREGORY T. ENGEL, 0000
MICHAEL T. ENGLAND, 0000
MARY L. ENSMINGER, 0000
FRANK J. EPPICH, 0000
JOANN L. ERNO, 0000
NEIL B. ERNO, 0000
ROBERT A. ESLINGER, 0000
JAYSON S. ESPLIN, 0000
GARY O. ESSARY, 0000
JODY A. EVANS, 0000
THOMAS A. EYE, 0000
MICHAEL K. FABIAN, 0000
GARY E. FABRICIUS, 0000
KATHLEEN M. FADOK, 0000
RONALD R. FAIRBANKS, 0000
CARL L. FARQUHAR, 0000
STEVEN E. FELL, 0000
DALE A. FERGUSON, 0000
ADOLFO J. FERNANDEZ, 0000
JOSEPH C. FICARROTTA, 0000
MARK A. FINNILA, 0000
PERRY D. FITZGERALD, JR., 0000
STEPHEN A. FITZGERALD, 0000
MICHAEL T. FITZPATRICK, 0000
TERESA L. FITZPATRICK, 0000
DIANE L. FLETCHER, 0000
KELLY E. FLETCHER, 0000
JAMES A. FOLEY, 0000
JEFFREY E. FOLLANSBEE, 0000
THOMAS M. FOLTZ, 0000
TROY N. FONTAINE, 0000
ANDREW J. FORBES, 0000
LANCE A. FORBES, 0000
DUANE A. FORCADE, 0000
BRIAN C. FORD, 0000
RICHARD A. FORSTER, 0000
MICHAEL E. FORTNEY, 0000
MARK A. FORTUGNO, 0000
WILLIAM W. FRANCIS, 0000
DAVID M. FRANZ, 0000
CLAY R. FRASIER, 0000
MYRON L. FREEMAN, 0000
PAUL J. FREEMAN, 0000
DAVID C. FRENCH, 0000
THOMAS B. FROONINCKX, 0000
CURTIS V. FROST, 0000
CARL J. FRUSHON, 0000
TIMOTHY D. FRUTH, 0000
DENNIS P. FRY, 0000
DWAYNE W. FRYE, 0000
AGUSTIN FUENTES, 0000
RICHARD T. FUENTES, 0000
CHARLES H. FULGHUM, 0000
DOUGLAS E. FULLER, 0000
KATHRYN ANN FULLER, 0000
ROBERT M. FULLER, JR., 0000
JAMES G. FULTON, 0000
DAVID W. FUNK, 0000
RONALD L. FUNK, 0000
ALDEN B. FURLOUGH, 0000
DALE S. GABRIEL, 0000
KELLY P. GAFFNEY, 0000
GARY C. GAGNON, 0000
DOUGLAS A. GALIPEAU, 0000
LEOKADIA B. GALKA, 0000
JAMES M. GALLAGHER, 0000
EFREN V. M. GARCIA, 0000
JOSEPH L. GARCIA, 0000
LEE J. GARCIA, 0000
SARAH L. GARCIA, 0000
LESTER L. GARDNER, JR., 0000
PATRICK J. GARDNER, 0000
DARRELL F. GARGALA, 0000
ROBERT F. GARGIULO, 0000
KYLE E. GARLAND, 0000
JOHN A. GARNER, 0000
JAMES E. GARNETT, 0000
JOHN D. GARRIS, 0000
JOHN D. GARVIN, 0000
ERIC E. GATES, 0000
ANDRE L. GATHERS, 0000
THOMAS L. GAYLORD, 0000
CHRISTINE R. GEDNEY, 0000
GORDON G. GEISON, 0000
DONALD S. GEORGE, 0000
WILLIAM R. GEORGE, 0000
LARRY E. GERMANN, 0000
DENNIS J. GERVAIS, 0000
RANDAL A. GESCHEIDLE, 0000
RANDALL W. GIBB, 0000
BROCK E. GIBSON, 0000
DEAN B. GILBERT, 0000
DENNIS P. GILBERT, JR., 0000
GLENN S. GILBERT, 0000
CLAIR M. GILK, 0000
SCOTT C. GILLESPIE, 0000
PRINCE GILLIARD, JR., 0000
MARK A. GILLOTT, 0000
KEITH E. GILMORE, 0000
SCOTT E. GILSON, 0000
KEVIN J. GIRKINS, 0000
RICHARD A. GITTINS, 0000
ROBERT P. GIVENS, 0000
AMANDA W. GLADNEY, 0000
STEVEN W. GODDARD, 0000
DAVID W. GOE, 0000
EDWARD T. GOLDSACK, 0000
JOSEPH N. GOMES, 0000
MICHAEL T. GOOD, 0000
DOUGLAS G. GOODLIN, 0000
MICHAEL J. GOTTSTINE, 0000
ANTHONY J. GOULD, 0000
DOUGLAS R. GOULD, 0000
THOMAS F. GOULD, 0000
PAUL D. GOVEN, 0000
LEWIS C. GRAEFF, 0000
JENNIFER L. GRAHAM, 0000
JAMES A. GRAHN, 0000
JEFFREY W. GRANTHAM, 0000
JAMES A. GRAY, 0000
JON K. GRAY, 0000
GERALD P. GREEN, 0000
JAMES D. GREEN, 0000
JAMES L. GREEN, 0000
RAY A. GREEN, 0000
TIMOTHY A. GREEN, 0000
DONALD A. GRESHAM, 0000
JAMES B. GRIER, 0000
KENNETH G. GRIFFIN, 0000
DANIEL J. GRIFFITH, 0000
KELLY A. GRIFFITH, 0000
KENNETH K. GRIMES, 0000
STEVEN NMN GRIMO, 0000
STEPHEN C. GRINNELL, JR., 0000
COLLEEN R. GRINTER, 0000
PHILLIP D. GRISSOM, 0000
STEVEN L. GROENHEIM, 0000
STEPHEN M. GROTJAN, 0000
STEPHEN D. GRUMBACH, 0000
JEFFREY S. GRUNER, 0000
BRUCE N. GRYGIER, 0000
ALBERT E. GUEVARA, 0000
KENNETH S. GURLEY, 0000
MAURICE L. GUTIERREZ, 0000
STEPHEN W. GUZEK, 0000
PAUL W. GYDESEN, 0000

VENNESSA J. HAGAN, 0000
JOSEPH P. HAGGERTY, 0000
LARRY D. HAHN, 0000
THOMAS J. HAINS, 0000
STUART L. HAIRE, 0000
MICHAEL F. HAKE, 0000
MICHAEL M. HALE, 0000
ANDREW B. HALL, 0000
JULIE A. HALL, 0000
LARRY D. HALL, 0000
MARK R. HALL, 0000
NIKKI A. HALL, 0000
JONES LYNNE T. HAMILTON, 0000
TERRY W. HAMILTON, 0000
KENNETH L. HAMNER, 0000
THOMAS W. HAMPTON, 0000
WILLIAM G. HAMPTON, 0000
JOSEPH L. HAMRICK II, 0000
KIM R. HANEY, 0000
JERRY W. HANLIN, 0000
SEAN M. HANNAWAY, 0000
KEITH J. HANSEN, 0000
CHERYL L. C. HARALSON, 0000
SCOTT C. HARDIMAN, 0000
STEPHEN D. HARGIS, 0000
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TODD P. HARMER, 0000
SUE E. HARMON, 0000
KAREN L. HARNED, 0000
MARY E. HARNEY, 0000
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DIANE W. HARRIEL, 0000
KATHLEEN HARRINGTON, 0000
LAWRENCE K. HARRINGTON, 0000
ALFRED W. HARRIS, JR., 0000
CARL P. HARRIS, JR., 0000
STEVEN HARRIS, 0000
STEVEN B. HARRISON, 0000
JAMES C. HARTLE, 0000
MICHAEL T. HARVEY, 0000
MARK S. HASKINS, 0000
BRIAN D. HASTINGS, 0000
MICHAEL C. HATFIELD, 0000
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ROBERT E. HAYHURST, 0000
MARK S. HAYS, 0000
BRIAN C. HEALY, 0000
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WILLIAM HEGEDUSICH, 0000
NANCY J. * HEISTERMAN, 0000
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KENT R. HELWIG, 0000
STEVEN J. HENNESSY, 0000
GARY N. HENRY, 0000
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RICHARD S. HERR, 0000
JUSTO HERRERA III, 0000
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DAWN M. HEWITT, 0000
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DAVID R. HINSON, 0000
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LAWRENCE I. HITTLE, 0000
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ANDREW M. HOCKMAN, 0000
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PATRICIA D. HOFFMAN, 0000
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DAUN A. HORTTOR, 0000
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JAMES C. HOWE, 0000
TONY C.T. HU, 0000
MARTIN J. HUGGARD, 0000
HARRY M. HUGHES, 0000
CASEY W. HUGHSON, 0000
THOMAS D. HUIZENGA, 0000
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JOHN A. HUMPHRIES, 0000
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DAVID P. HUNNINGHAKE, 0000
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WILLIAM R. IMHOF, 0000
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STEVEN M. JENKINS, 0000
DON S. JENSEN, 0000
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HAGOP JIBILIAN, 0000
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ALAN W. JOHNSON, 0000
DANIEL R. JOHNSON, 0000
DAVID R. JOHNSON, 0000
DAVID S. JOHNSON, 0000
JOSEPH D. JOHNSON, 0000
LISA S. JOHNSON, 0000
PATRICK W. JOHNSON, 0000
JAMES A. JOLLIFFE, 0000
LEWIS J. JOLLY, 0000
BRADLEY K. JONES, 0000
DAVID A. JONES, 0000
DEBORAH R. JONES, 0000
GREGORY T. JONES, 0000
JOHNATHAN H. JONES, 0000
MARILYN L. JONES, 0000
MICHAEL R. JONES, 0000
BOYKIN B. JORDAN, JR., 0000
GERALD M. JORDAN, JR., 0000
JAMES R. JORDAN, 0000
JOHN J. JORDAN, 0000
PAMELA S. JORDAN, 0000
STEVEN H. JORDAN, 0000
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JAMES M. KELLEY, 0000
PAUL F. KELLNER, 0000
MICHAEL J. KELLY, 0000
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BRENTON H. KENWORTHY, 0000
JOHN K. KEPKO, 0000
GAVIN L. KETCHEN, 0000
DOUGLAS S. KIBBE, 0000
JEFFREY S. KIDD, 0000
KEVIN J. KILB, 0000
JOANNE M. KILE, 0000
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JON D. KLAUS, 0000
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RICHARD A. KLUMPP, JR., 0000
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KENNETH L. KNOTTS, JR., 0000
EDGAR M. KNOUSE, 0000
LESLIE A. KODLICK, 0000
CURTIS K. KONG, 0000
GARY M. KONNERT, 0000
PATRICIA J. KORN, 0000
RONALD A. KOSOBUCKI, 0000
STEPHEN A. KRAM, 0000
KURT H. KRAMER, 0000
KENNETH S. KREIT, 0000
JEFFREY J. KUBIAK, 0000
MICHAEL A. KUCEJ, 0000
NANCY C. KUNKEL, 0000
NANCY A. KUO, 0000
RUSSELL A. KUTZMAN, 0000
KAREN U. KWIATKOWSKI, 0000
DAVID A. KWIERAGA, 0000
BIBIANA R. LABORTE, 0000
JOSE M. LABORTE, 0000
JOSEPH LACATUS, 0000
JEROME G. LAKE, 0000
JOSEPH LAMARCA, JR., 0000
GREGORY S. LAMB, 0000
THOMAS A. LAMBERT, 0000
KYLE M. LAMPELA, 0000
KATHERINE E. LANDERS, 0000
MARK C. LANE, 0000
WILLIAM H. LANE III, 0000
WILLIAM R. LANE, 0000
WALLACE R.G. LANGBEHN II, 0000
MARK M. LANKFORD, 0000
MICHAEL J. LAPOINTE, 0000
CRAIG J. LARSON, 0000
DAVID L. LARSON, 0000
PETER R. LASCH, 0000
RICHARD M. LASSITER, 0000
WALTER J. LAUDERDALE, 0000
BRIAN C. LAVELLE, 0000
ROSE A. LAYMAN, 0000
DONALD H. LEATHEM, JR., 0000
VINCENT J. LECCADITO, 0000
BOYD D. LEE, 0000
JEANETTE A. LEE, 0000
MICHAEL T. LEFFLER, 0000
BARRY W. LEIHER, 0000
ROBERT P. LEMIEUX, 0000
JOSEPH L. LENERTZ, 0000
DENISE L. LENGYEL, 0000
GREGORY J. LENGYEL, 0000
BRUCE D. LENNARD, 0000
MARK A. LEONARD, 0000
WILLIAM W. LETT, 0000
DANIEL P. LEWANDOWSKI, 0000
JUAN F. LIMON, 0000
ELISABETH A. LINCOLN, 0000
MICHAEL P. LINSCHOTEN, 0000
RICHARD A. LIPSEY, 0000
LEONARD G. LITTON III, 0000
TAMMY H. LIVINGOOD, 0000
JOHN R. LOHR, 0000
RONALD E. LOHSE II, 0000
THOMAS E. LOLLIS II, 0000
EUGENE A. LONGO, JR., 0000
LYNDAL L. LONGSTREET, 0000
ANTHONY S. LONIGRO, 0000
EDWARD V. LORENZINI, 0000
HECTOR M. LORENZO, 0000
SUSAN C. LOVELAND, 0000
JAMES E. LOVELL, 0000
CHRISTOPHER C. LOZO, 0000
TERRY M. LUALLEN, 0000
JOHN C. LUCAS, 0000
STEPHEN P. LUCKY, 0000
CARL A. LUDE, 0000
CYNTHIA M. LUNDELL, 0000
NICHOLAS G. LUTHMAN, 0000
MARK J. LUTTON, 0000
MICHAEL J. MACAGNONE, 0000
STEPHEN A. MACHESKY, 0000
MONTE R. MACKEY, 0000
HENRY L. MACKLEN III, 0000
MICHAEL A. MACWILLIAM, 0000
SANDRA S. MADARIS, 0000
TIMOTHY S. MADGETT, 0000
PAUL M. MADSEN, 0000
FRANKLIN J. MALAFARINA, JR., 0000
DEAN P. MALLORY, 0000
JOSEPH W. MANCY, 0000
MICHAEL R. MANGUS, 0000
FERNANDO MANRIQUE, 0000
WILLIAM M. MANTIPLY, 0000
TIMOTHY L. MARCEAU, 0000
MICHAEL J. MARCHAND, 0000
MICHAEL S. MAREK, 0000
MICHAEL G. MARKOVICH, 0000
THOMAS G. MARKWARDT, 0000
MICHAEL A. MARRA, 0000
SCOTT R. MARRS, 0000
JOHN E. MARSELUS, 0000
JAMES D. MARSH, JR., 0000
DAVID B. MARSHALL, 0000
PATRICK A. MARSHALL, 0000
BENNY D. MARTIN, 0000
CHRISTY L. MARTIN, 0000
JEFFREY B. MARTIN, 0000
SCOTT R. MARTIN, 0000
TERESA L. MARTINEZ, 0000
WALTER L. MARVIN, 0000
RONALD S. MARX, 0000
RANDALL L. MARZEN, 0000
WILLIAM M. MASON, 0000
STANLEY T. MASTERS, 0000
JOSEPH M. MASTRIANNA, 0000
BERNARD E. MATER, 0000
ROBERT H. MATERNA, 0000
DAVID B. MATHEWS, 0000
JAY D. MATHIEU, 0000
RICHARD L. MATTA, 0000
ROBERT M. MATTHEWS, 0000
ROY A. MATTHEWS, JR., 0000
MARY MATTHEWSHAINS, 0000
JOHN J. MAUBACH, 0000
BRETT F. MAYHEW, 0000
RORY A. MAYNARD, 0000
TIMOTHY W. MC CAIG, 0000
RUSSELL E. MC CALLISTER, 0000
JEFFREY M. MC CANN, 0000
DAMIAN J. MC CARTHY, 0000
DANIEL H. MC CAULEY, 0000
RICHARD A. MC CLAIN, 0000
KENNETH L. MC CLELLAN, 0000
MICHAEL L. MC CLELLAN, 0000
BRUCE H. MC CLINTOCK, 0000
KWAN J. MC COMAS, 0000
DAVID K. MC COMBS, 0000
LORI M. MC CONNELL, 0000
TIMOTHY D. MC COOL, 0000
CHRISTOPHER J. MC CORMACK, 0000
JACK E. MC CRAE, JR., 0000
DAVID H. MC CRAY, 0000
KEITH H. MC CREADY, 0000
ALANA L. MC CULLOUGH, 0000
JEFFREY R. MC DANIELS, 0000
GARVIN A. MC GETTRICK, 0000
JOHN A.W. MC GONAGILL, 0000
WILLIAM M. MC KECHNIE, 0000
ERIC J. MC KINLEY, 0000
LYNDON K. MC KOWN, 0000
DAVID W. MC LEMORE, 0000
MARK M. MC LEOD, 0000
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ADAM J. MC MILLAN, 0000
JOHN K. MC MULLEN, 0000
BRIAN J. MC NULTY, 0000
STEVEN H. MC PHERSON, 0000
TIMOTHY E. MC QUADE, 0000
MARTHA E. MC SALLY, 0000
DAVID J. MEADE, 0000
MARTHA A. MEEKER, 0000
RAYMOND A. MEINHART, 0000
DONALD S. METSCHER, 0000

DAVID J. MEYER, 0000
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JOHN M. MILLER, 0000
KEESEY R. MILLER, 0000
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ROBERT W. MILLER, 0000
SCOTT V. MILLER, 0000
WILLIAM E. MILLER, 0000
DAVID R. MILLETTE, 0000
RICHARD W. MILLIKEN, 0000
WILLIAM D. MILLONIG, 0000
DAVID B. MILNER, JR., 0000
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JEFFREY K. MINER, 0000
BARRY SHAUN MINES, 0000
STEPHEN MIS, 0000
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ROBERT E. MITCHELL, 0000
DONNA J. MOERSCHELL, 0000
PHILLIP E. MOLLE, 0000
RANDY G. MOLTEN, 0000
DANIEL J. MONAHAN, 0000
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MOLLY K. MOON, 0000
MARK D. MOORE, 0000
MARLIN K. MOORE, 0000
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VALERIE L. MOORE, 0000
VICKIE R. MOORE, 0000
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STEPHEN J. MOREE, 0000
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ROCK A. MUNSEE, 0000
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WILLIAM F. NADOLSKI, 0000
ROBERT P. NALEPA, 0000
LESLIE T. NAVARRO, 0000
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GORDON L. NEFF, JR., 0000
THOMAS D. NEFF, 0000
RICHARD D. NEFZGER, 0000
DAVID K. NELSON, 0000
PAUL D. NELSON, 0000
TIMOTHY L. NELSON, 0000
BRYAN K. NEUHAUS, 0000
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TIMOTHY R. NEWMAN, 0000
SCOTT M. NICHELSON, 0000
MELVIN R. NICHOLSON, 0000
DANIEL R. NICKERSON, 0000
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THOMAS M. NOLTA, 0000
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ALAN J. NORTHRUP, 0000
MARK L. NOWACK, 0000
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JOHN M. NUNEZ, 0000
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MICHAEL G. OBRIEN, 0000
JOHN W. OCONNOR, 0000
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EVELYN S. OTERORUIZ, 0000
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GLENAE E. PALMER, 0000
THOMAS J. PALMER, 0000
MICHAEL T. PANARISI, 0000
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DENNIS B. PANNELL, 0000
MICHAEL B. PARK, 0000
ANN L. PARKER, 0000
DONALD A. PARKHURST, 0000
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MARK PATTERSON, 0000
WAYNE E. PATTERSON, 0000
LORENA D. PAUL, 0000
MICHAEL E. PAUL, 0000
AJRN R. PAULSON, 0000
JONATHAN R. PAYNE, 0000
STEVEN S. PAYSON, 0000
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JOHN H. PEARSON, 0000
STEVEN W. PEARSON, 0000
PAULA L. PENGILLY, 0000
JOHN L. PENNELL, JR., 0000
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JERARDO A. PEREZ, 0000
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PHILIP P. PESICKA, 0000
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KEVIN R. PETESCH, 0000
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KERRY P. PHELAN, 0000
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KENNETH D. PHILIPPART, 0000
THOMAS C. PHILLIPS, 0000
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DANA A. PIAZZA, 0000
LOUIS J. PICCOTTI, 0000
JOSEPH D. PIERCE, 0000
TED A. PIERSON, 0000
PATRICK P. PIHANA, 0000
THOMAS R. PILLING, 0000
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JEFFREY L. PITCHFORD, 0000
THOMAS W. PITTMAN, 0000
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THOMAS J. PLUMB, 0000
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KEVIN L. POLLOCK, 0000
MARGARET B. POORE, 0000
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DONALD W. POST, 0000
MARK S. POSTGATE, 0000
JOHN E. POVELONES III, 0000
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JOHN P. POWELL, 0000
ANNE M. POWERS, 0000
CHRIS P. POWERS, 0000
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STEWART S. PRICE, 0000
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ROBERT R. PROVOST, JR., 0000
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JAMES PRZYBYSZ, 0000
NICHOLAS PSALTAKIS, 0000
RICHARD S. PUES, 0000
ROBERT M. PUHALA, 0000
KARL S. PURDY, 0000
DANIEL G. PUTBRESE, 0000
JOHN L. PUTNAM, 0000
GREGORY L. PYLE, 0000
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RAFAEL D. L. QUEZADA, 0000
JOHN M. QUINN, 0000
TIMOTHY J. QUINN, 0000
MANUEL QUINONES, 0000
JOSE C. QUINTANILLA, 0000
DAVID E. RAAB, 0000
MICHAEL A. RADFORD, 0000
PATRICK J. RAGLOW, 0000
PHILIP E. RAINFORTH, 0000
JAMES B. RAKE, 0000
BRYAN E. RAMSTACK, 0000
MARJORIE J. RANDALL, 0000
NEAL J. RAPPAPORT, 0000
DAVID V. RATHS, 0000
JOHN T. RAUSCH, 0000
BRADLEY D. RAYNAUD, 0000
CHRISTOPHER A. REAMS, 0000
WILLIAM C. REAVES, 0000
THOMAS C. REDFORD, 0000
JAMES L. REECE, JR., 0000
HENRY M. REED III, 0000
JAMES D. REED, 0000
LAWRENCE S. REED, 0000
DIANE M. REESE, 0000
JOHN R. REESE, 0000
STEVEN B. REEVES, 0000
PAUL A. REHME, 0000
TIMOTHY L. REICHART, 0000
MICHAEL A. REICHERT, 0000
JOHN R. REID, 0000
JOHN J. REIDY, 0000
SHAWN I. REILLY, 0000
DEREK E. REINHARD, 0000
WILLIAM R. RENFROE, 0000
GARY O. RENFROW, 0000
NORMAN E. RENNSPIES, 0000
DOUGLAS R. REYNOLDS, 0000
GARY S. REYNOLDS, 0000
RANDY B. REYNOLDS, 0000
ROBERT E. RHINEHART, JR., 0000
DAVID A. RHOADES, 0000
BRYAN T. RIBA, 0000
KENNETH D. RIBLER, 0000
CREIG A. RICE, 0000
JOSEPH N. RICH, 0000
ROBERT S. RICHARD, 0000
MARK L. RICHARDSON, 0000
MARK T. RICHARDSON, 0000
RANDALL JAMES RICHERT, 0000
RANDALL L. RIDDLE, 0000
MARK S. RIGHTNOUR, 0000
KELLY A. RINEHART, 0000
JOHN S. RIORDAN, 0000
ROLAND RIVERA, 0000
KENNETH R. RIZER, 0000
PATRICK J. RIZZUTO, JR., 0000
WILLIAM P. ROACH, 0000
JAMES B. ROAN, 0000
DONALD W. ROBBINS, 0000
MARVELL ROBERSON, 0000
BRADLEY J. ROBERT, 0000
WALTER C. ROBERTS, JR., 0000
JEFFERY S. ROBERTSON, 0000
EUGENE A. ROBINETT, 0000
ALEC M. ROBINSON, 0000
DARRYL J. ROBINSON, 0000
JOHN W. ROBINSON, JR., 0000
THERESE M. ROBINSON, 0000
THOMAS D. ROBINSON, 0000
TODD W. ROBISON, 0000
DWIGHT A. ROBLYER, 0000
CONNIE D. ROCCO, 0000
DANIEL R. ROCHA, 0000
EVELYN M. ROGERS, 0000
BRUCE A. ROMEO, 0000
JOHN D. ROOSA, 0000
DAVID G. ROSE, 0000
JERRY W. ROSE, 0000
ROBERT J. ROSEDALE, 0000
DALE E. ROSENBERG, 0000
JAMES C. ROSS, 0000
KEVIN P. ROSS, 0000
ROGER L. ROSTVOLD, 0000
BRENDA F. ROTH, 0000
MICHAEL D. ROTHSTEIN, 0000
STEPHEN M. ROTHSTEIN, 0000
KEITH ROUNTREE, 0000
DANA M. ROWE, 0000
CHRISTOPHER B. ROYCRAFT, 0000
KENNETH M. ROZELSKY II, 0000
DAVID R. RUE, 0000
AMY L. RUFF, 0000
SCOTT J. RUFLIN, 0000
STEPHEN J. RUSIN, 0000
DAVID A. RUSSELL, 0000
RITA A. RUSSELL, 0000
SCOTT P. RUSSELL, 0000
MICHAEL R. RUSSETT, 0000
SCOTT R. SALMONS, 0000
MICHAEL A. SALVI, 0000
STEVEN J. SAMPLE, 0000
HENRY J. SANTICOLA, 0000
PATRICIA A. SARGEANT, 0000
STEVEN A. SCHAEFER, 0000
MARTIN J. SCHANS, JR., 0000
MICHAEL G. SCHELL, 0000
SCOTT J. SCHERBENSKE, 0000
RONNIE R. SCHILLING III, 0000
FRIEDRICH C. SCHLICH, 0000
ALAN R. SCHMIDT, 0000
DAVID N. SCHNEIDER, 0000
RICHARD M. SCHOOFF, 0000
LISA K. SCHUETTE, 0000
RAY C. SCHULTZ, 0000
CHARLES A. SCHUMACHER, 0000
BRUCE E. SCHWAB, 0000
LESA E. SCHWARTZ, 0000
ROBERT C. SCHWARZE, 0000
THOMAS A. SCOLARICI, JR., 0000
JOHN J. SCORSONE, 0000
CATHERINE B. SCOTT, 0000
GARY T. SCOTT, 0000
BARRY SEBRING, 0000
BRENT K. SEDLER, 0000
PETER J. SEEBECK, 0000
HOLLY K. SEIDL, 0000
CALVIN J. SEIFERTH, 0000
REGGIE E. SELBY, 0000
JERRY J. SELLERS, 0000
ANTHONY SENCI, 0000
DAVID M. SERLEY, 0000
JOSEPH M. SEUFZER, 0000
PHILIP E. SEVER, 0000
PAUL S. SEVERANCE, 0000
DOUGLAS E. SEVIER, 0000
DEBORAH A. SHACKLETON, 0000
VICKI J. SHANKS, 0000
KARL J. SHAWHAN, 0000
SANDRA L. SHEASLEY, 0000
STEPHEN P. SHEEHY, 0000
WILLIAM L. SHERMAN, 0000
THOMAS T. SHIELDS, JR., 0000
ANDRE L. SHIPP, 0000
WILLIAM R. SHOBERT II, 0000
STEPHAN F. SHOPE, 0000
CHRISTOPHER D. SHORT, 0000
MATTHEW J. SHOZDA, 0000
CHERYL A. SHUMATE, 0000
JOHN M .SIEVERLING, 0000
ROBERT A. SILVESTRI, 0000
DAVID E. SIMMONS, 0000
DAVID A. SIMON, 0000
JAMES J. SIMON, 0000
RICHARD D. SIMPSON, 0000
JAMES D. SINGLETERRY, 0000
ROBERT J. SINON, 0000
GLENN E. SJODEN, 0000
KYLE T. SKALISKY, 0000
STANLEY E. SKAVDAL, 0000
TIMOTHY J. SKINNER, 0000
JAMES D. SLEAR, 0000
DARRELL D. SLONE, 0000
KEVIN SLUSS, 0000
BRITTON M. SMEAL, 0000

AILENE M. SMITH, 0000
ANTHONY C. SMITH, 0000
BRIAN P. SMITH, 0000
CHARLES A. SMITH, 0000
DARYL R. SMITH, 0000
KAREN J. SMITH, 0000
LEROY K. SMITH, 0000
RUSSELL J. SMITH, 0000
VINCENT C. SMITH, 0000
VIRGINIA T. SMITH, 0000
WILLIAM J. SMITH, 0000
GERALD S. SMITHER, JR, 0000
ERIC A. SNADECKI, 0000
JOSEPH C. SNOW, 0000
TROY D. SNOW, 0000
THOMAS J. SOBIESKI, 0000
CYRIL J. SOCHA, 0000
RUSSELL J. SOJOURNER, 0000
STEVEN B. SOKOLY, 0000
MARY K. SOLOMON, 0000
STEVEN W. SORENSEN, 0000
ROGER B. SORRELL, 0000
JOSE A. SOTO, 0000
LORRAINE M. SOUZA, 0000
TIMOTHY E. SPAETH, 0000
JON R. SPANGLER, 0000
GARY F. SPENCER, 0000
RICHARD H. SPENCER, 0000
THEODORE M. SPENCER, 0000
ERIC W. SPRADLING, 0000
DAVID A. SPRAGUE, 0000
JOHN J. SPROUL, JR., 0000
KEVIN D. STAFFORD, 0000
MATTHEW C. STAFFORD, 0000
BENJAMIN T. STAGG, 0000
JOSEPH J. STANKO, 0000
DAVID P. STAVEN, 0000
RICHARD J. STECKBECK, 0000
ROBERT E. STEED, 0000
ROBERT G. STEELE, JR., 0000
RICHARD A. STEFANSKI, 0000
SHANE T. STEGMAN, 0000
STEVEN J. STEIN, 0000
JEFFREY A. STEINMILLER, 0000
JOHN L. STEVENS, 0000
RANDON C. STEWART, 0000
DAVID R. STILWELL, 0000
NANCY A. PETRITS STINSON, 0000
GREGORY D. STJOHN, 0000
MARTHA A. STOKES, 0000
CAROL L. STONE, 0000
STUART W. STOPKEY, 0000
TERRY L. STOTLER, 0000
RAYMOND T. STRASBURGER, 0000
MARC F. STRATTON, 0000
ARNOLD H. STRELAND, 0000
CHARLES M. STRIBULA, 0000
MARK R. STRICKLAND, 0000
JAMES R. STRIGHT, 0000
RICKY O. STUART, 0000
MARK E. STUBBLEFIELD, 0000
JOHN G. STUTTS, 0000
BRIAN J. STUTZ, 0000
PAUL J. SUAREZ, 0000
ANTHONY P. SUBER, 0000
KEITH A. SULLIVAN, 0000
KEVIN L. SULLIVAN, 0000
DAVID A. SUTTON, 0000
FRANCINE I. SWAN, 0000
GEORGE F. SWAN, 0000
ERIC A. SWANK, 0000
DARRYL L. SWEETWINE, 0000
KENNETH S. SWENSON, 0000
JOSEPH A. SWILLUM, 0000
JOHN R. SWONSON, 0000
ANNEMARIE THERESE SYKES, 0000
JAMES C. SYLVESTER, 0000
JEFFREY B. SYMMES, 0000
PHILLIP P. TABER, 0000
MARK T. TAGGART, 0000
GRANT L. TAKAHASHI, 0000
DALE A. TAKENAKA, 0000
TODD T. TAMURA, 0000
CHRISTOPHER J. TANCREDI, 0000
MONIKA TANEDO, 0000
GREGORY L. TARR, 0000
WILLIAM W. TARVIN, 0000
WALTER F. TATUM III, 0000
DOUG E. TAUSCHER, 0000
JOHN D. TAYLOR, 0000
JOHN S. TAYLOR, JR., 0000
KEVIN L. TAYLOR, 0000
ROBERT E. TAYLOR, 0000
GREGORY O. TEAL, 0000
ANDREW J. TERZAKIS, JR., 0000
ROBERT A. TETLA, 0000
MICHAEL J. THEN, 0000
MAXIE C. THOM, 0000
GREGORY L. THOMAS, 0000
LINDA M. THOMAS, 0000
MARK A. THOMAS, 0000
MARK R. THOMAS, 0000
STEPHEN F. THOMAS, 0000
HOWARD E. THOMPSON, JR., 0000
KENNETH E. THOMPSON, JR., 0000
STEVEN D. THOMPSON, 0000
TIMMIE L. THOMPSON, 0000
WADE J. THOMPSON, 0000
JAMES D. THORNE, 0000
MICHAEL L. THORNE, 0000
ROGER D. THRASHER, 0000
RANDY P. THREET, 0000
KEVIN D. TILGHMAN, 0000
KEITH E. TOBIN, 0000
KENNETH E. TODOROV, 0000
PATRICK E. TOLAN, JR., 0000
JOHN J. TOMICK, 0000
GREGORY W. TORBA, 0000
MICHAEL A. TORINO, 0000
LILLIAN V. TORRES, 0000
DANIEL R. TORWEIHE, 0000
PETER J. TRAMBLEY, 0000
ANDREW C. TREMBLAY, 0000
DENNIS W. TROSEN, 0000
DAVID J. TRUJILLO, 0000
PAUL C. TRULOVE, 0000
MARK H. TUCKER, 0000
STEVEN M. TUCKER, 0000
RUDOLPH E. TURCO, 0000
RICKEY H. TURNER, 0000
RICHARD D. TWIGG, 0000
TED T. UCHIDA, 0000
TYRUS R. ULMER, 0000
RICHARD T. ULRICH, 0000
CAROLYN M. VADNAIS, 0000
FRED L. VALENTINE, JR., 0000
JOHN C. VALLE, 0000
OVOST JACQUELINE D. VAN, 0000
PETER M. VANDENBOSCH, 0000
JEFFREY L. VANDINE, 0000
DAVID A. VANLEAR, 0000
BRUCE A. VANSKIVER, 0000
JAMES C. VECHERY, 0000
CURTIS K. VIALL, 0000
CAISSON M. VICKERY, 0000
RUSSELL A. VIEIRA, 0000
STEVEN L. VIEIRA, 0000
VICTORIA C. VITUCCI, 0000
BRADLEY S. VOGT, 0000
DANIEL R. VORE, 0000
THEODORE T. VROMAN, 0000
THOMAS S. WAGNER, 0000
BRANDON S. WAGONER, 0000
KIM M. WALDRON, 0000
ROBERT C. WALK, 0000
AMY L. WALKER, 0000
FRIEND L. WALKER, 0000
KENNETH K. WALKER, 0000
WILLIAM WALKOWIAK, 0000
DONNA A. WALLACE, 0000
KATHRYN C. WALLACE, 0000
DAVIS M. WALLETTE, 0000
STEVEN P. WALSH, 0000
MARIE E. WALTERS, 0000
TERESA A. WALTERS, 0000
THOMAS E. WAND, 0000
MARK A. WARD, 0000
MATTHEW M. WARRENTHOMAS, 0000
LAWRENCE A. WATERMAN, 0000
ROGER H. WATKINS, 0000
RONALD V. WATKINS, 0000
THOMAS E. WATSON, 0000
JOHN W. WAYNE IV, 0000
SUSAN M. WEAVER, 0000
ALAN D. WEBSTER, 0000
ROBERT C. WEST, JR., 0000
JOEL S. WESTA, 0000
STEVEN R. WESTERBACK, 0000
CHARLES J. WESTGATE III, 0000
DOUGLAS K. WESTPHAL, 0000
WILLIAM C. WETHOR, 0000
PAUL V. WHALEN, 0000
NANCY P. WHARTON, 0000
JAMES M. WHITE, 0000
KENN WHITE, 0000
MARK K. WHITE, 0000
WILLIAM K. WHITE, 0000
NEIL S. WHITEMAN, 0000
JEFFREY A. WHITTALL, 0000
DAVID M. WHITTEMORE, 0000
DANIEL L. WHITTEN, 0000
CHARLES R. WHITZEL, 0000
TIMOTHY D. WIECK, 0000
JEFFREY PARKER WILCOX, 0000
LINDA B. WILDES, 0000
JOSEPH T. WILEY, 0000
ANDREW P. WILHELM, 0000
SCOTT A. WILHELM, 0000
GREGORY A. WILHITE, 0000
MICHAEL A. WILKE, 0000
RICHARD R. WILLETT, 0000
STEVEN E. WILLIAMS, 0000
SYLVIA J. WILLIAMS, 0000
ANGELA S. WILLIAMSON, 0000
JONATHAN B. WILLS, 0000
BURKE E. WILSON, 0000
CHARLOTTE L. WILSON, 0000
JEFFERY A. WILSON, 0000
JEFFREY C. WILSON, 0000
MARC G. WILSON, 0000
ROBERT J. WILSON, 0000
JOHN J. WILT, JR., 0000
MICHAEL A. WINGFIELD, 0000
WALLACE K. WINTER, 0000
CLAYTON J. WISNIEWSKI, 0000
KEVIN L. WITTE, 0000
JAMES R. WOLF, 0000
JON G. WOLFE, 0000
DEAN A. WOLFORD, 0000
MICHAEL J. WOLTMAN, 0000
GEORGE R. WOLTZ, JR., 0000
ROBERT M. WOOD, JR., 0000
DAVID E. WOODEN, 0000
STEPHEN R. WOODY, 0000
KEVIN B. WOOTON, 0000
ALAN J. WORLEY, 0000
JEFFREY B. WORRELL, 0000
FOREST B. WORTMAN, 0000
BRUCE A. WRIGHT, 0000
VICTORIA L. WUCHNICK, 0000
WILLIAM E. WYCHE, 0000
PAUL M. YAMAGUCHI, 0000
TONY K. YANG, 0000
EUGENE YIM, 0000
MATTHEW C. YOTTER, 0000
JANET A. YOUNG, 0000
MICHAEL A. YOUNG, 0000
PETER M. YOUNG, VI 0000
SCOTT A. YOUNG, 0000
LARRY D. YOUNGNER, 0000
JOHN R. YOUNGS, 0000
LORI A. YOUNGS, 0000
JEFFREY W. ZAK, 0000
BARBARA J. ZANOTTI, 0000
EDWARD M. ZASTAWNY, 0000
DAVID E. ZEH, 0000
JOHN J. ZENTNER, 0000
JOHN J. ZIEGLER III, 0000
DALE L. ZIMMERMAN, 0000
RICHARD P. ZINS, 0000
PETER H. ZUPPAS, 0000
BRIAN P. ZUROVETZ, 0000

IN THE ARMY

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

To be lieutenant colonel

ROBERT V. LORING, 0000 CH

To be major

JEFFREY D. WATTERS, 0000 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIE D. DAVENPORT, 0000
JAMES F. RILEY, 0000
WILLIAM P. TROY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*THOMAS N. AUBLE, 0000
*THOMAS J. BARRETT, 0000
*STEPHEN P. BELL, JR., 0000
*DANIEL M. BERGER, 0000
*MARK A. BLEVINS, 0000
*JEFF A. BOVARNICK, 0000
*ROBERT L. BOWERS, 0000
*MARY J. BRADLEY, 0000
*MARY E. BRAISTED, 0000
CHRISTINE M. CHOI, 0000
*KERRY L. CUNEO, 0000
*EDWARD R. DILLARD, 0000
*RICHARD P. DONOGHUE, 0000
*ANDREW C. EFAW, 0000
*PAUL F. ELKIN, 0000
*KERRY L. ERISMAN, 0000
SUSAN K. ESCALLIER, 0000
*WILLIAM D. FAITH III, 0000
*CHRISTOPHER T. FREDRIKSON, 0000
*ANDREW J. GLASS, 0000
*ELIZABETH A. GOSSART, 0000
*PATRICIA A. HARRIS, 0000
*MARK A. HOLYCROSS, 0000
BRADLEY J. HUESTIS, 0000
*KIMBERLY J. HUHTA, 0000
*ERIC T. JENSEN, 0000
*MAURICE J. JOHNSON, 0000
DANIEL G. JORDAN, 0000
*JOSEPH A. KEELER, 0000
NICHOLAS S. KING, 0000
*AUDRIUS J. KIRVELAITIS, 0000
*NATALIE A. KOLB, 0000
*ERIC S. KRAUSS, 0000
ALLYSON G. LAMBERT, 0000
*JAMES M. LANGHAM, 0000
*EDWARD K. LAWSON IV, 0000
*PATRICIA A. LEWIS, 0000
*GREGORY N. MALSON, 0000
*IMOGENE MC GRIGGSJAMISON, 0000
*STEVEN M. MOHLHENRICH, 0000
*BRONTE I. MONTGOMERY, 0000
*JEFFERSON K. MOORE, 0000
*ROBERT B. NEILL, 0000
*MARTHA OCLANDER, 0000
*STEVEN R. PATOIR, 0000
*JAMES A. POLLOCK, 0000
*MATTHEW D. RAMSEY, 0000
*NATHAN W. RATCLIFF, 0000
*ROBERT F. RESNICK, 0000
*VANESSA D. RUDOLPH, 0000
GREGG S. SHARP, 0000
*KEVIN D. SMITH, 0000
*ANGELIA J. SOLOMON, 0000
*EVAN M. STONE, 0000
*JEANETTE K. STONE, 0000
*RANDOLPH SWANSIGER, 0000
*DAVID K. WOLFE, 0000
*ROBERT A. YOH, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEANNE M. YORK-SLAGLE, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED

STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

JAMES H. FRASER, 0000

To be lieutenant commander

CHARLES R. BENSON, 0000
RICHARD B. BRINKER, 0000
NICHOLAS M. CARDINALE, 0000
LINDA L. HEID, 0000
ELIZABETH M. KIKLA, 0000
SCOTT KOOISTRA, 0000
MARTIN A. MAKELA, 0000
BRYAN P. SCHUMACHER, 0000
PAUL D. SEEMAN, 0000

To be lieutenant

VANESSA P. AMBERS, 0000
KENNETH J. ARLINGHAUS, 0000
DENIS E. ASHLEY, 0000
DOUGLAS P. BARBER, JR., 0000
STACI M. BARBONE, 0000
JOHN D. BAUER, 0000
HARVEY S. BECKMAN, 0000
BRODERICK C. BELLO, 0000
RENE A. BELMARES, 0000
JAMES P. BENOIT, 0000
KEVIN B. BOGUCKI, 0000
BRYAN C. BOST, 0000
MONICA E. BRADFORD, 0000
GEORGE E. BRESNIHAN, 0000
ERIC G. BROOKS, 0000
DAVID S. BROWN, 0000
THOMAS A. BUSHAW, 0000
JEROME T. CAMPBELL II, 0000
NADINE E. CATER, 0000
TERENCE CHAN, 0000
JOHN A. CHILSON, 0000
CARMEN D. CHRISTIAN, 0000
MARK D. CLARK, 0000
NOELLE COLLETTA, 0000
PETER M. COLLINS, 0000
MICHAEL P. CONNOR, 0000
JOEL W. COOTS, 0000
ISABELLE E. DETTER, 0000
TIM J. DEWITT, 0000
MATT M. DIAZ, 0000
STANLEY S. DIMIRACK, 0000
JAMES M. DIXON, 0000
JUSTUS K. EHLERS, JR., 0000
JOSEPH J. ELDRED, 0000
ELIZABETH ESCALERA, 0000
AHMED FERGUSON, 0000
MICHELE A. FINNEGAN, 0000
DAVID A. FLORIN, 0000
TIMOTHY T. FOSTER, 0000
CYNTHIA R. FRENCH, 0000
NATASHA A. GAMMON, 0000
JEFFERSON GAYNOR, 0000
DONALD L. GEORGE, JR., 0000
BARBARA L. GERMANN, 0000
KAREN GIAIMO, 0000
PATRICK J. GIBBONS, 0000
KEITH S. GIBEL, 0000
JAMES E. GOLLADAY II, 0000
HECTOR GONZALEZ, 0000
MARK T. GOULD, 0000
PETER A. HAGGE, 0000
JULIE M. HILLERY, 0000
HEATHER M. HOLMES, 0000
JASON J. HOLMES, 0000
FRANKLIN R. HUBBARD, 0000
ROSLYN J. JACKSON, 0000
ALISIA G. JAHNS, 0000
GREGORY R. KAHLES, 0000
GARY F. KEITH, 0000
MATTHEW J. KENNEDY, 0000
MOLLY I. KETCHELL, 0000
LINDA G. KIMSEY, 0000
JOHN S. KING III, 0000
DAVID A. KIRK, 0000
GEORGE S. KNAPP, 0000
LEOPOLD D. KREISEL, 0000
CHRISTOPHER J. KRUS, 0000
KELLY T. LAVEDI, 0000
MICHAEL R. LOCK, 0000
JULIE A. LUNDSTAD, 0000
SUE A. MAHONEY, 0000
MEI L. A. MARSHALL, 0000
ALISON H. MARTZ, 0000
JAMES A. MARVIN, 0000
SEAN M. MAXWELL, 0000
MICHELE A. MCCLOSKEY, 0000
KRISTINA E. MCGEE, 0000
DANIEL J. MCLAUGHLIN, 0000
DAVID A. MELVIN, 0000
BLAIR T. MILES, 0000
MICHAEL W. MORGAN, 0000
BRET J. MOSCON, 0000
MATTHEW F. MUNN, 0000
BRENDA L. NELSON, 0000
NICHOLAS B. OLESEN, 0000
CHRISTIAN A. ORTEGO, 0000
MEGAN C. OSBORNE, 0000
TRENT L. OUTHOUSE, 0000
KENNETH D. PACE, 0000
WENDELL L. PASARABA, 0000
DEBORAH R. PERCELL, 0000
ANTHONY F. PERREAULT, 0000
ELISABETH G. PETERS, 0000
TABITHA D. PIERZCHALA, 0000
ELIZABETH L. A. PORTER, 0000
KAREN H. PORTER, 0000
BRYAN K. RAMSEY, 0000
BELINDA A. RAND, 0000
DANIEL S. RATICAN, 0000
STEPHEN S. REDMOND, 0000
ROBYN M. REED, 0000
CHRISTOPHER H. REHKOP, 0000
JOHN R. REINERTSON, 0000
JAY S. RICHARDS, 0000
CHAD R. RIDDER, 0000
ORA J. ROBINSON, 0000
KENNETH D. ROGERS, 0000
LUZ J. ROSAS, 0000
TREVOR A. RUSH, 0000
JAMES E. RUTKOWSKI, 0000
DEBRA A. RUYLE, 0000
DENNIS G. SAMPSON, 0000
CHRISTOPHER D. SAUFLEY, 0000
WILLIAM E. SCHLEMMER, 0000
FREDRIK D. SCHMITZ, 0000
ROBERT P. SCHULHOF, JR., 0000
CARY T. SCHULTZ, 0000
WESLEY B. SEARCY, 0000
JOHN M. SHARRETTS, 0000
DANAHE O. SIERRA, 0000
RITA G. SIMMONS, 0000
PATTI SKINNER, 0000
DAVID L. SPENCER, 0000
WILLIAM A. STEINER, 0000
DOUGLAS E. STEPHENS, 0000
RAYMOND D. STIFF, 0000
RENEE R. STINEMAN, 0000
KERRY L. SULLY, 0000
DOUGLAS K. TADAKI, 0000
AUNDREA E. TAPLIN, 0000
EDWIN E. TAYLOR, 0000
DENNIS A. THOMAS, 0000
CAROLYN M. THOMPSON, 0000
ROBERT W. TIDWELL, 0000
GEORGE A. WALBORN II, 0000
CHRISTIAN T. WALLIS, 0000
CHRISTOPHER H. WELLER, 0000
MICHAEL T. WESTBROOK, 0000
BRIAN J. WILLEMSSEN, 0000
KEVIN R. WILLIAMS, 0000
WEYLIN J. WINDOM, 0000
MICHAEL T. WOLFERSBERGER, 0000
TODD E. YANIK, 0000
FREDERICK E. YEO, 0000
PAUL. D. ZIEGLER, 0000

To be lieutenant (junior grade)

ANDREAS C. ALFER, 0000
KENNETH D. ANDERSON, 0000
LONNIE L. APPLEGET, 0000
SHEILA T. ASBURY, 0000
KELVIN J. ASKEW, 0000
ARNEL J. BARBA, 0000
JEFFREY L. BENJAMIN, 0000
FRANKLIN W. BENNETT, 0000
JOHN E. BLANKENSHIP, 0000
THOMAS G. BODNOVICH, JR., 0000
CHRISTOPHER L. BOYD, 0000
TED W. BOYD, 0000
GREG A. BRAATEN, 0000
CAROL R. BRANAN, 0000
ERIK K. BREITENBACH, 0000
DAVID S. BRINSON, 0000
STEPHEN M. BRONAUGH, 0000
CHARLES J. BYERS, 0000
WILLIAM S. BYERS, 0000
JASON G. CANFIELD, 0000
DARYLE D. CARDONE, 0000
JOSEPH P. CHOPEK, 0000
WILLIAM H. CLARKE, 0000
ELIZABETH G. COBOS, 0000
RUSSELL J. CORPRON, 0000
MICHAEL D. CRAFTS, 0000
CHRISTOPHER R. CRERAR, 0000
JORGE R. CUADROSIBARRA, 0000
PHILIP J. DAUERNHEIM, 0000
VICTOR M. DIAZ, 0000
JOHN D. DUNHAM, 0000
ANDREW A. EATON, 0000
CATHERINE A. ENGLER, 0000
FERNANDO M. ESTRELLA, 0000
BILLY K. FAGAN, 0000
DOUGLAS GABOS, 0000
JOSEPH A. GOMEZ, 0000
ROBERT D. GRIFFITH, 0000
KEVIN J. GUE, 0000
DAWN M. HARDIN, 0000
MICHAEL C. HARVEY, 0000
ERIC C. HAUN, 0000
PAMELA L. HERBIG, 0000
JOSEPH E. HUGGINS, 0000
LESLIE C. L. HULLRYDE, 0000
CHRISTOPHER C. HUNT, 0000
BOBBY J. HURT, 0000
JEFFREY H. JEFFERIES, 0000
KEITH W. JEFFRIES, 0000
GARY S. JOSHWAY, 0000
MICHAEL K. KASLIK, 0000
BLAKE W. KENT, 0000
DANIEL E. KINSKE, 0000
JAMES P. KOTLYN, 0000
ROGER C. LANKHEET, JR., 0000
BRUCE W. LAWSON, 0000
JASON D. LAYTON, 0000
MICHAEL P. LEONARD, 0000
DAVID M. LONG, 0000
TRACY A. MAESTAS, 0000
LORENA N. MARSHALL, 0000
LAURA L. MC MULLEN, 0000
MELISSA A. MC SWAIN, 0000
MCADAM K. H. MOGHADDAM, 0000
MICHAEL D. MOORE, 0000
DEAN J. MORAN, 0000
TIMOTHY J. NICHOLLS, 0000
KENNETH P. NICKLES, 0000
ERIC H. PALMER, 0000
MARIE I. PARRY, 0000
KRISTIN M. PIOTROWSKI, 0000
MARY A. PONCE, 0000
WILLIAM M. RANNEY, 0000
ERIC W. RASCH, 0000
DOUGLAS M. REINBOLD, 0000
ROBERT T. REYES, 0000
MATTHEW L. RIVERA, 0000
JILL M. ROBINSON, 0000
STEPHEN W. ROELANDS, 0000
JESSICA D. SANFORD, 0000
DEBRA R. SAUNDERS, 0000
ROBERT D. SCOTT, 0000
ROBERT K. SEIGEL, 0000
RODNEY L. SIMON, 0000
DANA L. K. SMITH, 0000
DOROTHY M. SMITH, 0000
MIKEL L. SMITH, 0000
WAYNE E. SMITH, 0000
JOSEPH W. STERLING, JR., 0000
NATHANIEL R. STRAUB, 0000
BRETT M. SULLIVAN, 0000
JEFFREY D. THOMAS, 0000
MATTHEW A. TOTORO, 0000
PAUL B. TRIPP, 0000
BRYAN G. VANVELDHUIZEN, 0000
PATRICK J. VEGELER, 0000
BRIAN J. VOSBERG, 0000
MARK M. WADE, 0000
PAUL F. WAKEFIELD, 0000
PETER W. WARD, 0000
NICOLE A. WAYBRIGHT, 0000
MASON E. WEISBROD, 0000
DANNY A. WILLIAMS, 0000
CRAIG L. WOLFE, 0000
WILLIAM L. WOOD, 0000
MARK A. ZIEGLER, 0000
NATHALIE M. ZIELINSKI, 0000

To be ensign

DWAYNE. K. HOPKINS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. LESTER L. LYLES, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. ZETTLER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, IN THE UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 8034:

To be general

LT. GEN. JOHN W. HANDY, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES F. BARNETTE, 0000.
BRIG. GEN. GILBERT R. DARDIS, 0000.
BRIG. GEN. DAVID B. POYTHRESS, 0000.
BRIG. GEN. JOSEPH K. SIMEONE, 0000.
BRIG. GEN. RICHARD E. SPOONER, 0000.
BRIG. GEN. STEVEN W. THU, 0000.
BRIG. GEN. BRUCE F. TUXILL, 0000.

To be brigadier general

COL. SHELBY G. BRYANT, 0000.
COL. KENNETH R. CLARK, 0000.
COL. GREGORY B. GARDNER, 0000.
COL. JOHN B. HANDY, 0000.
COL. JON D. JACOBS, 0000.
COL. CLIFTON W. LESLIE, JR., 0000.
COL. JOHN A. LOVE, 0000.
COL. DOUGLAS R. MOORE, 0000.
COL. EUGENE A. SEVI, 0000.
COL. DAVID E.B. STROHM, 0000.
COL. HARRY M. WYATT III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD E. KEYS, 0000.

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

To be major general

BRIG. GEN. GARY A. AMBROSE, 0000.
BRIG. GEN. BRIAN A. ARNOLD, 0000.
BRIG. GEN. THOMAS L. BAPTISTE, 0000.
BRIG. GEN. LEROY BARNIDGE, JR., 0000.
BRIG. GEN. JOHN L. BARRY, 0000.
BRIG. GEN. WALTER E.L. BUCHANAN III, 0000.
BRIG. GEN. RICHARD W. DAVIS, 0000.
BRIG. GEN. ROBERT R. DIERKER, 0000.
BRIG. GEN. MICHAEL N. FARAGE, 0000.
BRIG. GEN. JACK R. HOLBEIN, JR., 0000.
BRIG. GEN. CHARLES L. JOHNSON II, 0000.
BRIG. GEN. THEODORE W. LAY II, 0000.
BRIG. GEN. TEDDIE M. MC FARLAND, 0000.
BRIG. GEN. MICHAEL C. MC MAHAN, 0000.
BRIG. GEN. TIMOTHY J. MC MAHON, 0000.
BRIG. GEN. DUNCAN J. MC NABB, 0000.
BRIG. GEN. HOWARD J. MITCHELL, 0000.
BRIG. GEN. BENTLEY B. RAYBURN, 0000.
BRIG. GEN. JOHN F. REGNI, 0000.
BRIG. GEN. VICTOR E. RENUART, JR., 0000.
BRIG. GEN. LEE P. RODGERS, 0000.
BRIG. GEN. GLEN D. SHAFFER, 0000.
BRIG. GEN. CHARLES N. SIMPSON, 0000.
BRIG. GEN. JAMES N. SOLIGAN, 0000.
BRIG. GEN. MICHAEL P. WIEDEMER, 0000.
BRIG. GEN. MICHAEL W. WOOLEY, 0000.
BRIG. GEN. BRUCE A. WRIGHT, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID F. WHERLEY, JR., 0000.

IN THE ARMY

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

COL. ROBERT E. GAYLORD, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. DAVID E. GLINES, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM A. CUGNO, 0000.
BRIG. GEN. BRADLEY D. GAMBILL, 0000.
BRIG. GEN. MARIANNE MATHEWSON-CHAPMAN, 0000.
BRIG. GEN. MICHAEL H. TAYLOR, 0000.
BRIG. GEN. FRANCIS D. VAVALA, 0000.

To be brigadier general

COL. JOHN A. BATHKE, 0000.
COL. BARBARANETTE T. BOLDEN, 0000.
COL. RONALD S. CHASTAIN, 0000.
COL. RONALD G. CROWDER, 0000.
COL. RICKY D. ERLANDSON, 0000.
COL. DALLAS W. FANNING, 0000.
COL. DONALD J. GOLDHORN, 0000.
COL. LARRY W. HALTOM, 0000.
COL. WILLIAM E. INGRAM, JR., 0000.
COL. JOHN T. KING, JR., 0000.
COL. RANDALL D. MOSLEY, 0000.
COL. RICHARD C. NASH, 0000.
COL. PHILLIP E. OATES, 0000.
COL. RICHARD D. READ, 0000.
COL. ANDREW M. SCHUSTER, 0000.
COL. DAVID A. SPRYNCZYNATYK, 0000.
COL. RONALD B. STEWART, 0000.
COL. WARNER I. SUMPTER, 0000.
COL. CLYDE A. VAUGHN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069 AND IN ACCORDANCE WITH ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE UNITED STATES:

To the brigadier general, Nurse Corps

COL. WILLIAM T. BESTER, 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING TERRANCE A. HARMS, AND ENDING KRISTA K. WENZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

AIR FORCE NOMINATIONS BEGINNING JAMES L. ABERNATHY, AND ENDING DARRYLL D.M. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAIME ALBORNOZ, AND ENDING TIMOTHY D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING LYLE W. CAYCE, AND ENDING ROGER D. WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

ARMY NOMINATIONS BEGINNING JAMES M. DAPORE, AND ENDING MICHAEL J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING JAMES W. HUTTS, AND ENDING BRONISLAW A. ZAMOJDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING PAUL R. HULKOVICH, AND ENDING MICHAEL A. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING SCOTT R. ANTOINE, AND ENDING PATRICK J. WOODMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING MARTHA C. LUPO, AND ENDING CHARLES L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

ARMY NOMINATIONS BEGINNING THOMAS W. ACOSTA, JR., AND ENDING VINCENT A. ZIKE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2000.

ARMY NOMINATIONS BEGINNING JAMES G. AINSLIE, AND ENDING THOMAS M. PENTON, JR., WHICH NOMINATION WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JANE H. EDWARDS, 0000.

ARMY NOMINATIONS BEGINNING JEFFREY J. ADAMOVICZ, AND ENDING JOHN F. ZETO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 9, 2000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH L. BAXTER, JR., 0000

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STAN M. AUFDERHEIDE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 624:

To be commander

MICHAEL T. BOURQUE, 0000

NAVY NOMINATIONS BEGINNING MARIAN L. CELLI, AND ENDING MIGUEL A. FRANCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM R. MAHONEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN R. SILVA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GRAEME ANTHONY BROWNE, 0000

NAVY NOMINATIONS BEGINNING JOHN P. LABANC, AND ENDING FORREST S. YOUNT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT F. BLYTHE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GEORGE P. HAIG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MELVIN J. HENDRICKS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JON E. LAZAR, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LAWRENCE R. LINTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID E. LOWE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S. NICKLIN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT J. WERNER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CARL M. JUNE, 0000